

INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

HEARING BEFORE THE SELECT COMMITTEE ON ASSASSINATIONS OF THE U.S. HOUSE OF REPRESENTATIVES NINETY-FIFTH CONGRESS

SECOND SESSION

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INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

THURSDAY, AUGUST 17, 1978

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON ASSASSINATIONS,
Washington, D.C.

The committee met at 9:06 a.m., pursuant to notice in room 2172, the Rayburn House Office Building, Hon. Richardson Preyer presiding.

Present: Representatives Preyer, Stokes, Fautroy, Dodd, Ford Fithian, Edgar, Devine, McKinney, Thone, and Sawyer.

Also present: G. Robert Blakey, chief counsel and staff director; Edward Evans, chief investigator; Michael C. Eberhardt, assistant deputy chief counsel; Gene R. Johnson, deputy chief counsel; Peter G. Beeson, staff counsel; Alan B. Hausman, staff counsel; William Webb, staff counsel; Kenneth McHargh, staff counsel; and Elizabeth L. Berning, chief clerk.

Mr. PREYER. A quorum being present, the meeting will come to order. Good morning. We are glad to have you in attendance here today.

I do want to make one thing very clear to those of you in the audience who may not have heard the security precautions mentioned yesterday, the security of James Earl Ray is of primary concern to this committee, and the U.S. marshals have asked all of you here in attendance to observe the following rules: Let me emphasize these rules are applicable to everyone in the room, including the representatives of the media.

Any time that Mr. Ray is standing or otherwise being escorted to or from the witness table, absolutely no one in the room is to stand. All people, reporters and photographers included, are to remain seated and stationary. No one is to move until the Chair gives permission for people to leave their position.

Any person violating this rule will be summarily removed from the room by the marshals and barred from attendance at all future hearings of this committee.

The Chair will ask the marshals to bring James Earl Ray into the hearing room.

[Mr. Ray escorted into room.]

Mr. PREYER. Mr. Ray, you realize that you are still under oath this morning.

Mr. RAY. Yes.

Mr. PREYER. Are you ready to proceed?

Mr. RAY. Yes, Sir.

Mr. PREYER. The Chair recognizes Mr. Stokes.

Chairman STOKES. Thank you, Mr. Chairman.

MR. LANE. I wonder if I might make a comment at this time, Gentlemen. We would like to thank the committee for the recess yesterday, which permitted us to go before Judge Bryant who gave us a historic order of the Federal court returning Mr. Ray to the custody of the marshals and from the Federal prison authorities.

At this time, I should like to examine the CBS transcript, which was given to my client yesterday, so that we might have an opportunity to try to secure an answer to the question, which I asked of Mr. Stokes yesterday but which was not answered as to whether or not that was an edited document. I would like to look at that at this point.

MR. PREYER. Will you deliver that transcript, Mr. Webb?

MR. LANE. Thank you, Mr. Chairman.

This is not the document we were given yesterday. I would like to have, as I have requested, the document which we were given yesterday. We were given a five- or six-page document yesterday at the direction of Mr. Stokes. I would like to see that document now, and I think it is indecent to begin switching documents in front of the American people.

MR. PREYER. Mr. Stokes, the Chair will recognize you for questioning. We will make available to you the proper document.

MR. LANE. Before my client can answer any questions, we wish to see the document which was given to him yesterday, and we asked if it was an edited document; we were not given an answer. We now believe we were given a thoroughly edited document by this committee, a "doctored" document, and we are entitled to see that document before we are required to answer any more questions of this committee.

MR. PREYER. This committee produces no "doctored" documents.

MR. LANE. Well, we were given a "doctored" document yesterday. We would like to see that.

MR. PREYER. I recognize Mr. Stokes for any comments he may have about the document.

Chairman STOKES. Mr. Chairman, yesterday when I had posed questions to the witness relative to the Dan Rather interview, he made reference to the fact that he had not seen the transcript of the testimony he had given to Dan Rather.

MR. LANE. It was not testimony, Mr. Stokes.

Chairman STOKES. I then produced, Mr. Chairman, a letter, an exhibit in our files, which indicated the letter that had been written directly to Mr. Ray in which he refers to the fact that they could not furnish members of this committee a copy of the transcript, and he was given at that time a copy of that letter from CBS plus a few additional pages that appear in that exhibit. But we could furnish Mr. Ray and his counsel with a full transcript now in our possession.

MR. LANE. I should like to see the document which was entered into the record yesterday before this committee which was given to Mr. Ray so that Mr. Stokes could examine him, and he could refer to what we were told yesterday in front of the American people was the transcript.

MR. PREYER. We will furnish you a full copy of the transcript and the document as soon as we have gotten those together.

At this time, the Chair will recognize Mr. Stokes to resume questioning.

Mr. LANE. May we see that now? I see that your clerk has it. May we have a chance to look at it? You were free with it yesterday, when it was purported to be a transcript which you now know it not to have been, giving us five or six pages and telling us that is the same thing as this 5-hour questioning period. This is not——

Mr. PREYER. We will make the documents available, Mr. Lane. We are just seeking to ascertain that this is the document.

Mr. LANE. This is not an investigation by Senator McCarthy's committee. This is what we were given yesterday. This is what Mr. Stokes asked Mr. Ray to answer questions about, saying this was the transcript of his questioning by Mr. Rather. But this, in fact, is the real transcript, and I think that that is an unfair and indecent action by this committee.

I would like to add to that that questioning Mr. Ray about an article by Mr. William Bradford Huie is in violation of the rules of evidence and decency.

Mr. PREYER. The Chair recognizes Mr. Blakey to explain whether we have given you the transcript or not at this time.

Mr. BLAKEY. It would be appropriate to note, Mr. Chairman, for the record that yesterday Mr. Lane asked for a copy of some materials; indeed, asked for the entire transcript of the Dan Rather interview.

Mr. LANE. That is not true. I asked if this was the transcript. I did not ask for the entire transcript.

Mr. BLAKEY. In fact, he was provided yesterday with excerpts of the Dan Rather interview——

Mr. LANE. Yes.

Mr. BLAKEY [continuing]. That directed his attention to those parts that the committee wanted to call his attention. Mr. Lane then asked for the entire transcript.

Mr. LANE. That is a false statement, Mr. Blakey.

Mr. BLAKEY. The clerk at my direction provided him this morning with the entire transcript in light of his request. He has now been given both. No action on the part of any member of this committee or staff has attempted to edit anything.

Mr. LANE. You yesterday gave us this—I asked Mr. Stokes if this was the full transcript yesterday, and Mr. Stokes did not answer.

Mr. PREYER. We will proceed with questioning. We think both sides of this argument are on the record.

Mr. LANE. Yes, now, I would like to make an additional objection under your rule 3.5 of the rules of this committee. Yesterday Mr. Ray was asked about an article published by William Bradford Huie. You are the only body in the entire world that has all of the handwritten statements that Mr. Ray wrote for Mr. Huie.

You did not rely upon that evidence of his own statement but upon an article written by Mr. Huie. Mr. Ray has never talked to Mr. Huie.

Mr. PREYER. The objection was overruled yesterday; it is overruled today. The Chair recognizes Mr. Stokes to proceed with questioning.

Mr. LANE. May I say that you have done the same thing with Playboy magazine. You have the transcript of all the questions he was asked, and you are again presenting us only with the edited version by Playboy magazine. All we ask is that you present all of the evidence.

Mr. PREYER. Mr. Lane, we are here for the purpose of questioning Mr. Ray and, if you wish to raise any questions dealing with his constitutional rights at the time he is questioned, we will entertain those objections.

At this time, the Chair recognizes Mr. Stokes to proceed with the questioning.

Chairman STOKES. Mr. Ray, yesterday, do you recall when I questioned you about the purchase of the rifle at the Aeromarine Supply Co.?

Mr. RAY. That's correct.

Chairman STOKES. Do you recall a colloquy between you and I with reference to the second rifle?

Mr. LANE. Excuse me. If we are going to have references to yesterday's testimony, we should like to be afforded with a transcript of that testimony, the same thing that other committees do and the Federal court does in every case that I have ever been involved in. May we see the transcript so that we can deal with that?

Chairman STOKES. Mr. Chairman, can we have the clerk provide counsel with a copy of the transcript from yesterday?

Mr. LANE. And since that is so customary, can we have the customary courtesies afforded to us without requesting them each time?

Mr. PREYER. You are provided with the transcript. You may proceed, Mr. Stokes.

Mr. LANE. May we find what page Mr. Stokes is making reference to?

Chairman STOKES. Reference to page 102 of yesterday's transcript.

Mr. LANE. May we ask that you do that in each case as is required in any Federal court.

Chairman STOKES. Are we in Federal court, Mr. Chairman?

Mr. LANE. We have a defendant here and a prosecutorial organization.

Mr. PREYER. I tried to make it clear at the outset of this hearing that this is not a trial. There are no prosecutors; there are no defendants. This is a legislative, factfinding hearing. We are here to hear Mr. Ray's testimony.

Mr. LANE. Yes, and we have a newspaper—

Mr. PREYER. We are not here to hear arguments from counsel.

Mr. LANE. We have a newspaper article quoting two members of this committee saying the House Panel is convinced Ray fired the fatal shot. That is the point.

Mr. PREYER. The Chair warns you at this time, Mr. Lane, that you are here in a legislative hearing only for the purpose of advising your client as to his constitutional rights.

Mr. LANE. That is not what your rules say.

Mr. PREYER. You are not here to make motions and to argue the case.

Mr. LANE. Your rules say I may object.

Mr. PREYER. We will proceed at this time with the questioning by Mr. Stokes.

Mr. LANE. I object to any questioning from a transcript if that transcript is not provided. In terms of whether this is a prosecuting

body or not, two of your panel members have said this panel is convinced that James Earl Ray is guilty.

Mr. PREYER. Are you ready to proceed?

Mr. LANE. Yes, we are. What we ask for is the normal courtesies and that we be given the transcripts when my client asks for it.

Mr. PREYER. You have been given the transcripts.

Mr. LANE. Yes, we have now.

Mr. PREYER. And you have been given any material that is necessary for the questioning of Mr. Ray.

Mr. LANE. Thank you very much.

Mr. PREYER. Mr. Stokes, you are recognized.

Chairman STOKES. Thank you, Mr. Chairman.

Mr. Ray, do you recall our colloquy yesterday with reference to the second rifle?

Mr. RAY. Yes; I have some recollection, sir.

Chairman STOKES. And do you recall my asking you whether or not Raoul ever handled the second rifle?

Mr. RAY. Yes.

Chairman STOKES. Do you recall that your answer was "No, he never handled it"?

Mr. RAY. Yes.

Chairman STOKES. Now, you have told our investigative staff a different story of that, haven't you?

Mr. LANE. May we have the transcript of that made reference to instead of the charges by the so-called legislative investigating committee? If you are not going to be an investigative committee, then—

Mr. PREYER. The question is perfectly proper for Mr. Stokes to ask of the witness of his recollection of yesterday.

Mr. LANE. No; he said you told, he did not ask; he told. I object to the statement.

Mr. PREYER. The objection is overruled and we will proceed.

Mr. LANE. Under your rules, I have the right to make a specific objection and you have the obligation under your rule to rule specifically.

Mr. PREYER. You have made the objection.

Mr. LANE. I have not had an opportunity to make a specific statement regarding that and you have the obligation under your own rule to specifically rule upon the specifics of my objection. That is your rule 3.5.

Chairman STOKES. Mr. Chairman, I think it appropriate to have the record note that at least 3 months ago, Mr. Lane was furnished an entire transcript of every word ever said to this committee by Mr. Ray in the eight interviews that we had with the witness.

Mr. LANE. That is correct.

Chairman STOKES. And that while we were in Brushy Mountain Penitentiary, just 2 or 3 weeks ago, when we asked Mr. Ray about having received copies of his transcript of his testimony to us, his counsel, in the presence of the witness, admitted he had received them but had never turned them over to the witness.

Mr. LANE. It is not an admission. It is a statement. I have received them and, in an ordinary procedure—first of all, I have been denied an opportunity to have an assistant sit with me by Mr. Blakey's rule.

Therefore, we cannot have an assistant go through these massive documents, hundreds and hundreds of pages.

Mr. Blakey said I cannot have a lawyer or legal assistant here. All we are asking for is that we be given the page number, the page number of the transcript.

Mr. PREYER. If you are not making a legal objection at this time, Mr. Stokes—

Mr. LANE. I object to the question unless there is a reference to the page.

Mr. PREYER. He is proceeding with great courtesy and we will give you the page numbers, I am sure, when they are called for.

Mr. LANE. We call for them now.

Mr. PREYER. Mr. Stokes is recognized.

Mr. LANE. We object to the question unless the page number is cited. This should not be an effort to trick anyone but to make all the evidence available to the American people. Give us the page number.

Mr. PREYER. Allow Mr. Stokes to proceed, if you will.

Mr. LANE. Of course.

Mr. PREYER. Proceed, Mr. Stokes.

Chairman STOKES. The question posed to you, Mr. Ray, is whether or not you have given this committee different testimony about the second rifle.

Mr. RAY. You mean in Brushy Mountain?

Chairman STOKES. Yes.

Mr. RAY. Yes, sir, but there's a reason for that.

Chairman STOKES. Before we get into the reason of it, I would like to have the clerk furnish the witness with a copy of his interview with this committee on September 29, which is the sixth interview, with the witness.¹

Mr. LANE. Now, it will take some time for me to go through these documents and find them and that is because you have denied an opportunity for me available to everyone else to have a colleague sitting with me.

Chairman STOKES. Mr. Chairman, this is not the committee's fault if counsel is unprepared for these hearings.

Mr. LANE. That is an absolutely outrageous statement. You are the one who said "Who's Grace Walden" when Mr. Ragsdale asked you on July 21 if she would be called, the single, most important witness in this case and you don't even know who she is.

Mr. PREYER. Mr. Lane, the Chair will warn you for the second time that you are here solely to advise the witness as to his constitutional rights under the rules of this committee.

Mr. LANE. And not to be insulted by Mr. Stokes unfairly.

Mr. PREYER. The Chair has the authority to order you to leave the courtroom if you are interrupting orderly procedures or to leave the hearing room.

Mr. LANE. Is this a courtroom, Mr. Preyer?

Mr. PREYER. I am afraid my past background slips out occasionally.

Mr. LANE. And the present activities.

Mr. PREYER. But to order you to leave this hearing room if you are interrupting the orderly procedures of this committee. This committee is going to proceed in an orderly way and the Chair will insist on that.

¹ A complete transcript of the eight HSCA interviews conducted with Mr. Ray at Brushy Mountain Penitentiary are included as appendices to the committee's public hearings.

Mr. LANE. That is all we have asked for, orderly procedures so we can be given the page number. I have the documents but if you want to take the time for me to look through them all, I can do that.

Mr. PREYER. Proceed, Mr. Stokes.

Mr. LANE. May we have a moment to get the documents on the table and begin to look at them?

Chairman STOKES. Mr. Chairman, he has these documents before him.

The document is to your left at the witness table.

Mr. LANE. Thank you, Mr. Stokes.

Mr. RAY. If I could explain these things in 2 or 3 minutes, it might save 6 months of arguments.

Chairman STOKES. We didn't hear.

Mr. RAY. I think I can explain certain points on this past testimony in 2 or 3 minutes, which might save 6 or 8 months of arguing between counsel.

Mr. PREYER. We are here to hear you rather than your counsel.

Mr. FAUNTROY. Mr. Chairman, will Mr. Ray advise his counsel that he wants to testify?

Mr. LANE. I think that the effort to interfere with the attorney-client relationship—I understand, Reverend Fauntroy, you are not a lawyer. Let me assure you it is improper for you to interfere with the attorney-client relationship, and I ask that not be done by any member of this committee ever again.

Mr. PREYER. Mr. Stokes, you are recognized.

Chairman STOKES. Mr. Ray, you say that you can explain the inconsistency between what you told our investigators at Brushy Mountain and what you told us here yesterday? Is that what you are saying?

Mr. RAY. Yes; what inconsistencies there are.

Chairman STOKES. We would like to hear from you.

Mr. RAY. First, when the committee first started coming down there, I had not reviewed this case for 6 or 7 years. I had no documents pertaining to the case. The Huie papers, they were in the possession of an attorney in Chattanooga, Tenn., named "Jerry Somers." The various other papers I had pertaining to the case, I gave them to Jack Kershaw, and he claims they are his. I have attempted to get them through a lawsuit and I have been unsuccessful. The fact that the only thing I had was a few Government documents. I think what you are referring to in the question you asked is, did I make some statement about Roulal not handling the rifle the first time. And I recall when I testified at Brushy Mountain, that he did handle it. At that time I was under the impression that I purchased the first rifle and had it exchanged the second, the same day, then brought the same rifle back and let him look at the second rifle the same day. However, in looking at State documents, I found out that in fact that I went back the next day and exchanged the rifle and the character who called himself Roulal had left the same day. Consequently, he didn't look at the second rifle but he did look at the first rifle. And after I read this document, I think the stipulations, the guilty plea, I seen I was in error in my testimony at Brushy Mountain. And in respect to—I just had one other thing. In respect to my whole testimony in Brushy Mountain, I wrote a letter to Jack Kershaw dated September 30, 1967, and I explained to him my position with the committee.

Now, if it is all right I will read this letter, and that is all I have to say on this subject.

Chairman STOKES. Sure, you may read it.

Mr. RAY [reading]:

SEPTEMBER 30, 1977.

Mr. JACK KERSHAW,
Attorney of Law, Nashville, Tenn.

DEAR JACK: After the Committee session was over yesterday, Robert Lehner said something about being here again this month, and in this respect I won't be ready this month to see the Committee. There are certain areas that I have not been able to look into yet. The LEAA, as an example, although I have found out that Playboy representation of this agency's last lifespan is not exactly correct. This is the last area, Rosenson, that I haven't been able to find out all I think I need to know before I testify further before the Committee. I don't intend walking into further land mines like Playboy, so if it won't make any difference—so it won't make any difference whether the Committee wants to see me this month or whether you can work your schedule out to accommodate them. I don't intend to see them if they show up this month. So that is that.

In another area of testimony, I feel a lot more comfortable answering Lehner when he is asking the hard questions rather than the self-serving questions. When he starts wanting details and becomes rambunctious, I get more interested, thus can recall details somewhat better, while the self-serving questions are more difficult. When you interrupt him with a different line of questions, by the time I get back to answering him I have done lost concentration on the subject he was emphasizing. So it may be best just to let him go on at whatever he wants.

One problem is the committee—Lehner's technique is of studying upon a certain area of testimony while I haven't reviewed the particular area, and going into detail. In this respect, I don't believe we can rely on the committee to keep its word on what they are going to discuss at a particular meeting, as yesterday was supposed to be limited to Huie informing. That is why I would like to get everything together and read it off and then let them cross-examine.

Did the committee ever give you the Missouri prison testimony that came by to you? This may be interesting. On the waivers, if the committee wants to question Stoner, Hanes, Jr., they can do so independent of me. The only reason they would want to question them with waivers from me is to see what I told them, and Hanes, Jr., is going to say whatever pop things he should say. So let's let the committee question Hanes, Jr., and others in a capacity other than my waiver. Hanes, Jr., testified at the HC hearing, habeas corpus. Let the committee get that transcript.

Also I have some association with James Hoffa (the son), so why not let them have a waiver on young Hoffa if needed and, Ralston Schoolfield.

JAMES RAY.

I think that more or less is my position on this, my Brushy Mountain testimony. I wasn't under oath. I know I made a few errors, but I think it did help me on the recollection, and I think Mr. Lehner, he emphasized that I wasn't under oath and didn't have notes when I was giving testimony. That is in the record.

Mr. LANE. Furthermore, I was present. May I speak for a moment?

Chairman STOKES. Mr. Chairman, may I pose my questions to the witness?

Mr. PREYER. Mr. Stokes is recognized for any questions or comments on that.

That document will be admitted into the record at this time, Mr. Ray.

Mr. RAY. I have two of them.

Mr. LANE. May we have a number for it?

Mr. PREYER. Exhibit F-46.

Mr. LANE. Thank you.

Mr. PREYER. Thirty-six, I am sorry.

[The document referred to follows:]

Mr. Jack Kerahaw
 Att. at Law
 Nashville, 37204.

30 September 1977

Dear Jack:

After the committee session was over yesterday Robert Lehner said something about being here again this month. In this respect I won't be ready this month to see the committee. There is certain areas that I have not been able to look into yet, the LEAA as an example although I have found out that P.B. representation of the agency's life span is not exactly correct. This is the last area (Rosenson), that I haven't been able to find out all I think I need to know before I testify further before the committee. I don't intend walking into further land mines like with P.B., so it won't make any difference whether the committee want's to see me this month or whether you can work your schedule out to accomodate them. I don't intend to see them if they show up here this month so that's that.

In another area of testimony, I feel a lot more comfortable answering Lehner when he is asking the "hard" questions rather than answering self-serving questions. When he start's wanting "details" and becomes rambunctious I get more interested thus can recall details somewhat better, while the self-serving questions are more difficult. Also, when you interrupt him with a different line of questioning by the time I get back to answering him I've done lost my concentration on the subject he was emphasizing. So it may be best to just let him go at what ever he want's. One problem is the committee's (Lehner's), technique of "studying"up" on a certain area of testimony, while I haven't reviewed the particular area, and going into detail. In this respect I don't believe we can rely on the committee to keep it word on what they are going to discuss at a particular meeting, as yesterday was supposed to be limited to, Huie & Foreman. That is why I would like to get everything together and read it off then let them cross-exam.

Did the committee ever give the Mo. Prison testimony they came by to you? this may be interesting.

On the waivers, if the committee want's to question Stober, Hanes Jr., they can do so independent of me. The only reason they would want to question them with waivers from me is to see "what I told them", and Hanes Jr. is going to say what ever "Pop" think's he should say. So let's let the committee question Hanes Jr. and the others in a capacity other than my waiver. (Hanes Jr. testified at the H.C. hearing, let the committee get that tr.). Also, I had some association with James Hoffa (the son), so why not let them have a waiver on young Hoffa if needed and, Ralston Schoolfield.

Sincerely: James E. Ray

James E. Ray

MLK EXHIBIT F-36

Chairman STOKES. The testimony, then, that you gave us yesterday, what documents did you rely upon to refresh your memory?

Mr. RAY. Subsequent to my testimony in Brushy Mountain?

Chairman STOKES. Yes, sir.

Mr. RAY. I believe it was—I may have it here—I believe it was a stipulation or the State's stipulation on what they would prove if I went to trial.

Chairman STOKES. When you talked to Mr. Lehner, even though you were not under oath—

Mr. RAY. Yes, sir.

Chairman STOKES. Wasn't it important that you tell our committee the truth?

Mr. RAY. It was my intention to tell him the truth. I told Mr. Lehner I wanted to be as factual as possible because of the problem of credibility, but there are certain few instances in there where I made a mistake on dates, and especially when I did something that required repetition, like purchasing the rifle and running back and forth, and I may have made a small error on that in detail.

Chairman STOKES. Mr. Ray, so that the American people can understand what you told us at Brushy Mountain—

Mr. RAY. Yes, sir.

Chairman STOKES. And what you are telling us now, I want to make reference to page 143, which is before you, of your sixth interview. Do you have that?

Mr. LANE. What was the date of that interview?

Chairman STOKES. September 29.

Mr. LANE. Thank you.

Mr. RAY. Yes; I have it.

Chairman STOKES. Do you have it, Mr. Ray?

Mr. RAY. Yes, sir.

Chairman STOKES. Mr. Ray, did Mr. Lehner ask you these questions and were these your answers:

Mr. LEHNER. For the time being, let's just take it to the—I am just going to ask you about—since we are talking about this rifle and ammunition—when you got the second rifle and showed it to Raoul, that was back at the motel, the—this was—

RAY. Yes.

LEHNER. You told us this the last time. Did you show him the ammunition, too?

RAY. I don't have any independent recollection, but I am almost certain that I would have probably got ammunition but I don't, can't remember that.

LEHNER. Did you and he discuss the sight, the sighting, as far as that was fixed to the rifle?

RAY. No. As far as I know, the sight was never touched.

LEHNER. Now when he—he agreed that the second rifle was suitable; is that correct?

RAY. That is correct.

LEHNER. Did he—did he aim it and sight it in and do anything of that sort?

RAY. No, I never did.

LEHNER. What did he do; how did he decide that it was okay; what did he do with the rifle?

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

LEHNER. When you say he looked at it, how did it—what did he do?

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

LEHNER. Well, I wasn't there. How did he check it over?

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

Then Mr. Hausman asked you:

Did he check, pick it up and check the weight to see how heavy the rifle was? RAY. I think he just said this was—this will do, or something of that order.

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

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

LEHNER. Well, he took it out. Did he take it out of the box?

RAY. Yes; I think it was in the box, yes.

LEHNER. And he took it out of the box?

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

Is that the transcript?

Mr. RAY. Yes.

Chairman STOKES. Of what was said by Lehner and Hausman and what you answered to?

Mr. RAY. Yes.

Chairman STOKES. Was this further said to—

Mr. LANE. What page are we on now?

Chairman STOKES. If counsel would just permit, we are going to follow regular procedures here and you will be properly advised.

Mr. LANE. Thank you. Will you tell us the page?

Chairman STOKES. Page 145 of the transcript.

Mr. LANE. Thank you.

Chairman STOKES. [reading]:

LEHNER. He did that, Raoul?

RAY. Yes.

LEHNER. Did you lift it and check the weight and check the sides and look through the magnifying mechanism?

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

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

RAY. Yes; I would say so.

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

RAY. Yes.

Is that correct, sir?

Mr. RAY. If you are reading from it, yes.

Chairman STOKES [reading]:

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

RAY. Well, he must have put it there.

LEHNER. And then he left the package with you?

RAY. Yes.

LEHNER. What about the ammunition?

RAY. I am about 95 percent positive that the ammunition was in the—was in the box with the rifle, but there was more than one type ammunition. That is the only thing that I recollect clearly.

HAUSMAN. More than one type, when you gave it to Raoul, or more than one type when you first bought it and exchanged it?

Chairman STOKES. Page 146.

RAY. When I purchased, when I bought it, purchased the rifle.

HAUSMAN. You purchased two types of ammunition?

RAY. Yes.

LEHNER. What two types were they?

RAY. I don't know.

LEHNER. Now, the new rebel, did he look at the rifle again or just pick up the box without looking at the rifle?

RAY. Now he didn't. He didn't look at the rifle, and that was unusual. And I think I put it in. I think he had a raincoat on or something and it's got, he got it under his raincoat.

LEHNER. Now did Raoul normally wear gloves or not?

RAY. I didn't.

LEHNER. Did you ever see him with gloves?

RAY. No; I don't recall now.

LEHNER. And in Birmingham when he looked at the rifle, was he wearing gloves or was he not wearing gloves?

RAY. I don't recollect him wearing gloves, no. This don't mean anything because I usually always wear things over my fingers anyway.

LEHNER. What do you always wear?

RAY. Band-Aids, colorless Band-Aids.

LEHNER. Did he used to wear colorless Band-Aids?

RAY. I kind of assumed he did. Most people do like that do, but I don't know, but I just assume that.

LEHNER. You seen him in Montreal, you seen him in Mexico, you seen him in Atlanta, Birmingham, Memphis, did you ever see any Band-Aids on his fingers?

RAY. I just never, I never looked that close. I mean I know it is a common practice, and I do it all the time, or if I am going to commit some type of offense or robbery or something and he is—

LEHNER. You have driven with him from—

RAY. I mean if somebody were to come in June or July, if you come in July and you have a pair of gloves on it would look like—

LEHNER. You have driven with him from Atlanta, Birmingham, from Birmingham one time to Atlanta to Birmingham. You drove with him to Mexico. You were with him in Canada. Did you ever see him with Band-Aids on his hand?

RAY. No.

Chairman STOKES. Were those the questions posed to you and were those your answers at Brushy Mountain?

Mr. RAY. Yes; they sound like them.

Chairman STOKES. Then what you said to Mr. Lehner and Mr. Hausman in Brushy Mountain Penitentiary was not the truth, was it?

Mr. LANE. I object to the question as being an unfair question under rule 3.5. I think it is appropriate to ask him to comment on that testimony, if Mr. Stokes sees some inconsistency, but I think it is a pejorative way of putting the question.

Mr. PREYER. The objection is overruled.

Mr. LANE. Yes, sir.

Mr. PREYER. The witness is directed to answer the question.

Mr. RAY. Mr. Stokes, I know it is a prosecuting attorney's technique to go into great detail, especially with a criminal defendant after 8 or 10 years. Mr. Lehner, he asked me one time was my tie checked or had checks in it or did it have straight lines in it. Sometimes I will answer him to get him on another subject.

In reference to your question, it was my intention to tell the committee the truth, naturally, and it would have been in my interest to tell the committee the truth at Brushy Mountain. And, of course, if I wanted to make up some story, then I would have studied the transcript about a year before the committee ever came down there and had it all laid out in black and white. However, this was, on this specific question you have raised, did I tell Raoul the—describe the rifle you described on the first and second trip? What you read off on the second trip was actually the first trip. But where I had the problem was that, is that I thought that I got the second rifle on the same day and, of

course, after I started looking at some of these Government documents and seen that in fact that I had took the rifle back the following day, April 30 [sic], I seen where I made an error in describing these transactions.

Chairman STOKES. So then what you want us to understand now is what you told Lehner and Hausman at Brushy Mountain Penitentiary was an error?

Mr. RAY. Yes, sir, that is correct.

Mr. LANE. I think what he said is it was true but it was about the first rifle. Let's clarify it. There is no need to fool the witness.

Chairman STOKES. I think the witness ought to be permitted to testify. He seems to be quite able.

Mr. RAY. When I took the rifle back the second time there was no one there.

Chairman STOKES. Took it back the second time to whom?

Mr. RAY. When I took the rifle back to the motel the second time. The fellow who called himself Roual had left the day before that. There was no one there when I took the rifle back the second time. What confused me, I went to the Aeromarine twice and I did display—I did display the rifle the first time, but I got it confused with the second time.

Mr. LANE. He is talking about something that took place 10 years ago.

Mr. PREYER. Proceed, Mr. Stokes.

Chairman STOKES. You say that when you went back to the motel no one was there?

Mr. RAY. That is correct.

Chairman STOKES. What motel?

Mr. RAY. That is Town House, I believe it was, in Birmingham. I can't recall the name. I got it wrote here. I believe it is the Town House.

Chairman STOKES. The New Rebel Motel?

Mr. RAY. No; this is in Birmingham, Ala.

Chairman STOKES. Travel Lodge?

Mr. RAY. Travel Lodge; that is right.

Chairman STOKES. Is this where you showed the rifle to Raoul?

Mr. LANE. Which rifle? May we have some clarification so we don't have the same confusion we had before? Which rifle are you asking about?

Mr. PREYER. If the witness has any difficulty understanding the question, he may make that point.

Mr. LANE. Under rule 3.5 I specifically object to the vagueness of the question. There is evidence that there were two rifles purchased. Mr. Stokes has asked if this is where—

Mr. PREYER. Mr. Stokes will be glad to indicate which rifle he is speaking about.

Mr. LANE. Thank you very much, Mr. Preyer.

Chairman STOKES. I believe you have testified about the second rifle. You said no one was there when you got back to the motel; is that right?

Mr. RAY. That is correct.

Chairman STOKES. You are talking about the second rifle, aren't you?

Mr. RAY. The second rifle, yes, sir.

Chairman STOKES. You have no confusion about which rifle I am talking about?

Mr. RAY. No; I assume what you are speaking about.

Chairman STOKES. Sure. So when you got back to the hotel with the second rifle, no one was there?

Mr. RAY. No.

Chairman STOKES. When did you show that rifle to Raoul?

Mr. RAY. I never did show that rifle to him. I showed him the first rifle.

Chairman STOKES. Well, did Raoul ever come to get the second rifle from you?

Mr. RAY. He came in Memphis but he didn't—not in Birmingham.

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

Mr. 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?

Mr. RAY. That is correct.

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

Mr. RAY. Yes, sir.

Chairman STOKES. But then you never showed him the second rifle which you had purchased at his direction?

Mr. RAY. No; I made a phone call to Aeromarine Supply and I asked them about exchanging it and they said they could do it.

Chairman STOKES. The point I would like for you to clear up for the committee is this: After you had purchased the second rifle, at the direction of Raoul, after he had told you the first rifle was not adequate, did you at any time show him the second gun?

Mr. RAY. No; he wasn't even there when I picked it up. Apparently I picked it up the next day and he was gone by the next day.

Chairman STOKES. So then when you left Aeromarine with the second rifle—

Mr. RAY. Yes, sir.

Chairman STOKES. You put it in the trunk of your car?

Mr. RAY. Yes, sir.

Chairman STOKES. Where did you go?

Mr. RAY. Well, I either checked out of the motel—I don't know if I had already checked out or not—then I went on in the direction of Memphis.

Chairman STOKES. Where was Raoul?

Mr. RAY. He said the next day he was going to New Orleans.

Chairman STOKES. He said the next day. Did you see him the next day?

Mr. RAY. Not the next day. The day prior to the day I left for Memphis.

Chairman STOKES. When you purchased the second rifle, where was Raoul?

Mr. RAY. Apparently he was in New Orleans.

Chairman STOKES. You say "apparently."

Mr. LANE. May I ask the question be where is if he knows, which I think is the appropriate way of phrasing that question, and then we wouldn't have confusion about his guessing.

Chairman STOKES. Perhaps the Chair would advise counsel he is not posing the questions here.

Mr. LANE. That is correct. I am asking they be posed properly by you, Mr. Stokes.

Mr. PREYER. Proceed, Mr. Stokes.

Chairman STOKES. Where was Raoul when you purchased the second rifle?

Mr. LANE. I object to the question because it presumes that the witness has the answer when the record does not indicate that he necessarily does, and the appropriate way of—

Mr. PREYER. Mr. Lane—

Mr. LANE. May I make the objection, Mr. Preyer, under your own rules? I am asking for an opportunity to follow your own rules and make a specific objection, under your rule 3.5. The appropriate way to ask the question, if the record does not indicate that the witness has the answer, is to ask him where someone was, if you know. That way you will not call upon the witness to speculate.

Mr. PREYER. The objection is overruled.

Let me state right here, the committee permitted Mr. Ray to testify, to read his statement, at length. He was given an hour. He was allowed an extra hour. He read that statement without interruption. It is now proper for the committee to ask questions, as long as those questions are proper, without interruption. Mr. Stokes is an experienced attorney. His questions are courteous, they are entirely proper, and there is nothing unusual about them, and the Chair will not allow continuous interruptions so long as they appear to be simply to interrupt the orderly process of developing the questioning. I am sure you do not want to leave the appearance that once Mr. Ray's direct statement has been made, that he resists in any way in answering questions.

Mr. LANE. All we are asking for is proper questions.

Mr. PREYER. You may make any objections to questions that are legal objections, but the Chair will not entertain oral arguments on motions or objections in the future and will not permit interruptions of legitimate questioning. Now Mr. Stokes, you may proceed, and any objections will be made briefly, and the Chair will rule briefly and we will not interrupt the flow of questioning in the future. Proceed, Mr. Stokes.

Chairman STOKES. The question, Mr. Ray, is: At the time you purchased the second rifle, where was Raoul?

Mr. RAY. He had told me the day prior to that, which would have been April 29 [sic], that he was going to New Orleans and he wanted me to transport the rifle to Memphis, Tenn. So I assume the next day, April 30 [sic], when I picked up the rifle, that he was in New Orleans, although I don't have no proof of that.

Chairman STOKES. So then you have never shown him the second rifle.

Mr. RAY. No, sir.

Chairman STOKES. And he has never handled it in your presence.

Mr. RAY. No, sir.

Chairman STOKES. Do you recall writing out in your own words anything about the second rifle in the 20,000 words?

Mr. RAY. To William Bradford Huie?

Chairman STOKES. Yes. You wrote out some things for him in your handwriting, didn't you?

Mr. RAY. Yes. I probably wrote two or three versions out for him.

Chairman STOKES. Do you recall, in what you wrote out for him in the 20,000 words, making reference to the second rifle?

Mr. RAY. I probably did.

Chairman STOKES. And what did you probably write out for him?

Mr. RAY. I have no idea. I haven't seen those papers in—in fact, the last time I saw those papers was when I wrote them out and give them to him. In 1972 I filed a writ of detinue against Mr. Robert Hill. He is an attorney in Chattanooga. I got the papers then, and the same day I mailed them to Mr. Bernard Fensterwald and that is the last I saw of those papers.

Chairman STOKES. If we furnished you with a copy of what you wrote out in 20,000 words for Mr. Huie, would that help refresh your recollection?

Mr. RAY. Yes, sir.

Chairman STOKES. Later on we will do that for you.

Mr. RAY. Let me say this. All these newspaper interviews and stories from novelists, these were commercial ventures to raise money for our trial. I wasn't under oath in any of those things and I really wasn't staying up all night trying to get all the details in place. So I don't want to give the impression I have ever taken any oath on what I have told Mr. Huie.

Mr. LANE. It was something like campaign promises.

Chairman STOKES. So that we understand it then, are you now saying to us that some of the things you have written out or told people about this case are just jokes, or like your counsel has just said, sort of like campaign—

Mr. RAY. My main concern in the penitentiary is trying to maintain my health. I don't put too much emphasis on newspaper interviews and that type of thing.

Chairman STOKES. What about things you write out yourself? Do you put any emphasis on those?

Mr. RAY. Well, if they are important. For instance, the things I wrote out for the committee, which I considered important, I have spent about 30 days on it. But if it was just some lawyer was selling an interview to someone else which he was getting the money for and I wasn't, I wouldn't be too eager to go into great detail.

I think that what you are reading from, I believe the attorneys were promised \$165,000 for that, so I think they should be responsible for that more than me. I think I got \$500 out of it in order to hire another attorney after the guilty plea. So I don't want to put too much emphasis on something one of my lawyers has sold to a publishing company.

Chairman STOKES. Or on the truth of what was written.

Mr. RAY. The truth of it?

Chairman STOKES. Yes.

Mr. RAY. Oh, no. I have misled Mr. Huie several times in respect to certain things that happened during the time I was on the escape, but these were in order to protect other people, and not necessarily anyone who may have killed Martin Luther King, but people who helped me escape the penitentiary, things of that nature.

Chairman STOKES. Mr. Ray, if we can't find Mr. Raoul, then of course we can't help you much, can we?

Mr. RAY. I think the only one that can help me is a judge, but I haven't found any judges yet with the fortitude to do anything about this case.

Chairman STOKES. Well, wouldn't it be important with an investigating committee of its type, with its ability to try and locate witnesses, that if we had more information about how Raoul lives, that we might be able to locate him?

Mr. RAY. Well, there is a possibility. But I look at this in a court context. I think if I should have went to trial in 1968 and they should have arrested, say, Roual, he would have most likely testified against me. It was my intent to get my testimony on the record, and then if the Government had any State witnesses or whatever, then they could have presented them.

But I think you can see the error for a defendant cooperating with a prosecuting attorney or a judge before his trial. I believe the former attorney, what was his name, Mr. Sprague, convicted about 10 or 12 people just by one defendant furnishing information about the other one, and then, of course, they went on down the line.

That was not my intention. My intention was to testify in my own behalf and let the prosecution worry about their case. Of course, once I was on the witness stand, then I would have to be concerned about it.

Chairman STOKES. Well, since you gave the rifle to a man whom you never saw thereafter, and as a consequence of your fingerprints appearing on the gun and other things that connect you to the assassination, wouldn't it be important that the world know something about Raoul and who he was, since he got you in this trouble?

Mr. LANE. I object to the question under your rule 3.5 because it presumes as a fact something contrary to the testimony, and that is, Mr. Ray has not testified that after he gave the rifle to Raoul, that he never saw him again. His testimony is that he gave him the rifle on April 3 and saw him on April 4.

Mr. PREYER. The objection is overruled.

Mr. LANE. May I ask why—

Mr. PREYER. The witness will have the right to explain his answer.

Mr. LANE. But the question is misleading, Mr. Preyer. You know that that is true.

Mr. PREYER. The objection is overruled, Mr. Lane. The witness has the right to explain his answer.

Mr. RAY. Will you pose the question again, Mr. Stokes?

Chairman STOKES. We will withdraw the question.

Mr. Ray, let me ask you this. When you were telling all these attorneys these different stories that you say you didn't care too much about and so forth, weren't those men representing you in your efforts to get a new trial?

Mr. RAY. No; there has never been any inconsistencies in what I told the attorneys, except possibly Arthur Hanes, the first attorney, and he was doing some of his investigation, I suppose, on what I wrote out for Mr. Huie. But subsequent to Mr. Hanes, and that includes Percy Foreman, I have never, in other words, tried to mislead them, because of course it wouldn't have been in my interest as a defendant to attempt to mislead the attorney.

Chairman STOKES. You first met Raoul in the summer of 1967 at the Neptune Bar in Montreal, didn't you?

Mr. RAY. That is correct.

Chairman STOKES. Is there anyone who saw you with Raoul on the occasions you met with him?

Mr. RAY. From that occasion on?

Chairman STOKES. Yes, sir.

Mr. RAY. Well, possibly the barmaid in the Starlite Cafe in Birmingham, Ala., and possibly a waitress in Jim's Grill in Memphis, Tenn. In the roominghouse in Atlanta, Ga., I can't think of the fellow's name, and of course he was drinking at the time that this Raoul was in there. I was having trouble renting a room there. I was trying to get the fellow sobered up. He came in there.

But I don't know. The FBI has statements from all these people but I have never been able to see them. I think book writers have saw them, but I think you would have to ask the FBI if they have—

Chairman STOKES. How would the barmaid at the Starlite in Birmingham remember you and Raoul?

Mr. RAY. Well, I think she would remember me because I spoke to her a couple times when I came in. She may have seen me sitting at a table with him, something like that. They had a bar in there plus regular tables, booths.

Chairman STOKES. Do you know her name?

Mr. RAY. No.

Chairman STOKES. Did you ever see her talk with Raoul?

Mr. RAY. No.

Chairman STOKES. And besides Starlite, you say someone at a rooming house? Where?

Mr. RAY. In Atlanta, Ga.

Chairman STOKES. And do you know the address of that rooming-house?

Mr. RAY. I have it written down here. It is the room that we rented in March of 1968. I don't recall the fellow's name.

Chairman STOKES. Are you talking about Mr. Garner?

Mr. RAY. That is correct; yes.

Chairman STOKES. And what did Mr. Garner see you and Raoul do together?

Mr. RAY. Well, the first night I went in there to rent the room, Mr. Garner was in there with some other individual and I was trying to persuade him to let me rent a room and he had been drinking quite a bit, and he kind of nodded over in sleep. During this period Raoul come in and asked what the holdup was. He was waiting on the outside. And Garner and this other fellow was in there.

This Raoul, he wasn't in there very long, but I assume maybe possibly Garner had saw him.

Chairman STOKES. Who was this that had been drinking quite a bit and had gone to sleep?

Mr. RAY. Mr. Garner and his companion, male companion.

Chairman STOKES. And was Garner asleep when Raoul came in the room?

Mr. RAY. I don't know if he did or not, but he would nod over in sleep for a couple of minutes and then wake up and start talking. He was drinking wine, I believe.

Chairman STOKES. You think, then, that Garner may have seen Raoul?

Mr. RAY. Well, he could have, very possible.

Chairman STOKES. If I told you that this committee has talked with Mr. Garner and Mr. Garner does not recall having seen anyone with you, would you accept that as being a fact?

Mr. RAY. Yes; I would.

Mr. LANE. I, on the other hand, being a bit more suspicious than my client, would like to see the transcript of that interview.

Chairman STOKES. That is exhibit F-42, counsel. I will refer counsel to page 3 of that statement.

Mr. LANE. I beg your pardon, Mr. Stokes?

Chairman STOKES. I will refer counsel to page 3 of that exhibit.

Mr. LANE. Thank you. I would like to look through the whole thing for just a moment, if I might, but thank you for the reference. [Pause.]

I think the record should reveal that this is not a transcript of an interview with Mr. Garner. It is a statement of investigators for this committee. It is not signed by Mr. Garner nor is it initialed by Mr. Garner. It is a hearsay report.

Now that we have that established, I wonder if you can tell me the page that you are referring to and the reference that you are making.

Chairman STOKES. On page 3, Mr. Ray, relative to my statement to you, appears the statement: "As far as Mr. Garner knew, no one saw him in the company of Mr. Ray and he never saw Mr. Ray in the company of anyone."

Mr. LANE. May I point out for the record that this statement indicates that Mr. Garner did not even know the names of the two other tenants of the building, could not recall what they looked like.

Chairman STOKES. Mr. Chairman, I think under rules of evidence that the document will speak for itself, and I ask that it be entered into the record at this point.

Mr. LANE. I object to that, the specific reason being that this is a hearsay document at least one time removed. It is not even signed by the person who was questioned. It in no way is a transcript——

Mr. PREYER. Well, the——

Mr. LANE. May I finish? May I finish my objection, Mr. Preyer?

Mr. PREYER. Proceed.

Mr. LANE. Thank you. It is an unsigned document. There is no indication that Mr. Garner ever saw this document. There is no indication on the document that he will vouch for the accuracy of this interview. He certainly did not sign it and it is not a transcript, and it seems to me that when we are talking about the death of Dr. Martin Luther King, we are required to do more than offer hearsay documents of this kind.

Mr. PREYER. The objection is overruled. The document may be admitted. It is proper for Mr. Stokes to ask questions based on the document. The witness can reply. The document speaks for itself. Objection overruled.

[Exhibit numbered F-42 was admitted into the record, and follows:]

MLK EXHIBIT F-42

DATE INTERVIEWED: January 23, 1978 200498 *Sheet page for page*
 TIME INTERVIEWED: 2:00 p.m.
 PLACE INTERVIEWED: 710 Peachtree Street, N.E., Atlanta, Georgia
 NAME: Jimmy Delton Garner
 DATE OF BIRTH: 3/16/09 SOCIAL SECURITY NUMBER: 425-18-2906
 HOME ADDRESS: 710 Peachtree Street, N.E., #1226
 BUSINESS ADDRESS: McDonald's -- Northside Parkway and Paces Ferry Rd., N
 HOME TELEPHONE: BUSINESS TELEPHONE:
 ASSOCIATES: Miss Robbie Lee Garner

MLK INVESTIGATION
 CONNECTION: Owner of the rooming house where Mr. Ray resided
 while in Atlanta.

INTERVIEW STATEMENT:

Mr. Garner informed us that he remembered Mr. Ray residing
 at the rooming house in 1968, but he only remembered him as Eric
 Galt during that period of time. Mr. Ray was described by Mr. Garner
 as a:

white male

approximately 38 years of age

5-11"

dark hair -- close cut, combed to the side with a part

clean shaven

no facial scars

natural teeth

no physical deficiency noticeable

no speech impediment
no hat
no glasses
dark suit
white shirt
dark tie

In regards to Mr. Ray's automobile, Mr. Garner stated he never saw him driving a car, but he assumed he owned one because when checking into the rooming house, he made the statement that he had to get his belongings out of the car and bring them inside. It was also stated by Mr. Garner that he knew the automobiles that belonged to the tenants before Mr. Ray registered. After Mr. Ray had registered, Mr. Garner stated he noticed a strange car parked on the premises that he assumed belonged to Mr. Ray.

Mr. Garner's description of the car was:

small, light colored car
did not appear to be new
no noticeable body damage
make and model unknown.

Mr. Garner would always see the car parked in the rear of 113 14th Street, N.E., approximately fifty (50) feet away from where Mr. Garner would park his car in the rear of 107 14th Street, N.E. To the best of his recollection, Mr. Garner saw the car several mornings during the two weeks that Mr. Ray stayed at the rooming house but the car was always gone in the evenings. Mr. Ray seemingly kept pretty late hours, but Mr. Garner could not tell us where he spent his time.

Mr. Garner could not recall the exact date Mr. Ray came to the roominghouse, but he remembers it as being on a Sunday after-

noon. Mr. Ray allegedly inquired about a vacant room and requested a single. There were no single rooms at 107 14th Street; Mr. Garner therefore placed Mr. Ray in the roominghouse next door at 113 14th Street. According to Mr. Garner, he only showed Mr. Ray one room and he accepted it. There was an adjoining closet-size room next to Mr. Ray's and Mr. Garner gave him the extra space so he would have a place to put his television. While at the roominghouse, it is believed Mr. Ray stayed in Room #1 or #2.

Mr. Garner showed Mr. Ray the room and remained there until Mr. Ray bought his luggage inside. The amount of luggage bought in by Mr. Ray could not be recalled. On the day Mr. Ray registered, Mr. Garner felt he spent approximately twenty minutes in Mr. Ray's company. The room was rented to Mr. Ray at a rate of \$10.50 per week which he paid in advance.

The second time Mr. Garner saw Mr. Ray was approximately four days from the date he registered at the roominghouse. The rooms at 113 14th Street were being checked by Mr. Garner. Mr. Ray stepped into the hallway from his room, said good evening, and disappeared down the hall. As far as Mr. Garner knew, no one saw him in the company of Mr. Ray and he never saw Mr. Ray in the company of anyone.

From photographs seen in the media, Mr. Garner positively identified Mr. Ray as the person he rented a room to during the period of time in question.

We learned that the roominghouse did not require personal

information on tenants and Mr. Ray never provided Mr. Garner with any information.

The third time Mr. Garner saw Mr. Ray was on Sunday, one week from the day he registered at the roominghouse. Mr. Garner was at 113 14th Street repairing a lock on one of the doors at which time Mr. Ray came out of his room and offered to help. Mr. Ray assisted Mr. Garner in repairing the lock and while he was in the hall, paid Mr. Garner \$10.50 for a second week's rent in advance. The nomination of the payment could not be recalled. We learned that during the course of the conversation, no specific topic was discussed. They were alone for approximately fifteen minutes according to Mr. Garner. He did not notice the direction Mr. Ray went when he departed. Mr. Garner states this is actually the last time he saw Mr. Ray, but he believed he saw Mr. Ray's car parked in the rear of the roominghouse a couple of days after he had seen him.

During the time Mr. Ray resided at the roominghouse only two other tenants lived there whose names Mr. Garner could not recall. The following Friday after Mr. Ray had paid his second week's rent, Mr. Garner discovered he had left. A note was left in the room along with the key to the door. The whereabouts of the note is not known at the present time. At the time, Mr. Garner removed the note and key from the room. At the same time, he removed the lining from the bed and later sent it to the Atlanta Lining Co. to be cleaned.

Mr. Garner recalled that the note stated in essence,

"Going out of town, Mr. Garner. Will be back in two or three days to pick up t.v." We were told that Mr. Ray never came back for the t.v. Mr. Garner stated he took the note and threw it in the garbage.


According to Mr. Garner, Mr. Ray had vacated the room for approximately three weeks before he rented the room to another tenant. The television set that was left in the room was turned over to the FBI.

The other two occupants that lived in the roominghouse during the same time Mr. Ray lived there were described as:

1. white male, 48 years of age
6'2"
220 lbs.
clean shaven
no facial scars
voice instrument inserted in his throat through the neck to aid him in talking.
place of employment unknown
Believed to be from one of the Carolinas.
Last seen - 1968
2. white male, 45 years of age
6'1"
165 lbs.
close cut hair
no facial scars
Employed at motel on Spring and 14th Street, N.W.
The motel has changed its name and ownership; no records available. It is currently operating as the Save Inn.
Last seen about four years ago.
Where from is unknown
Name is believed to have been Jones, although not certain.
The name Fred C. Jones did not sound familiar to Mr. Garner.

Mr. Garner had no knowledge of the two tenants seeing Mr. Ray while he resided at the roominghouse. Neither of the men had ever mentioned Mr. Galt (Ray) to him.

We were informed that records were kept on some of the tenants but not all, and that there are no longer any records available.

Investigators: 
Floyd Reeves
Robert Walker

Mr. LANE. Now, may I object to the question which was asked, saying that Mr. Garner told us this.

Mr. PREYER. Objection overruled. Let's proceed. The objection should be made briefly to the point.

Mr. LANE. I just got about four words out before you interrupted me. May I make an objection to the question asked by Mr. Stokes, which began that Mr. Garner told us, when the document is not proof of that. Merely that the two investigators say that they recall Mr. Garner saying that, I think would be the appropriate way to pose the question.

Mr. PREYER. Mr. Stokes is recognized. The objection is overruled.

Chairman STOKES. Mr. Ray, you say someone in Jim's Grill may have seen you and Raoul together?

Mr. RAY. Well, that is possible but the waitress in there when I was in there the first time, I think she was also the waitress when I was in there the second time.

She was a white lady. She acted kind of—she wasn't too observing, so I don't know if she would have took notice of me or anyone else.

Mr. LANE. May I, at this time, just ask that the record reveal that this document indicates Mr. Garner was interviewed approximately 10 years after the event, which is dated January 23, 1978. He was asked if he recalls; that was 10 years before.

Mr. PREYER. The document will speak for itself, Mr. Lane.

Proceed, Mr. Ray.

Chairman STOKES. Mr. Ray, since you were interrupted, would you care to repeat your statement?

Mr. RAY. I believe I forgot.

Chairman STOKES. You were referring to the waitress.

Mr. RAY. The first time I was there, the waitress was in there—she was a female; that's why I noticed her. She didn't act too observing. I'm not certain she would have saw anything.

Chairman STOKES. Well, what I get from what you are saying is there is no real reason why she would know that you and Raoul were in there together?

Mr. RAY. Well, if she made a statement—I don't know if the committee has a statement from her. I wouldn't think so. I think the best statement would come from the waitress at the Starlite Cafe or some employee at the Starlite Cafe because we were in there more than anywhere else. In Jim's Grill, I was in there on one time with him.

Chairman STOKES. Are you aware of the fact that the Starlite Cafe does not exist today?

Mr. RAY. Today?

Chairman STOKES. Yes, sir.

Mr. RAY. No; I hadn't noticed.

Chairman STOKES. It does not exist today.

Mr. RAY. It does not exist today?

Chairman STOKES. Yes, sir.

Mr. RAY. No; I wasn't aware of it.

Chairman STOKES. Now, would anyone else at Jim's Grill have seen you and Raoul?

Mr. RAY. No; I don't believe so, because the first time I was in there, there wasn't many people in there.

No; the first time I was in there, there was several people in there. The first time I was in there, there were two individuals in there that looked at me—well, one of them looked at me in a manner about possibly he was a detective or policeman. The second time I came in there, when I met Roual there was hardly anyone in there at all.

I don't think—there may be just one other person in there.

Chairman STOKES. What would make you think this fellow was a detective or policeman?

Mr. RAY. Well, I'd been in another tavern trying to find out 422½ South Main Street address and I seen him in this tavern. And when I got to 422½ South Main, well, he was in there. And he kind of looked at me and he was dressed in a manner which was a little bit above the average clientele in that district. He just seemed out of place, and I was concerned about he may have been a policeman.

Chairman STOKES. So then are you saying you think maybe someone whom you suspected to be a policeman might have seen you and Raoul together?

Mr. RAY. Whoever he was, he could have been a policeman or a criminal; either one.

Chairman STOKES. But you have no knowledge who the individual was or anything of this sort?

Mr. RAY. No; I described him to the attorneys, but I don't have no idea who he was.

Chairman STOKES. How about Bessie Brewer—

Mr. LANE. May I interrupt for just a moment. He did not say Raoul was there when this person who might have been a policeman was present. He said just the reverse. So it is not fair to say, in summary therefore, that this man you think was a policeman might have seen you and Raoul. He said he went there and Raoul was not there and the policeman was there. That's his testimony.

Mr. PREYER. The testimony will speak for itself.

Mr. LANE. But it is unfair to summarize it inaccurately.

Mr. RAY. Well, I will be a little more observing. That was the first trip when I seen the two individuals in there. Roual was not in there the first trip. I am fairly certain of that, because the second trip when he was there, there was no one in the bar, maybe one person, except the waitress.

Chairman STOKES. So then when you and Raoul were actually together in Jim's Grill, there was no one else in there except maybe one person, that was the waitress; is that correct?

Mr. RAY. That's correct.

Chairman STOKES. And do you know who the waitress was?

Mr. RAY. Well, I'm not 100 percent positive. When I was in there one time, there was a white waitress in there, and when I was in there another time, there was a black waitress in there. So there must have been a shift change between my visits.

Chairman STOKES. But on the second trip back, that's when Raoul was there.

Mr. RAY. Yes.

Chairman STOKES. And what waitress was in there at that time; the black one or the white one?

Mr. RAY. I believe the white one was in there at that time.

Chairman STOKES. Do you know who she was?

Mr. RAY. No, sir.

Chairman STOKES. Now, we have constantly asked you over the period of time that we have talked with you if you can furnish us anyone else in the world who can tell us any information about Raoul, haven't we?

Mr. RAY. Yes.

Chairman STOKES. Other than what you said here today, you have never been able to furnish us any other information about Raoul, have you?

Mr. RAY. Well, I have given various information, like finding Rosenson's card in my car in Tijuana; things of that nature. It is difficult for me to be a Perry Mason-type and just present everything; all the guilty parties and things of that nature.

Yes, I gave telephone numbers and excerpts of the—

Chairman STOKES. Having the card you referred to about Rosen or Rosenson, what would that tell us about Raoul?

Mr. RAY. Well, I don't know, I suspect the Rosenson matter, after I found out about his correct name I did furnish it to an attorney in Memphis named Richard J. Ryan. He went down and got the transcript from the fifth circuit archives and he give me a transcript.

Well, I threw it away because I didn't want to see it. The only thing I noticed about the transcript was the fact that Rosenson was a pauper, but he had three or four expensive attorneys from New Orleans. Later on, Mr. Ryan told me Rosenson was an FBI informer.

So I think things like that should have been looked into. I don't know if they ever was or not. Mr. Lehner did ask me about that.

Chairman STOKES. For your information, this committee has looked into Rosenson. But we wanted to understand what did it have to do with Raoul.

Mr. RAY. Well, possibly Roual dropped his card in my car because I had found this name down in between the gearbox in my seat, and it would seem to me a proper matter to investigate if there was any connection between Mr. Rosenson and possibly some alias name Roual.

Chairman STOKES. Then are you saying to us now you think that Randy Rosenson could possibly be Raoul?

Mr. RAY. Oh, no. I saw his picture. He's not Roual. In respect to Rosenson, possibly the Government was trying to frame him. He's contended in courtroom testimony, I think, that the Government has made attempts to frame him. But I don't know anything about this. The only thing I know is what attorneys told me after they have investigated. Mr. Ryan, he may clear this up for you.

That's all I know about the matter.

Chairman STOKES. Mr. Ray, doesn't it seem unusual to you a man with whom you met in so many different cities and three countries, there is no one who can substantiate the fact that they ever saw you with this mysterious Raoul?

Mr. LANE. He did not say that. He referred to the waitress in the Starlite Cafe. Whether there is a cafe or not, there might still be a waitress, and we don't know—

Mr. PREYER. The question was asked of Mr. Ray.

Chairman STOKES. If counsel understood the question, the question was whether there was anyone who could substantiate this accurately.

Mr. RAY. I really don't know, sir. The FBI has released various documents to Time magazine, United Press International, and I have another paper here where they locked up considerable documents in the National Archives, and this committee has made no attempt to get these documents out of the Archives. Possibly there would be information there which would substantiate what I am testifying before this committee.

Chairman STOKES. I am a little confused by your constant reference to FBI documents both today and yesterday in light of the fact, if I understand you properly, you are saying two things: No. 1, that the FBI has, in some way, caused you to be in this difficulty. At the same time you are saying that there are FBI documents which, if located, would prove your innocence.

Mr. RAY. No; I am not exactly saying that. I say they may furnish leads which may substantiate my testimony. But we filed discovery motions and things like that in civil court.

In fact, in 1974, in a habeas corpus hearing, we attempted to subpoena FBI documents. But the first thing the Federal judge did was rule we couldn't subpoena anything within 100 miles of Memphis. Consequently, the Church committee and Time magazine's counsel—I believe his name was Mr. Schwartz—well, he orchestrated that out in a manner favorable to the Government.

Chairman STOKES. Mr. Ray, I can say to you that this committee has reviewed every FBI document that you have made reference to, including every FBI document related in any way to this case, and in none of those documents have we ever found any reference to Raoul.

Mr. RAY. Well, in reference to the FBI documents, I think they recently found some documents that were hid in St. Louis. It had been hid for 5 years. They said they were investigating another matter and they just happened to run on these documents. And further, in respect to the FBI documents, I have a letter here from the National Archives dated July 11, 1978, whereby the National Archives say they have 5 years of FBI investigations of Dr. Martin Luther King and nobody has ever made any attempt to review them. So I don't think the committee has seen all the FBI documents.

Chairman STOKES. Your real reason for establishing the relationship with Raoul from the beginning when you first met at the Neptune Bar in Montreal was in order for him to get you some documents or papers; is that true?

Mr. RAY. Travel documents, yes, sir.

Chairman STOKES. Right.

That was your primary purpose for beginning the association with him, wasn't it?

Mr. RAY. That was my only purpose.

Chairman STOKES. Your only purpose?

Mr. RAY. Yes, sir.

Chairman STOKES. And during the entire 9-month period, he never kept any of his promises to you about furnishing you those documents, did he?

Mr. RAY. No, sir.

Chairman STOKES. Yet you continued your relationship with him, notwithstanding the fact that you were in a hurry to get out of the country; is that true?

Mr. RAY. That's correct; yes.

Chairman STOKES. And so, notwithstanding the fact this man kept none of his promises to you, you just continued your relationship with him?

Mr. LANE. There is no testimony he kept none of the promises; he kept none of the promises about the documents, but he did pay him money and that is a promise he kept. I am only asking the question fairly and accurately state the evidence before this committee. It is unfair to ask questions of that nature.

Mr. PREYER. Objection overruled.

Proceed, Mr. Stokes.

Mr. RAY. Yes, sir, but I was receiving the money. That was somewhat attractive.

Chairman STOKES. But you said the only purpose for establishing a relationship was those documents?

Mr. RAY. That was the primary purpose. The money was a secondary purpose, as far as I was concerned. I didn't stop trying to get travel documents just because I was associating with him.

Chairman STOKES. Now, you have told us that Raoul furnished you large sums of money; is that right?

Mr. RAY. At the time I thought they were large sums. I see now where they were insignificant sums.

Chairman STOKES. Well, didn't he give you \$1,500 in Detroit?

Mr. RAY. Yes; that's correct.

Chairman STOKES. Didn't he give you \$2,000 in Mexico?

Mr. RAY. Yes; that's correct.

Chairman STOKES. On occasion, he gave you \$500 for living expenses; \$500 for photographic equipment?

Mr. RAY. That's correct.

Chairman STOKES. Now, based upon your own association with criminals, you knew that it was possible, if you had money, to obtain unauthorized passports, didn't you?

Mr. RAY. I knew you could buy them. I don't know exactly where you could buy them at. I did at one time think about trying to buy some in New Orleans. But there are so many informers around there, if you make inquiries about something like stolen documents, you very well could have the FBI would arrest you. If I knew someone personally who dealt in stolen passports, then I could have went to him. The only people I knew around St. Louis were burglars and fences and that type. You couldn't very well get a passport from any of those people.

Chairman STOKES. So you are saying even though you had the money and you were able to buy a passport, the only reason you didn't buy one was because you didn't have the contacts?

Mr. RAY. That's correct; yes.

Chairman STOKES. It is your contention that Raoul was involved in an illegal gun-running scheme; is that right?

Mr. RAY. Narcotics, I believe.

Chairman STOKES. I am sorry?

Mr. RAY. Narcotics, I believe, sir.

Chairman STOKES. Narcotics?

Mr. RAY. Yes.

Chairman STOKES. Is this what you were involved in with him?

Mr. RAY. At the beginning, yes.

Chairman STOKES. What were you doing in terms of narcotics?

Mr. RAY. Well, I assumed it was narcotics. I took some three packages across the border from Canada into the United States.

Chairman STOKES. And did you then later change to some other type of illegal activity together?

Mr. RAY. Well, in Mexico I took some material inside of a tire. I don't know what that was. That wasn't narcotics because I believe narcotics usually comes from Mexico and not going into Mexico. It's probably something stolen—

Chairman STOKES. Didn't the two of you, at some point, then begin what was known as a gun running scheme?

Mr. RAY. Yes.

Chairman STOKES. Where did that start?

Mr. RAY. I don't know exactly where all those conversations—some of these conversations start in one town and then progressed to another. The first time I heard about it was in New Orleans in December of 1967.

Chairman STOKES. Well, weren't things that you did—that is, purchasing a rifle, purchasing binoculars, renting the rooms in Memphis—all part of what you thought was a gunrunning scheme?

Mr. RAY. Yes.

Chairman STOKES. Now you have told our committee, haven't you, that you examined Aeromarine?

Mr. RAY. Yes.

Chairman STOKES. That you made certain inquiries about them because Raoul told you that both types of rifles might be sold; is that right?

Mr. RAY. Yes.

Chairman STOKES. You have also told us you purchased some military ammunition at Aeromarine as part of that operation; is that correct?

Mr. RAY. Yes.

Chairman STOKES. Then when you got to Memphis, Raoul told you to buy some binoculars of a special type—that is, infrared—apparently as part of the same gunrunning scheme?

Mr. RAY. Yes.

Chairman STOKES. And then you went to York Arms and you asked for infrared and purchased regular binoculars only when the clerk told you he had no infrared binoculars; is that correct?

Mr. RAY. That's correct.

Chairman STOKES. He further suggested to you that you try an Army-Navy surplus store for that type of infrared binocular, didn't he?

Mr. RAY. That's correct.

Chairman STOKES. If I told you that we went to the Aeromarine and Mr. Wood there had no recollection you asked him for military surplus rifles or showing you any such rifles or selling you any military ammunition, would you in any way change your story?

Mr. RAY. No, none.

Mr. LANE. May we see the transcript of the interview you just made reference to, Mr. Stokes, since you are confronting the witness with the conclusions of the transcript, or alleged transcript?

Chairman STOKES. Mr. Chairman, I did not examine the witness from any document, and it is only if the witness is being examined from a document that he is entitled to see a copy of it.

Mr. LANE. You are telling us the conclusions of what this gentleman allegedly told your committee. We should certainly be confronted by the statements so we can see if it is an accurate presentation that you've made, especially if you don't have the document in front of you, and that is all the more reason why we should see it.

If this is an open investigation in the interest of truth and justice, why can't we see the document? Why can't the American people see the document?

Mr. PREYER. The witness is only being asked if such-and-such were the case, would he change his story.

Mr. LANE. No. He said we were told by Mr. Wood that this is the fact.

May we see what Mr. Wood told the committee? Aren't the American people, after \$4 million worth of investment, entitled to look at that document?

Mr. PREYER. The question is proper without the transcript.

Chairman STOKES. Counsel, it is exhibit F-46.

Mr. LANE. Thank you, Mr. Stokes.

May we see it?

Thank you very much.

[Pause.]

Mr. LANE. Since this is a transcript, I would be delighted if the entire transcript could be read into the record so the American people could get all of the facts about the allegations made. And I don't believe that they will find in here the statement Mr. Stokes has made; the flat statement that Mr. Wood said that this was the only thing sold. He said:

That's all I can recall selling him. I believe that's all. I don't believe I sold him any other ammo other than that.

I don't think these statements should be escalated into a fact when they are a recollection and recall based upon what this man said he recalled 10 years ago.

Chairman STOKES. Mr. Chairman——

Mr. LANE. May we have it read into the record so the American people can hear the whole——

Chairman STOKES. Mr. Chairman.

Mr. PREYER. Mr. Stokes is recognized.

Chairman STOKES. Pursuant to the fact the document will speak for itself, I ask that it be entered into the record as an exhibit at this point.

Mr. PREYER. Without objection, so ordered.

[Exhibit F-46 was entered in the record, and follows:]

MLK EXHIBIT F-46

150062

DATE INTERVIEWED: November 8, 1977 TIME INTERVIEWED: 2:35 p.m.
 PLACE INTERVIEWED: Aeromarine Supply Company
 NAME: Donald F. Wood
 DATE OF BIRTH: Nov. 11, 1943 SOCIAL SECURITY NUMBER:
 HOME ADDRESS: 405 Lance Lane, Birmingham, Alabama
 BUSINESS ADDRESS: 7605 Eastwood Mall
 HOME TELEPHONE: BUSINESS TELEPHONE: 205/595-2141
 ASSOCIATES: Son of owner of Aeromarine

MLK INVESTIGATION CONNECTION: Subject wood mounted scope on rifle used by slayer of Martin Luther King, Jr. Ray's finger prints found on two points of rifle.

INTERVIEW STATEMENT:

Donald F. Wood was interviewed in his office at Aeromarine in reference to his handling and/or Ray's (Lowmeyer) handling of the weapon in question at the time of sale March 30, 1968. Wood stated that at no time, prior to the mounting of the scope did Ray handle the 30,06 rifle. Wood further stated he cannot recall Ray handling the gun while he was in the store. Wood did state the weapon had been placed in a box, larger than the box the weapon had been shipped in, because after the scope had been mounted, the rifle would not fit in the original carton.

Typed Signature: Alfred S. Hack

Robert J. Walker

FORM #4-A

March 10, 1977 - Location: Aeromarine Supply Co. Store -
Interview with Mr. Donald Wood, Jr. relative to the purchase
by Harvey Lohmeyer - Present are: Staff Attorney Thomas
Gannon, Chief Investigation Edward Evans. Time: 5:20 p.m.

Mr. Wood: Do you want me to relate as much as I remember?

Mr. Evans: As much as you remember.

Mr. Wood: The sale that we've been talking about, the
sale of the firearm. Let's see, he came in,
the man we sold the rifle to came in on Friday
preceding the Thursday that King was shot. I
observed the sale. It was made by our salesman
Mr. U. L. Baker of a Remington Model 700 .243
caliber bolt action rifle. We also sold him a
scope, a Redfield (unintelligible)
and installed it on his rifle and bore sighted
it.

Mr. Evans: What do you mean by bore-sighted it?

Mr. Wood: It's a device between inserting the rifle muzzle
to sight the scope in, to hit where you aim.

Mr. Evans: Is that accurate?

Mr. Wood: It is primarily designed for putting a bullet
on a piece of paper so the man can sight the
rifle. Sometimes it will be right on within an

Mr. Wood: inch another time it may be three or four inches off. Generally, as a rule, we can depend upon the scope, the scope like he got, you should be able to bore-sight it within an inch or two about a hundred yards. I remember he paid for the gun with \$20 bills, paid cash and he identified himself as Harvey Lohmeier. He did not seem to know anything at all about firearms, I mean nothing. The way he talked seemed like he didn't know anything. And that was probably in the morning, I imagine about 10:00 or 11:00 a.m., that Friday morning. About 3:00 that afternoon I got a telephone call from a man who identified himself as Harvey Lohmeier, he said that he had, and I'm pretty sure these were the exact words, he had been talking to someone and that's not the gun he wanted. What he really wanted was, and he called the firearm out by model no. He said what I really wanted is a Remington Model 760 Gamemaster pump action rifle. And very few people ever describe it, especially in terms of Gamemaster. So he was either reading it, you know it's so unusual to ask for it by name, I had one of the rifles in stock, which I had in stock for four years because it is a real slow seller around here for deer hunting. So I was more than happy

Mr. Wood: to exchange it. So I told him to be over on the next morning, which would be Saturday 9:00 in the morning I would make a no charges change and I would take the scope off because he would bring it back and reinstall it on the Model 760 Remington. At 9:00 sharp, Saturday morning he came in the door, brought the rifle in, I told him to come back at 3:00 that afternoon and pick it up. During the course of the day during the time he was there, I took the scope off put it on the other rifle and bore-sighted again. I had to change the mounts from Redfield mounts to Weaver mounts because I didn't have the particular mounts in stock, but he had Weaver mounts on his gun. At 3:00 p.m. he came back in and since he purchased a different, that was a different caliber than the original, we, I remember asking him, I was trying to figure out what bullet weight to sell him because 30.06 caliber come in different bullet weights, so I asked him what he was going to be hunting trying to determine what bullet weight to give him, and he said deer. Then I asked him whereabouts to figure out what kind of deer he might be, you know what size of deer and everything, so he said he was going to

Mr. Wood: hunting in Wisconsin, I believe it was, with his brother. I asked him what bullet weight. He said he didn't know anything about it, so I got a box of Peters Brand 30.06 that weighs 150 grain bullet. And it didn't seem to make any difference to him what I gave him, so I gave him those and he left.

Mr. Evans: Did he purchase bullets with the first firearm?

Mr. Wood: He purchased a box of (unintelligible) brand 76 grain hollow point cartridges with the first rifle which we got back.

Mr. Evans: That first rifle, what would that normally be used for? What kind of game would that normally be used for?

Mr. Wood: It's a pretty versatile caliber. It can be used for any varmint shooting, like crows up to deer.

Mr. Evans: So you bore-sighted the 30.06?

Mr. Wood: Correct.

Mr. Evans: Was there any difficulty in bore-sighting it?

Mr. Wood: No.

Mr. Evans: Same process, same method you used, right?

Mr. Wood: Right.

Mr. Evans: You get the same kind of accuracy you talked about before?

Mr. Wood: Right.

Mr. Evans: You said that it was a slow seller. And it appeared that he may have been reading this or someone had told him what to say?

Mr. Wood: Yes. Of course that's just my opinion.

Mr. Evans: Being that it is a slow selling, being a gun expert, would you know of any publication it might have been in at that time, that was pushing the 30.06?

Mr. Wood: No. When I sell slow seller, I mean in our

Mr. Wood: part of the country. The gun is very popular in other parts of the country. Pump action rifles are super slow selling in this part of the country. I had bought that gun in 1964 so I carried the stock, that was the only one I had too. I carried it in stock for four years. People very seldom call that particular rifle a Gamemaster. You know, people call and ask if we have a gun, you know they call about this Remington gun, and they'll say, have you got a Remington Model 760 or have you got a Remington 742, but I remember he said, I want a Remington Model 760 Gamemaster pump action rifle 30.06 caliber.

Mr. Gannon: Is the only ammunition you sold, the Peters cartridges?

Mr. Wood: That's all I can recall selling him. I believe that's all. I don't believe I sold him any other ammo other than that.

Mr. Gannon: I'm not a gun expert. Does Remington have any other 30.06 models?

Mr. Wood: 30.06? Do you mean gun models?

Mr. LANE. May we request that it now be read so the American people can hear the full import of that interview? Because I think it goes a long way to resolving questions in this case.

Chairman STOKES. Mr. Chairman, perhaps counsel ought to be instructed he is not interrogating the witness.

Mr. LANE. Just a request, just a request that the American people hear the transcript where Mr. Wood said Ray knew absolutely nothing—

Mr. PREYER. Mr. Lane, Mr. Stokes is trying to develop some orderly questioning, and we will not interrupt him at this time to read the transcript into the record.

Mr. LANE. Can it be read at the conclusion of his questioning?

Mr. PREYER. It is part of the record and will be available as part of the record.

The objection is overruled.

Mr. LANE. Could it be read at the conclusion of Mr. Stokes' questions?

Mr. PREYER. The Chair will consider that at the proper time.

Mr. LANE. Thank you, Mr. Preyer.

Chairman STOKES. Mr. Chairman, I ask that the witness be furnished MLK exhibit F-46.

Mr. PREYER. I believe that exhibit has just been handed—

Mr. LANE. We have that. Thank you.

Chairman STOKES. You have that?

I ask that the witness and counsel be furnished with MLK exhibit No. F-35, the Aeromarine receipt.

Mr. PREYER. Will the clerk furnish the counsel and witness with that document.

[Pause.]

026

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1	<i>175117 757A</i>	<i>REM. MOD. PUMP ACTION RIFLE, CAL.</i>	<i>76.00</i>		
1	<i>243 Win.</i>	<i>S.N. 222279</i>	<i>461.476</i>	<i>134.95</i>	
1	<i>2X-7X</i>	<i>REDFIELD SCOPE</i>	<i>91.50</i>	<i>74.60</i>	
1	<i>JR 200</i>	<i>BASE + D.L. RINGS</i>	<i>23.90</i>	<i>20.32</i>	
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		<i>Harvey Lowmeyer</i>		<i>234.52</i>	

IF CHECK IS GIVEN IN FULL OR PART PAYMENT FOR THIS INVOICE, TITLE SHALL REMAIN WITH SELLER UNTIL CASH HAS BEEN PAID IN FULL OR PART PAYMENT, AT THE OPTION OF THE SELLER.

RECEIVED BY _____ TAX *14.07*

MERCHANDISE CANNOT BE RETURNED FOR CREDIT, REFUND OR EXCHANGE AFTER 10 DAYS FROM SALE DATE. PURCHASE INVOICE MUST ACCOMPANY ALL RETURNS.

TOTAL *248.59*

RECORD INVOICE

Mr. LANE. We can't tell, from reading the number, whether this is 35 or 55. Could we have some clarification on that? It's handwritten.

Chairman STOKES. It is F-35.

Mr. LANE. I beg your pardon.

Chairman STOKES. F-35.

Mr. LANE. Thirty-five. Mr. Ray has looked at it.

Chairman STOKES. Mr. Ray, showing you this exhibit, which is an Aeromarine Supply Co. receipt, I will ask you to look at this exhibit and tell us whether or not this is a copy of the receipt at the time you purchased the rifle at Aeromarine Supply Co.

Mr. RAY. I couldn't tell, sir. But it looks like, generally—I don't have no recollection. But it looks like everything on it I purchased.

Chairman STOKES. Is there a signature on that document?

Mr. RAY. Yes, a name; Harvey Loemeyer.

Chairman STOKES. Is the name Harvey Loemeyer in your handwriting?

Mr. RAY. Yes.

Chairman STOKES. Now that document makes reference to the purchase of a rifle, doesn't it?

Mr. RAY. Yes.

Chairman STOKES. And it also makes reference to the purchase of ammunition?

Mr. RAY. I can't make that out, but if you—

Chairman STOKES. On the last line, it looks like one box, .243 caliber, doesn't it?

Mr. RAY. Yes.

Chairman STOKES. When you went back with the first rifle, all he did was correct the first receipt, the same receipt, and exchanged the rifle for you along with the ammunition that you exchanged, .30-caliber ammunition for the second rifle?

Mr. RAY. I don't recall. I guess that may have been what they did.

Chairman STOKES. You don't see on this receipt anywhere any purchase of military ammunition, do you?

Mr. RAY. Is there another receipt, or is this the only receipt? Was there two receipts or just one?

Chairman STOKES. Our understanding is the one receipt was used. When you returned with the first rifle that the clerk who waited on you merely crossed out where you see this part of the receipt crossed out, and then he failed to put on the .30-caliber ammunition that you purchased and left it as a .243.

Mr. RAY. What I am asking is: Did they put the military ammunition on a different receipt?

Chairman STOKES. There was only one receipt.

Mr. RAY. There was only one receipt? Well, I distinctly recall requesting military ammunition. In fact, I read somewhere they found a bag of mine in the street in Memphis, Tenn., and it had military ammunition in it.

Chairman STOKES. Are you saying to us there should be another receipt in existence which shows you did purchase the military ammunition?

Mr. RAY. Yes, I discussed this matter with the salesman. There may have been more than one salesman. In fact, I think this was a large

store. I don't think Mr. Woods was the one in there. I did discuss military ammunition, plus surplus rifles with some salesman in there.

In fact, the salesman tried—he thought I was going to buy the surplus rifle rather than the scope, the one I was trying to, was going to buy. He was attempting to talk me out of purchasing one of the surplus military rifles.

In other words, he thought I was going to buy something cheaper than what he wanted to sell me.

Chairman STOKES. So, then, you definitely purchased the military ammunition.

Mr. RAY. Yes. I don't think I made any specific request for it. I am really not certain. I am certain that they sold some right in that store, yes.

Chairman STOKES. Do you remember how much of it you purchased?

Mr. RAY. No, I think I just told him to throw a box of that in or something. I think they were in some type of a clip.

Chairman STOKES. Do you recall the caliber of it?

Mr. RAY. Well, it would have been the same—it would have been Army military ammunition. I referred to it as military, I believe, ammunition.

Chairman STOKES. Do you remember how much of it you purchased?

Mr. RAY. No, it had just been a sample. I cannot recall how much.

Chairman STOKES. Anything else you purchased there that day that does not appear on that receipt?

Mr. LANE. I should point out that even the .30 caliber ammunition, which Mr. Wood told you about, does not appear on this receipt. So, we have a conflict between your receipt and your transcript.

Mr. PREYER. Mr. Lane, we are interested in the testimony of Mr. Ray on this subject.

Mr. LANE. And all the facts, I am sure.

Chairman STOKES. Do you have a further answer to that, sir?

Mr. RAY. No, sir. You asked me if I recall purchasing anything else there? No I don't think so.

Chairman STOKES. Anything else that does not appear on that receipt.

Mr. RAY. Except for the military ammunition, I don't recall anything else.

Chairman STOKES. After you arrived in Memphis with the rifle, what did you do with it?

Mr. RAY. I rented a motel in Memphis at the New Rebel Motel. I took the rifle out of the trunk and put it under the bed. I don't remember doing all these details. That's what I would do if I, under the same circumstances. So, I'm positive I took the rifle out of the trunk of the car and put it under the bed in the New Rebel Motel.

Chairman STOKES. About what time was that?

Mr. RAY. As soon as it got dark. I can't be specific.

Chairman STOKES. What date was that?

Mr. RAY. April 3, 1968.

Chairman STOKES. And when you rented the hotel room there, what name did you rent it under?

Mr. RAY. Eric Galt.

Chairman STOKES. Just 4 days earlier, you had been Harvey Loe-meyer, hadn't you?

Mr. RAY. That's correct, yes, sir.

Chairman STOKES. When you got to Memphis, you became Eric Galt again.

Mr. RAY. Yes.

Chairman STOKES. What was the reason for that?

Mr. RAY. A lot of times when you check into a motel, the police will check your license plates to see if they correspond with the names that you give them at the registration desk.

Chairman STOKES. And then, of course, when you left there the following day, you checked into Bessie Brewer's roominghouse, didn't you?

Mr. RAY. Yes.

Chairman STOKES. And then you became somebody else, didn't you?

Mr. RAY. John Willard, yes.

Chairman STOKES. You became John Willard.

Mr. RAY. That's correct.

Chairman STOKES. What was the reason there?

Mr. RAY. Usually roominghouses and hotels your car is not parked in the vicinity so you can use any name you want to, but my specific reason for using the John Willard name that day was that the night before that in the New Rebel Motel, me and the individual that called himself Roul had decided on the John Willard name.

In fact, I had picked up this John Willard name because I had used it indirectly once before.

Chairman STOKES. Why did you furnish him the name, John Willard?

Mr. RAY. Well, I think he suggested using the Eric Galt name and I wanted, I didn't want to use that name if there's going to be some type of, something not exactly legal going on.

Chairman STOKES. And by something not exactly legal going on, you had reference to the gun smuggling activity; is that it?

Mr. RAY. Yes, that's correct.

Chairman STOKES. Are you aware of the fact that the rifle that was found outside Canipes Amusement place in that bundle had your fingerprints on it?

Mr. RAY. The rifle, yes.

Chairman STOKES. The rifle. You are aware of the fact that it did not have anyone else's fingerprints on it, aren't you?

Mr. RAY. No, I am not aware of that fact. The FBI, I think, they said mine was on it. I don't know if they said anyone else's was on there or not. I don't think it would be—well, the salesman, it looks like the salesman would have been on there since he handled the rifle as much as I did, maybe a little bit more.

Chairman STOKES. Now, you gave Raoul the gun at the New Rebel.

Mr. RAY. Yes, that's correct.

Chairman STOKES. And how did you give it to him?

Mr. RAY. He came to the motel that night. It was raining and I recall he had a raincoat on, and we had a short discussion. He mentioned something to the effect we may be there 3 or 4 days. He wanted us to rent a room on a certain address in Memphis, and we agreed the alias John Willard name, and I gave him the rifle and then he left and that was it.

Chairman STOKES. You never saw the rifle again.

Mr. RAY. No, sir.

Chairman STOKES. What conversation did you have with him about when the two of you would meet again when you gave him the rifle?

Mr. RAY. Well, he gave me an address. He wrote it down on a slip of paper. I think I wrote the name, John Willard, down on a slip of paper for him in the event he rented a room.

Chairman STOKES. You gave him what name?

Mr. RAY. The John Willard name.

Chairman STOKES. Well, the next day, then, what did you do? Did you go over and meet him?

Mr. RAY. Well, I was supposed to be there about 3 o'clock, is my understanding, maybe a little later. When I got up the next day at the motel, I checked out, I think, late, approximately somewhere around 11 o'clock, and I drove out toward south Memphis because I was going to stall around somewhere until 3 or 3:30, and I think I went to a couple of beer halls during that period.

And I also developed a slow leak in a tire and I changed tires. Consequently, when it did get about 3 o'clock, then I checked into a private, well, it was a pay parking lot in Memphis, not downtown but on the edge of town.

Chairman STOKES. Then what did you do from there?

Mr. RAY. Well, I asked the attendant—I think I showed him this address, 422½ Main; I asked him what direction it was. I think he gave me general directions and I started walking toward what appeared to be the main part of Memphis. I think I may have asked a policeman about the address once, too.

Once I found Main Street, then I started looking for the rooming-house. I believe I stopped in at least, maybe one or maybe two taverns, inquiring about it. During one of these taverns, that's when I saw the two individuals that I mentioned to you awhile ago that appeared to be noticing me more than necessary. Subsequently, I did find the 422½ South Main Street roominghouse.

Pardon?

Chairman STOKES. What did you do then?

Mr. RAY. I entered the bar looking for the individual who called himself Roual. He wasn't in there the first time. These two individuals were in there, the ones I mentioned.

Leaving the bar, I went up and rented a room from Mrs. Brewer. I gave her a \$20 bill. She showed me—no, I paid her after she showed me the rooms. She showed me two rooms. One was what you call a light housekeeping room and another one was a sleeping room. I rented the sleeping room off of her; paid her with a \$20 bill.

I left the roominghouse at that time—well, back to the parking lot, which is about 1 mile from the roominghouse and picked up the Mustang and drove it back and parked it right in front of Jim's Grill underneath of the roominghouse.

Chairman STOKES. Then what did you do?

Mr. RAY. I went into Jim's Grill at that time. At that time, this individual who called himself Roual was in there. I believe he was drinking beer or coffee or something at the—they had two counters there. One was a food counter and one was a bar counter. There may have been one other person in there, but I believe he was about the only person in there.

But we spoke. As we was going out, he asked me about the Mustang; he asked me if I bought the automobile. It was directly in front of the bar.

I pointed out and said, there it is, and we went up in the room, and later on, why, the binocular conversation started, and things of that nature.

Chairman STOKES. Now, when you got there first, Raoul had told you whoever got there first ought to rent a room?

Mr. RAY. No; he wasn't specific about that. I was under the impression maybe he would rent a room there. He is kind of vague on that. Maybe he would rent a room there or maybe I would rent a room there. But it wouldn't have made any difference in reference to the Galt name.

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

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

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

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

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

Mr. RAY. He very well could have, yes.

Chairman STOKES. Now, when we think about the fact that Raoul's fingerprints don't appear on that rifle at all, doesn't that raise some question about the existence of any Raoul?

Mr. RAY. It doesn't to me, no.

Chairman STOKES. What, sir?

Mr. RAY. It doesn't to me, no.

Chairman STOKES. It doesn't to you. And that's because you know that a Raoul exists somewhere?

Mr. RAY. Yes. Well, I wouldn't have no trouble keeping fingerprints off of a rifle or pistol or anything if I knew it was going to be used in a serious crime.

Chairman STOKES. How would Raoul wipe off his fingerprints from the rifle and leave yours on?

Mr. RAY. He wouldn't have to wipe them off. There are various things you can put on your fingers, even I know that, to not to leave any fingerprints.

As I mentioned to Mr. Lehner, when I would commit a crime in St. Louis, for instance, armed robbery, I would always put flesh-colored Band-Aids on my fingertips to keep the prints off. Any novice knows enough to keep his fingerprints off a weapon if he is going to use it for a serious crime.

Chairman STOKES. The same would apply to binoculars, beer cans, toilet articles; everything that was found in that bundle with your fingerprints. You would know enough to wipe your fingerprints off of those items if you had committed a crime; is that it?

Mr. RAY. Naturally I would have any fingerprints off of everything if I was going to commit a crime. I know I wiped everything off the Mustang after they started looking for me.

Chairman STOKES. What would you do if you hadn't had time to wipe your fingerprints off all those articles and you were in the process of fleeing a crime?

Mr. RAY. Usually you do that beforehand, sir. If you are thinking about committing a crime, you wipe them off beforehand.

Chairman STOKES. Now, prior to going to Atlanta, you were in Los Angeles, Calif., weren't you?

Mr. RAY. Yes, sir.

Chairman STOKES. And you did know who Dr. Martin Luther King was?

Mr. RAY. No.

Chairman STOKES. You had never heard of him?

Mr. RAY. I have no recollection of ever—well, naturally I heard of him, like I heard of President Johnson or Kennedy, but I have no recollection of ever mentioning his name to anyone.

Chairman STOKES. You had a daily habit, whatever city you were in, of purchasing a newspaper, didn't you?

Mr. RAY. Yes.

Chairman STOKES. And if you were in New Orleans, you followed that procedure; if you were in Los Angeles or Atlanta, you would buy a newspaper, wouldn't you?

Mr. RAY. Not necessarily. Sometimes I would be interested in ball scores or something, I might buy one. Generally I did buy a newspaper, yes; that's correct.

Chairman STOKES. When you were in Los Angeles, what newspapers did you read?

Mr. RAY. Los Angeles Times.

Chairman STOKES. Now on about the 16th of March of 1968, you were in Los Angeles at that time?

Mr. RAY. Yes; that's correct.

Chairman STOKES. Were you aware of Dr. King's presence in or about Los Angeles at the same time?

Mr. RAY. He came out there at that time?

Chairman STOKES. Yes, sir.

Mr. RAY. No; I wasn't aware that he came out there. I have since read it in William Bradford Huie's book, but I had no independent knowledge.

Chairman STOKES. Have you ever read the Los Angeles Herald Examiner?

Mr. RAY. Once in awhile; very seldom.

The reason I mention the Times, I put a want ad in there one time for employment. That was the morning paper.

Chairman STOKES. Will the clerk furnish the witness and counsel with MLK exhibit No. F-51.

Los Angeles Herald Examiner, March 18, 1968.

Dr. King

Won't Be

A Politico

Rev. Martin Luther King has no intention of running for any political office.

The civil rights leader, asked about reports the Peace and Freedom Party might want him as a presidential candidate said here yesterday:

"I've made it very clear that I have no intention of running on any ticket. I don't have any political aspirations."

King spoke at the Second Baptist Church, 2112 Griffith Ave., and Saturday addressed the convention of the California Democratic Council at Anaheim.

He made it clear he will not vote for President Johnson in his expected re-election campaign.

"A change is absolutely necessary," King said. "We must end the war in Vietnam. President Johnson is too emotionally involved and face-saving is more important to him than peace."

He declined to make a choice between other Democratic candidates, Sens. Robert F. Kennedy and Eugene McCarthy.

Youth Buried

In Tunnel

and committee reports of the convention. Later they moderated their position and agreed to a "coalition on non-negotiable issues of self-determination."

Kenny Darson, chairman of the "black" caucus, said that members of his group will remain within the Peace and Freedom Party rather than walk out as they had threatened.

He told newsmen that the coalition was "an effort to find a way to work together" for common goals like ending the war in Vietnam.

Key item the first two days was argument for support of the release of Negro Huey Newton of Oakland, who is in jail charged with murdering a police officer.

The convention supported a resolution suggested by the militant Black Panther Party. By 10-1 vote the 500-plus delegates agreed to work to free Newton by "what ever means necessary."

In addition, P and F party members agreed to support the Black Panther movement "down the line."

Berkeley's sit-in leader Mario Savio and former professor Robert Scheer have emerged as conservatives in the militant P and F movement.



Mr. PREYER. Will the clerk distribute the exhibit to the witness, please.

Mr. LANE. There is, so far as I can see, no indication on MLK exhibit F-51 as to what page this item is on which, of course, is quite relevant. And I wonder if we could have not a doctored version of the exhibit but the whole page so we can see what it is you are presenting to us. Is that possible?

This is what we have. It doesn't even have a date, except one typed on. It doesn't have a date from this paper. We don't know where it appeared on the page or what page it appeared on. May we have the whole newspaper?

Chairman STOKES. Mr. Chairman, the total document that the committee has is now before the witness. We have not yet posed any questions to the witness with reference to it. We have just furnished the exhibit.

Mr. LANE. May we ask at this time that the committee, instead of taking a little excerpt from a newspaper, that the relevant question of whether this man saw it, if we can find out where it appeared and the date, because there is no date except a typewritten date and there is no indication what portion of the page or what page it appeared on.

Mr. PREYER. The document is not being offered into evidence at this time. It is being offered for the purpose of assisting the witness in answering the question.

Mr. Stokes may proceed with the question, and we will see what the ruling might be if it is offered into evidence.

Chairman STOKES. Mr. Ray, the exhibit before you from the Los Angeles Herald Examiner reflects an article entitled "Dr. King Won't be Political." The question to you is whether or not you ever recall having seen that article.

Mr. RAY. No; I never recall seeing this.

Mr. LANE. In the interest of fairness and full disclosure, may we know on what page this appeared and where on the page it appeared?

Mr. PREYER. Objection overruled. He is simply being asked a very simple question whether he recalls ever having seen that document.

Mr. LANE. My question was very simple, too, as to the production of a whole page.

Chairman STOKES. Mr. Ray, do you recall on or about that time either hearing on the radio or seeing on the television anything about Martin Luther King?

Mr. RAY. No; I don't recall. He's talking about the Vietnam war now. I saw that on there. That wasn't my concern. That was the Government's concern.

Mr. LANE. I would like the record to reflect the headline under it, only a short little story, "Youth buried in tunnel," which has the same size headline as this, indicating to me it is a very tiny little story probably on the back page—

Mr. PREYER. Mr. Stokes has a right to question the witness about the document. That is the only purpose it is being offered. The objection is overruled. Mr. Stokes.

Chairman STOKES. Mr. Ray, did you at that time know that Dr. King was headquartered in Atlanta, Ga., that he had the SCLC offices there, that he lived in Atlanta, Ga.?

Mr. RAY. No, sir.

Chairman STOKES. When you left Los Angeles about that time, when did you leave?

Mr. RAY. I don't know, sir. It is around the date of this newspaper.

Chairman STOKES. Somewhere around the 18th of March?

Mr. RAY. Yes; that's correct.

Chairman STOKES. When you left, were you leaving permanently?

Mr. RAY. Yes.

Chairman STOKES. And where were you going?

Mr. RAY. New Orleans.

Chairman STOKES. And your purpose for going to New Orleans was what?

Mr. RAY. To meet Roual.

Chairman STOKES. And you had those type arrangements with Raoul?

Mr. RAY. Yes; that's right.

Chairman STOKES. That you would go to New Orleans and what would you do from there?

Mr. RAY. We would go to—I am not entirely certain about going to Atlanta. As I testified yesterday, I was taking a locksmithing course, and I was concerned about where I would be at in the future so I could have the course transferred wherever I was at. I think in a telephone conversation, with not Roual but some other individual, I might have asked about where we were going or something like that so I would know where we would be in the future. I don't know if Atlanta was mentioned or not. So I am not positive on that.

I do know I never filed a change of address, but I'm just not positive on that particular point.

Mr. LANE. May we have a moment to confer, please?

Mr. PREYER. Certainly.

Mr. LANE. I wonder if the record reflects that Mr. Ray went to Los Angeles in November and was there from November to March, and I wonder if there are any newspaper clippings in November stating that Dr. King was going to be in Los Angeles in March? I think that would be the relevant area, not whether Dr. King came to a city where he was living many, many months after he moved there. Are there such clippings?

Chairman STOKES. Mr. Chairman, may I proceed with questioning the witness?

Mr. PREYER. Mr. Stokes may proceed with the questioning. We are hearing from Mr. Ray right now. Not arguing the question—

Mr. LANE. Doesn't it seem unfair to indicate that he was living in a city which Dr. King visited? We all lived in cities that Dr. King visited. Los Angeles is a major city.

Mr. PREYER. We are here to hear Mr. Ray's answer.

Mr. LANE. It should be in the context of truth and full disclosure, Mr. Preyer, not deception.

Mr. PREYER. Mr. Lane, the witness appears willing to answer. The questions being asked are entirely proper. No member of the committee has ever cut off Mr. Ray on any answer. He has been able to explain fully. I think we can move along much quicker if we do not have interruptions of this sort and let the witness answer. Proceed, Mr. Stokes.

Chairman STOKES. Now, you were using the name "Eric S. Galt" in Los Angeles, weren't you?

Mr. RAY. Yes, sir.

Chairman STOKES. So that we understand, when you left Los Angeles, somewhere around the 18th of March, 1968, you were going to New Orleans?

Mr. RAY. That's correct.

Chairman STOKES. To meet Raoul?

Mr. RAY. Yes.

Chairman STOKES. Do you know where you were going with Raoul after that?

Mr. RAY. I'm not 100 percent certain on that. As I mentioned, I was concerned about this locksmithing course. And I may have asked him on the phone where we were going at, how long we were going to be there, something of that nature. But I just can't recall after 10 years just a telephone conversation.

Chairman STOKES. What date were you to meet Raoul in New Orleans?

Mr. RAY. I'm not certain of that, but it would have been some time around March 20 or 21.

Chairman STOKES. At any rate, when you left Los Angeles, are you telling us you had no intention of going to Atlanta, Ga.?

Mr. RAY. I may have, we may have discussed it on the telephone. When I spoke on the telephone, it was not a—Raoul—an English-speaking individual. Upon inquiry from me, he may have said we are going to Atlanta. But I'm just not positive about that. I know as soon as I got to Atlanta, I did file for this locksmithing course and wrote to them and asked them to send the course to Atlanta because I was not certain just how long I would be there.

Chairman STOKES. Isn't it a fact that when you left Los Angeles, you knew you were going to Atlanta, isn't that true?

Mr. RAY. I'm not 100 percent certain about that. I have a recollection Atlanta was mentioned but I can't be 100 percent certain.

Chairman STOKES. But didn't you execute a change of address card before you left Los Angeles?

Mr. RAY. No, I didn't. I'm positive I didn't.

Chairman STOKES. I ask the clerk to furnish the witness and his counsel MLK exhibit No. F-52.

Mr. PREYER. Will the clerk furnish exhibit F-52 to the witness and counsel, please.

Chairman STOKES. Counsel, is the witness ready?

Mr. LANE. Yes, he has read it, Mr. Stokes.

Chairman STOKES. Mr. Ray, what was your address in Los Angeles, Calif.?

Mr. RAY. 5533 Hollywood Boulevard.

Chairman STOKES. At that time your name was Eric S. Galt?

Mr. RAY. Yes, that's right.

Chairman STOKES. And does the name "Eric S. Galt" appear on the exhibit which purports to be a change of address postal order card?

Mr. RAY. Yes, that's correct.

Chairman STOKES. And is the name "Eric S. Galt" on this postal change card your signature?

Mr. RAY. Yes.

Chairman STOKES. Does the card reflect the change of address as being permanent or temporary?

Mr. RAY. It's got temporary.

Chairman STOKES. And what is the temporary date?

Mr. RAY. April 25, 1968.

Chairman STOKES. And does it indicate what your new address will be?

Mr. RAY. Atlanta, Ga.


Chairman STOKES. Where in Atlanta, Ga.?

Mr. RAY. General delivery, main post office.

Chairman STOKES. Mr. Chairman, I ask that this exhibit be entered into the report at this point.

Mr. PREYER. The document is ordered entered into the record at this point.

[Whereupon, exhibit MLK F-52 was entered into the record, and follows:]

CHANGE OF ADDRESS ORDER		
MAIL OR DELIVER TO POST OFFICE OF OLD ADDRESS		
THIS ORDER PROVIDES FOR THE FORWARDING OF FIRST-CLASS MAIL AND ALL PARCELS OF OBVIOUS VALUE (unless you or the sender direct otherwise)		
CHECK IF	FORWARDING POSTAGE IS GUARANTEED FOR <input type="checkbox"/> NEWSPAPERS AND MAGAZINES	Postmaster (Post Office, State, and ZIP Code)
	CHANGE FOR <input type="checkbox"/> ENTIRE FAMILY OR FIRM <input checked="" type="checkbox"/> INDIVIDUAL SIGNER ONLY	
	CHANGE IS <input type="checkbox"/> PERMANENT <input checked="" type="checkbox"/> TEMPORARY UNTIL (Give date) 4-25-68	
	ENDORSEMENT OF CLERK OR CARRIER DATE ENTERED	
FOO Form 3573, Ed. 1/65		55-30-74270-1
COMPLETE OTHER SIDE ▶		

MLK EXHIBIT F-52

NAME	GALT, ERIC S. <small>Print or Type—Last Name First</small>	Effective Date
OLD ADDRESS	5533-HOLLYWOOD, BLVD. <small>Post Office, State, and ZIP Code</small>	<i>4/12/68</i>
NEW ADDRESS	HOLLYWOOD, Calif. 90028 <small>Post Office, State, and ZIP Code</small>	
SIGN HERE	GENERAL DELIVERY MAIN POST OFFICE <small>Post Office, State, and ZIP Code</small>	
	ALANTA, GEORGIA. <small>(If signed as agent, include title) DO NOT print or type</small>	
	x. <i>Eric S. Galt</i>	

COMPLETE OTHER SIDE 45-15-73670-1 00014

MLK EXHIBIT F-52—(CONTINUED)

Chairman STOKES. Mr. Ray, I ask you now, since you have seen this change of address card, does it refresh your recollection as to your intent to go to Atlanta, Ga., when you left Los Angeles?

Mr. RAY. I have some recollection discussing Atlanta, Ga., by telephone. I am certain of that. But in respect to this change of address, I thought I filed that at Atlanta, Ga.

Mr. LANE. May I observe this is the first exhibit that I have noticed which is being held up for everyone to see. Can we have the same thing happen with the Wood exhibit so that everyone can see that? Or will that interrupt your question more than this will interrupt your question?

Chairman STOKES. Mr. Ray, I will ask you to look at the change of address order further and tell us whether or not a postal mark appears on there.

Mr. RAY. Yes; there's a postal mark.

Chairman STOKES. Does it say what city it's posted in?

Mr. RAY. Well, I can't see it, but I assume it was in Los Angeles, yes.

Chairman STOKES. Would that then refresh your recollection that you posted it in Los Angeles, Calif., before you left there?

Mr. RAY. Yes; I will accept this was posted in Los Angeles.

Chairman STOKES. Now, when you left Los Angeles, did you go to New Orleans?

Mr. RAY. Yes; that's correct.

Chairman STOKES. How long did you stay there?

Mr. RAY. Very briefly. I made a telephone call to the individual that I was supposed to call, and he wasn't there. They said to go ahead or

to Birmingham. But first I dropped off some material to a woman named "Marie Martin."

[Pause.]

Chairman STOKES. If the Chair will indulge me just a moment.

I ask that the clerk furnish counsel with a copy of exhibit F-25.

Mr. PREYER. The clerk will please furnish counsel with a copy of the document.

Chairman STOKES. I understand he has already been furnished a copy of that and it is a full and complete transcript of the interview with Dan Rather.

Mr. LANE. May I ask the rules of the committee. Do some selected exhibits get enlarged and do all of them that we are talking about? We would like to know what the rules are.

Mr. PREYER. The committee will present its evidence and arrange its questioning and its—

Mr. RAY. I think that is for the benefit of George McMillan.

Chairman STOKES. To your left, under the yellow papers.

Mr. LANE. What is the number?

Chairman STOKES. F-25.

Mr. LANE. The edited one of yesterday or the full one of today, Mr. Stokes?

Chairman STOKES. May I refer—

Mr. LANE. They are both marked "25."

Chairman STOKES. May I refer counsel and the witness to page 13 of the document now before the two of you. I understand there are two transcripts there together, Mr. Lane, and it is the second section of page 13.

Mr. LANE. This is the unedited transcript of the second section; is that correct? You are on page 13 of that document now.

Chairman STOKES. Mr. Ray, have you had a chance to look at page 13 of this document?

Mr. RAY. This is the first time I read it.

Chairman STOKES. Let me refer both of you to the bottom of page 12 from which we will commence questioning.

Mr. RAY. Yes; I have read that.

Chairman STOKES. Mr. Ray, I will ask you this question, referring you to the bottom of page 12 of that transcript and the top of page 13, whether this question was asked of you by Mr. Dan Rather:

Roughly a month before the Martin Luther King killing, you left California and were coming back to the deep South. The question is whether you left a forwarding address in California for Atlanta.

RAY. I think—when I left, no, I—I—I can say with almost certainty under oath that I didn't leave no forwarding address.

RATHER. You were coming back to the deep South. Why?

RAY. Well, that was on request to New Orleans, but there was never, in fact I never, I never knew I was going to Atlanta until I arrived in Birmingham, and there was no forwarding address and, of course, that would be very damaging against me, but I am just one hundred ninety-nine percent positive there was no forwarding address. If I would have left it anywhere, it would have been Birmingham. That is where I had my identification.

Were those questions asked of you by Mr. Dan Rather and were those your replies?

Mr. RAY. I assume he asked me. He interviewed me for about 4 hours. I assume that is one of the questions, yes, sir.

Chairman STOKES. Do you now upon reflection agree that if that in fact is the truth that that is damaging?

Mr. RAY. When I gave this interview, I didn't review any documents. This was purely on recollection. There was no money involved or anything else. He just wanted an interview for commercial reasons, I suppose. And in respect to this, in respect to the change of address, I do recall making change of address in Los Angeles once from the Serrano Street address to the Hollywood Boulevard address, but I don't recall making this change of address, although I guess I did. It has been 10 years, but I thought I made this change of address in Atlanta. But I do recall telling someone that I—I mentioned on the phone to Roul or someone else, the Atlanta question was raised, and I very well could have filed the change of address in Los Angeles instead of waiting until I got to Atlanta. But still I think, still it is my recollection that I filed it in Atlanta.

Chairman STOKES. Tell us why you told Dan Rather that if you did that that would be damaging?

Mr. RAY. Well, I can't really explain why if I told Dan Rather that. He was very—looking for details that apparently he knew about that I didn't, so I don't know who sent him down there to ask those questions. I know he was somewhat—his producer was somewhat hostile, as CBS has always been hostile, so I suppose he wanted to catch me up in some inadvertent error and possibly later use it against me in court in some manner.

Chairman STOKES. But Mr. Rather didn't use the word "damaging," you used the word "damaging," isn't that true?

Mr. RAY. I probably thought it would have been, if I hadn't given it a lot of thought.

Chairman STOKES. Now after you arrived in New Orleans then, this would have been about the 20th of March?

Mr. RAY. Yes; approximately the 20th of March.

Chairman STOKES. And the message given you was to meet Raoul in Birmingham, Ala.; is that right?

Mr. RAY. That is correct.

Chairman STOKES. And then shortly thereafter you left New Orleans and you went to Birmingham; is that correct?

Mr. RAY. That is correct.

Chairman STOKES. Then when you were traveling by the way, you had maps with you, didn't you.

Mr. RAY. Sometimes, but you can still get turned around even if you have a map. I can anyway.

Chairman STOKES. Also at all times when you were traveling you carried a gun with you, didn't you?

Mr. RAY. Not always. Usually, but not always.

Chairman STOKES. Usually but not always.

Mr. RAY. That is correct.

Chairman STOKES. When you left New Orleans, when you left Los Angeles going to New Orleans, did you have a gun with you?

Mr. RAY. From Los Angeles to New Orleans?

Chairman STOKES. Yes.

Mr. RAY. Yes; that is correct.

Chairman STOKES. Now—

Mr. RAY. I didn't have a rifle; I had a pistol.

Chairman STOKES. The gun you bought from Gawron?

Mr. RAY. Yes; that is correct.

Chairman STOKES. Now, on your way to Birmingham, I believe you told us you got off the road, you accidentally ended up in Selma, Ala., where you spent the night of March 22; is that correct?

Mr. RAY. I didn't quite understand that question, Mr. Stokes.

Chairman STOKES. OK. When did you go to Birmingham?

Mr. RAY. The following day, after I left New Orleans. I stayed in the hotel outside of New Orleans the day I arrived there and the next day I went to Birmingham.

Chairman STOKES. And when you arrived in Birmingham, where did you stay?

Mr. RAY. In Birmingham?

Chairman STOKES. Yes, sir.

Mr. RAY. No; I didn't stay anywhere in Birmingham.

Chairman STOKES. I am sorry.

Mr. RAY. We left Birmingham. I didn't stay in Birmingham when you are referring to.

Chairman STOKES. OK, what we are trying to do is pick up your trip when you left New Orleans. Tell us where you went from New Orleans.

Mr. RAY. I went from New Orleans, I went from New Orleans to Birmingham. I was late in getting in New Orleans.

Chairman STOKES. Did you stop anywhere between New Orleans and Birmingham?

Mr. RAY. Yes, sir, I stayed overnight in a motel in Selma, Ala.

Chairman STOKES. Would that have been March 22, 1968?

Mr. RAY. Approximately that date, yes.

Chairman STOKES. I will ask the clerk to furnish counsel and the witness with MLK exhibit F-53.

Mr. PREYER. Will the clerk furnish the exhibit to counsel and the witness.

[Document handed to counsel and witness for their inspection.]

Mr. RAY. Yes, I stayed in the Flamingo Motel. I gave William Bradford Huie this information 10 years ago; that is correct.


Chairman STOKES. And the exhibit now before you, which represents a receipt from Flamingo Motel, dated March 22, 1968, is a receipt furnished you when you registered at the Flamingo Motel March 22; is that correct?

Mr. RAY. Yes, sir.

Chairman STOKES. And I will ask, Mr. Chairman, that this exhibit be entered into the record at this point.

Mr. PREYER. The exhibit is ordered into the record at this point.

[Whereupon, exhibit MLK F-53 was entered into the record, and follows:]

FLAMINGO MOTEL			
Selma, Alabama			
Date	<u>Mar 22-68</u>	Room No.	<u>3</u> \$ <u>8.00</u> <u>32</u>
Name	<u>Eric S. Galt</u>		<u>8.32</u>
Street	<u>2608 Highland ave.</u>	City	<u>Birmingham</u>
Make of Car	<u>Mustang</u>	State	<u>Alabama</u>
		License No.	<u>138993</u>
			

MLK EXHIBIT F-53

Chairman STOKES. Since you were on your way to Birmingham, why did you stop in Selma?

Mr. RAY. It was dark.

Chairman STOKES. That is your sole reason?

Mr. RAY. Yes; usually I slept at night.

Chairman STOKES. And you stayed the night there and then left the following day?

Mr. RAY. Yes.

Chairman STOKES. Now, you said you had maps with you, didn't you?

Mr. RAY. I had several maps. I don't know just maps they were, yes.

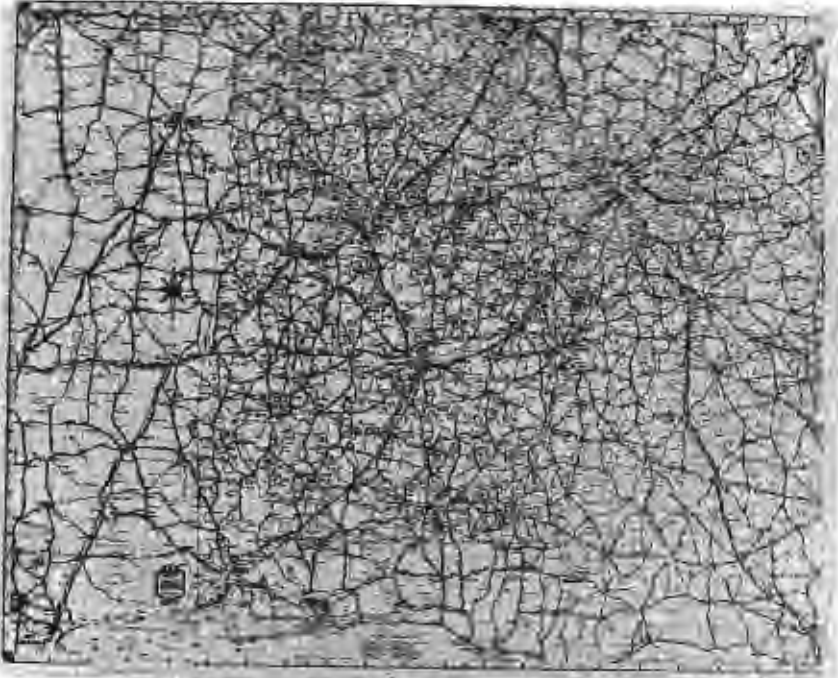
Chairman STOKES. Now, from New Orleans to Birmingham, is Selma on the direct route to Birmingham?

Mr. RAY. I don't know. I think I got on the wrong road. Alabama has sort of a, well, the roads are not quite like they are in some other places. I think I did get on the wrong road and, consequently, I made a little detour, somewhat of a detour. I could point the road out on a map, I am sure, from New Orleans to Selma.

Chairman STOKES. I ask the clerk to furnish the witness and counsel exhibit F-21, and also if the Chair without objection, will enter MLK F-21 into the record.

Mr. PREYER. Without objection, the Chair ordered MLK F-21 be entered into the record.

[Document handed to the counsel and witness for their inspection.]



MLK EXHIBIT F-21

Mr. LANE. Is it possible to furnish us with a Xerox copy which is legible so we can read something on it? It would be helpful.

Chairman STOKES. How about the large exhibit to your left?

Mr. LANE. Much larger and much further from us. If it could be brought here we could look at it, or if we can go there we can look at it.

Chairman STOKES. Bring it to the witness table, please.

Mr. LANE. Thank you very much.

Thank you very much.

Chairman STOKES. Has the witness had an opportunity to review the exhibit?

Mr. LANE. Yes; and we have made an indication on our little illegible exhibit where New Orleans, Selma, and Birmingham are. If there are questions about that, this map will be useful.

Chairman STOKES. We will ask that the exhibit be brought back over and in the presence of the witness we are going to ask Mr. Gene Johnson, counsel for the committee, to explain for the committee and to the witness the route from New Orleans to Birmingham in relation to Selma, Ala. Then we will have further questioning of the witness.

Mr. LANE. Are you suggesting there is only one way to go from New Orleans to Birmingham, or are there other alternate ways? We have a question.

Chairman STOKES. We will ask the two main routes be explained to the committee.

Mr. JOHNSON. Excuse me, Mr. Chairman. Do you want it brought over to the witness?

Chairman STOKES. I want the witness to be able to see.

Mr. JOHNSON. Looking at the map from left to right, I am pointing, in the lower left-hand corner is New Orleans. At the upper portion of the map is Birmingham, Ala. The direct route—incidentally, Mr. Chairman, this is a 1968 map of the State of Louisiana, Mississippi, Alabama, and Georgia.

Proceeding the direct route from New Orleans to Birmingham, starting in the lower left-hand corner of the map, you go north to Meridian and then straight to Birmingham. To go the other route is to come by way of Montgomery to Birmingham. The two points in between, which is Meridian, Miss., proceeding north to Birmingham, going the eastward route, proceeding north to Birmingham, is Montgomery. Selma, Mr. Chairman, is halfway in between. So if one would take the east route, the two direct routes going to Birmingham, then one would get to Montgomery and then proceed west again to get to Selma. If one would take the west route going north to Birmingham, one would get to Meridian and proceed directly east to get to Selma.

Mr. PREYER. Thank you, Mr. Johnson.

Mr. LANE. I would like to object to the statement. I wonder if we can see the chairman now? Thank you.

I would like to object to the statement, without being a navigator, that Selma is directly in between the two routes.

Just by looking at the map you can see Selma is not very far from Montgomery and is nowhere near the middle of the two routes.

Mr. PREYER. The map will speak for itself.

Mr. LANE. Yes; it will speak for itself. That is why that comment should not have been made, especially since it is inaccurate.

Mr. RAY. Mr. Stokes, 10 years ago William Bradford Huie asked me the same question and I explained to him I got off on the wrong road sometime during that evening and ended up in Selma, Ala., and it was dark and I stayed in Selma that night.

Chairman STOKES. I will ask that the witness be furnished also a copy of exhibit F-56.



Mr. LANE. What we have, which you have labeled exhibit F-56; MLK, are portions of reprints of four different pages.

Chairman STOKES. Do you have copies of the entire newspaper here, counsel?

Mr. LANE. I beg your pardon?

Chairman STOKES. The entire front page is—

Mr. LANE. I think the two of them put together do end up being the front page, in one case, and two unidentified, almost illegible other pages. I wonder if we could know the page number, the newspaper, date, something which would make this a document which we can deal with, as one would ordinarily do in a court.

Mr. PREYER. Perhaps the clerk will—

Chairman STOKES. It is the Selma Times Journal, March 21.

Mr. LANE. Now what we have—

Chairman STOKES. We are not asking for testimony from counsel about what he has. We are merely furnishing him at this point a copy of an exhibit from which I request the right to interrogate.

Mr. LANE. We would like to have this second page identified. We don't know what newspaper, what date or what page. It is not identified.

Mr. PREYER. Mr. Stokes may proceed with his questioning, then if there are questions about identifying it, we will attempt—

Mr. LANE. I will object to any question about this unidentified newspaper, page, and date.

Chairman STOKES. Mr. Chairman, we are showing the witness a copy of the Selma Times Journal, the front page, dated March 21, 1968.

Has the witness had a chance to review it?

Mr. RAY. I think you wanted me to read about the—

Chairman STOKES. All right. Did you when you arrived in Selma purchase a newspaper?

Mr. RAY. No, sir; it was nighttime when I arrived.

Chairman STOKES. Calling your attention to that exhibit, you see an article there entitled "King Henchman Promises Tie-Up Of Washington With Shanties."

Mr. RAY. Yes, I see that.

Mr. LANE. I object to any question about this undated, unnumbered, untitled page. We are entitled to know what this comes from.

Mr. PREYER. We will see what the question is.

Mr. LANE. He asked the question, Mr. Preyer. He has asked the question. That is why I am objecting under your rule 3.5.

Mr. PREYER. I believe the clerk is putting this together here in the form of a full front page of a newspaper. Perhaps it would be more understandable for you.

Mr. LANE. We have the front page. It is the undated, untitled unnumbered page, which the question was asked about. That is not the front page.

Chairman STOKES. It is all one page. It is all one page.

Mr. LANE. All one page?

Mr. PREYER. It makes up the front page of the paper?

Chairman STOKES. Yes.

Mr. PREYER. We will present this in this form to you. I think counsel fully understands it is one page.

Mr. LANE. Yes. That is fine, thank you.

Chairman STOKES. All right. Mr. Ray, do you recall ever having seen this newspaper with this article entitled "King Henchman Promises Tie-Up Of Washington With Shanties," which indicates in the article Dr. King is in the Linden-Camden area at the same time you are in Selma?

Mr. RAY. Yes. I didn't have no advanced knowledge of his movements, naturally, so it says here, this paper is dated——

Chairman STOKES. March 21.

Mr. RAY. March 21. I was in Selma on March 22. In other words, he was already gone when I arrived there.

Chairman STOKES. At any rate, so that we understand, your sole reason for being in Selma was that it was nighttime and you had gotten onto the wrong road?

Mr. RAY. That is correct.

Mr. LANE. Is it not true this paper came out the day before Mr. Ray arrived in Selma? Isn't that the fact? If so, what are we asking these questions about? You have given him a receipt showing he was there on the 22d, then showing what was in the newspaper the day before. I think that is very misleading, unless the American people are understanding exactly what it is you are trying to do here.

Chairman STOKES. I think the American people can understand.

Mr. LANE. I do think so.

Mr. RAY. I am sure I wouldn't buy a newspaper a day old. It probably wouldn't be on the newsstand. I am positive I never saw that article.

Chairman STOKES. OK Mr. Ray, after leaving Birmingham, you drove on March 23, 1968, to Atlanta, and you then took a room at Garner's roominghouse; is that correct?

Mr. RAY. That is correct.

Chairman STOKES. And then you stayed in Atlanta until March 28, didn't you?

Mr. RAY. That is correct.

Chairman STOKES. Then you went to Birmingham where you stayed at a local motel near the downtown area. This is when you purchased the 30.06 rifle?

Mr. RAY. That is correct; yes, sir.

Chairman STOKES. Using the name Harvey Loemeyer, instead of your correct name?

Mr. RAY. Yes.

Chairman STOKES. Now, you said in your statement to us here that after purchasing the rifle you didn't return to Atlanta, isn't that true?

Mr. RAY. That is correct, yes.

Chairman STOKES. Do you want to change anything at all about that statement?

Mr. RAY. No, I don't want to change that one regardless of how many documents you have up there. I know I didn't return to Atlanta. If I did, I will just take the responsibility for the King case here on TV.

Chairman STOKES. Well, you purchased the rifle on what date?

Mr. RAY. I believe it was April 29, wasn't it? March 29; yes.

Chairman STOKES. And then did you leave Birmingham on the 29th?

Mr. RAY. At one time I thought I did but since reviewing the State's document I left on the 30th, heading toward Memphis.

Chairman STOKES. You stayed in Birmingham the 29th and the 30th?

Mr. RAY. Well, I stayed in Birmingham on the 29th, the night of the 29th and night of the 30th.

Chairman STOKES. At the same place, the Flamingo?

Mr. LANE. That is in Selma. We are now talking about another place entirely, are we not?

Chairman STOKES. Unfortunately, we can't let you testify here.

Mr. LANE. Beg your pardon? I think it is a deceptive question, unless you misunderstood.

Chairman STOKES. Mr. Ray, where did you stay the 29th and 30th?

Mr. RAY. Pardon?

Chairman STOKES. Where did you stay the 29th and 30th?

Mr. RAY. I stayed in a motel in Birmingham. I believe counsel gave it, it is the Town House. I don't recall the name of the motel, but I think the committee has a record of it.

Mr. LANE. If you have the record we would like Mr. Ray to be shown it to refresh his recollection.

Chairman STOKES. You left the Travel Lodge in Birmingham on the 30th?

Mr. RAY. That is correct.

Chairman STOKES. And where did you go from there?

Mr. RAY. Well, I picked up the other rifle, but I don't know if I picked it up before I left the motel or after. But when I did leave Birmingham on the 30th I went to Decatur, Ala., and I checked in the motel in Decatur that night.

Chairman STOKES. That is what date?

Mr. RAY. That would be the 30th,

Chairman STOKES. How long did you stay there?

Mr. RAY. One night.

Chairman STOKES. Then where did you go?

Mr. RAY. If I had a map I could pick out all these towns I stayed between March 30 and April 3. I know I stayed in Decatur one night. Would it be possible if I had a map?

Chairman STOKES. Mr. Ray—

Mr. RAY. Pardon.

Chairman STOKES. Where did you go after that?

Mr. RAY. After Decatur?

Chairman STOKES. Yes.

Mr. RAY. Decatur, I know I was going to get a haircut there, and on this certain day the barber shops were closed. I don't know what date was—what date was the 31st. That would have been a—

Chairman STOKES. A Sunday.

Mr. RAY. That would have been the 1st, a Sunday. It wasn't Sunday because I would have knew the barber shop would have been closed on Sunday. We will get the dates straightened out in a second.

Mr. LANE. I wonder if you have a calendar for 1968 available? That might be useful.

Chairman STOKES. The 30th was a Saturday. The 31st was a Sunday.

Mr. LANE. The 30th was a Saturday? I don't think that is correct. I might be wrong. Then again, maybe the Selma Times Journal was wrong that date.

Chairman STOKES. You have before you the Selma Times Journal which shows——

Mr. LANE. Thursday was the 21st.

Chairman STOKES. So you can work from there.

Mr. LANE. That means Thursday would be the 28th.

Do you have a calendar for 1968 which we could look at? If not, we will try to reconstruct one.

Chairman STOKES. Are you having difficulty reconstructing it from the 21st?

Mr. LANE. We are talking about a lot of dates. I can add, Congressman Stokes, and perhaps we can all do that. Generally in a court when you are dealing with dates and days you are provided with a calendar so there is no question about that. If there is, if the committee has not been able to go through its investigation uncover a calendar for 1968, we will make one up right here.

Mr. RAY. Incidentally, I gave William Bradford Huie the names of the cities I was in, even drew him diagrams between April 29 and March 29 and April 3. So, I am sure the committee has Mr. Huie's records.

Mr. LANE. We have a little make-shift calendar which we hope is accurate and the witness is now ready utilizing this little document to answer whatever questions you might have about the dates and days.

Chairman STOKES. Thank you. Mr. Ray, if you will go back to the date you left Birmingham. We want to have you reconstruct for us what you did from the time you left Birmingham until you arrived in Memphis on the 3d, where you went.

Mr. RAY. Well, before I left Birmingham, I had a conversation with Roual and he mentioned I should be there at a certain date and it was the 30th and I had, I think, 3 or 4 days so I drove slowly from Birmingham to Memphis and I started out March 29 and the first——

Mr. LANE. I'm sorry, my map is wrong; I left out the 29th. Excuse us just a moment. I think my calendar is not an accurate one.

Mr. PREYER. The record indicates the newspaper is dated on Thursday, the 21st, and the Chair will take judicial notice that dating from that period the 31st is on a Sunday.

Mr. LANE. We have arrived at the same conclusion, Mr. Preyer.

Mr. PREYER. Mr. Stokes.

Chairman STOKES. Mr. Ray.

Mr. RAY. Yes, sir.

Chairman STOKES. Are you finished telling us what you did?

Mr. RAY. Well, I meant after this conversation I started a slow trip toward Memphis on the 29th. I stayed one night in Decatur, Ala. The only thing I can remember about this particular city I stayed in, I am pretty sure it was Decatur, the main part of town was on your right and you had to drive off the highway and go up some kind of small road, not a small road, but a regular road, and if this was the city, then I did attempt to get a haircut in this certain town. It wasn't a Sunday, and they said the barber shops were closed down on that day.

Another day, probably April 1, I stayed in Clinton, Miss., and I stayed in another city during that period, but I can't recall it but I gave this information to William Bradford Huie. If I had a map I could point the city out on the map. In fact, I could point the route out.

Mr. LANE. In order to refresh the witness' recollection we ask for two things at this time, because he has exhausted his recollection, as he told you. One is a map of the area, and, second, the notes which you have in Mr. Ray's own writing which he gave to Mr. Huie. We ask for those documents to be given to Mr. Ray to assist him of his recollection of an event which took place more than 10 years ago.

Chairman STOKES. Mr. Chairman, I would like at this time to refer the witness to his testimony given to this committee yesterday, at page 21, so he might refresh his recollection.

Mr. RAY. All right.

Chairman STOKES. Does that refresh your recollection when you look at your testimony?

Mr. RAY. If I mentioned those cities—did I mention those cities in the statement?

Chairman STOKES. Do you have your statement before you, sir?

Mr. RAY. I have it, sir, but I don't believe—just a second. Yes, I have it.

Chairman STOKES. Let me refer you to page 21 of your testimony and see if that refreshes your recollection.

Mr. RAY. Yes; that is correct. Yes, I am on page 21.

Chairman STOKES. Does that now refresh your recollection?

Mr. RAY. Not completely, but I think there is still a town or two there that may be not on here. Corinth, Miss. I did stay in Corinth, Miss., one night, probably April 1. DeSoto should be the DeSoto Motel. I don't know if that is in DeSoto, Miss., or some other city, but I stayed there April 2 in the DeSoto Motel right outside of Memphis. Mr. Ford may know about that area.

Chairman STOKES. What date would that then be when you were right outside of Memphis?

Mr. RAY. April 2.

Mr. LANE. I would like to renew my request. Some many, many years ago, not too long after the event, Mr. Ray wrote this all out in handwriting and gave it to Mr. Huie. I understand the committee has this. It would certainly be useful to help him refresh his recollection, better than yesterday's testimony. These are events that took place 10 years ago. May he just have a chance to look at that material?

Mr. PREYER. The objection is overruled. He is being asked to refresh his recollection for the purpose of this question from yesterday's testimony, and it is a proper question.

Chairman STOKES. Mr. Ray, would it help you if I told you that based upon your testimony to this committee at Brushy Mountain Penitentiary that this committee visited with Mr. Garner and we were told by Mr. Garner that he recalls that you returned on Sunday, the 31st; that you paid rent for another week, in Atlanta, Ga., and that he furnished this committee with a copy of an envelope which was found in your room after you had left Atlanta?

Mr. RAY. He said I paid rent on April—March 28?

Chairman STOKES. He has it down as March 31, 1968.

Mr. RAY. March 31?

Chairman STOKES. Yes, sir.

Mr. RAY. He is in error. I paid rent. I left some articles in the room and I paid the rent the same day. I think this question could be cleared

up very easily, sir. I put some clothing in the Piedmont Cleaners in Atlanta, Ga., on approximately March 26 or 27. William Bradford Huie and the FBI contend I came back on April 1 and picked those clothing up. They said the receipt would show that. And it is my contention this receipt would not show that I came back to Piedmont Cleaners on April 1 and I think the FBI has the receipt. So I assume this committee has the receipt.

Chairman STOKES. I will ask at this time that the clerk furnish the counsel and the witness a copy of F-59 exhibit, and that the Chair at this time make F-59 a part of the record.

Mr. PREYER. Without objection, MLK F-59 will be ordered into the record. Will the clerk please furnish the witness and counsel a copy of F-59.

PIEDMONT LAUNDRY
 Jackson 5-8393 Atlanta, Georgia Date April 1 19 68
 Name Eric Sact
 Address _____
 Source _____ Mark 1-31
 1 93 8-7J

	DESCRIPTION	PRICE
	3-PC SUIT	
	2-PC SUIT	
1	COATS <u>Belk ck</u>	65
1	TROUSERS <u>Ray</u>	65
	OVERCOATS	
	SHIRTS	
1	TIES <u>Belk w/ tan 9-10-57</u>	25
	JACKETS	
	DRESSES	155
	BELTS	
	SKIRTS	
	POUSES	
	SUITS	
	COATS	
	SWEATERS	
	BLANKETS	
		155

RETURN 7
 MADE IN U.S.A.

PIEDMONT LAUNDRY
 Jackson 5-8393 Atlanta, Ga. Date April 1 19 68
 Name Eric Sact

SOURCE 83 MARKER EXHIBIT 10 PIN NO. _____
 1/2 HR REG M T W T F S
 NO STARCH ON HANGERS 19-30
 LT. STARCH HVY. STARCH FLUFF DRY folded

3	Shirts (2-B)	Dresses
1	Drawers	Slacks
1	Undershirts	House Coats
	Pajamas	Slips
	Union Suits	Gowns
1	Sax Pr.	Shirts
	Handkerchiefs	House Coats
	Polo Shirts	Uniforms
	Shirts	Belts
	Pants	
	Coat	
	Jackets	
	Overall Comb.	
	Bath Robes	
	Bath Towels	
	Wash Cloths	
	Laundry Soap	
	Hand Towels	
	Sheets	
	Pillow Cases	
		TOTAL

STARCH

MLK EXHIBIT F-59

Mr. LANE. I wonder if you could provide us with the statement that you said you secured from Mr. Garner, because if it is, if it does say what you said it said, it is completely contrary to the first statement you gave us from Mr. Garner, completely contrary. So we would like to have an opportunity to examine the document which you say provided that information to you. If so, then Mr. Garner made false statements to you and you have submitted these false statements in evidence and have given them to this witness knowing they were false.

Mr. PREYER. You are not testifying at this time.

Mr. LANE. It is a serious matter. If that is accurate, you know this document is a false statement and you gave it to Mr. Ray as if it were an accurate statement. I would like to see that document.

Mr. PREYER. Once Mr. Stokes has asked the question relating to the document. We don't know what the question is.

Mr. LANE. We do know what it is. If that statement is accurate, you knew all along this document which you gave Mr. Ray as an accurate document was a false statement.

Mr. PREYER. You may proceed, Mr. Stokes.

Mr. LANE. We demand to see that document now, Mr. Preyer. It is a very serious breach, a very serious breach taking place here.

Mr. PREYER. The objection is overruled.

Mr. LANE. We may not see that document?

Mr. PREYER. Proceed, Mr. Stokes.

Chairman STOKES. Mr. Ray, have you had an opportunity to review the laundry receipt exhibit?

Mr. LANE. At this time we will not go forward if we cannot see that document. That is completely contrary to the document you gave us from the same source. We should not be questioned about these contradictory statements. If you have given a false document to mislead us originally, we have a right to look at the document.

Mr. PREYER. The question is about the laundry receipt at this time.

Mr. LANE. The previous question was about a new statement from Mr. Garner. If the new statement from Mr. Garner says what Mr. Stokes said it said, you knew it was a false statement when you gave it to us. We are entitled to see that document. The American people who have paid for this are entitled to see that document.

Mr. PREYER. Mr. Stokes.

Chairman STOKES. No new document has been referred to at all.

Mr. LANE. You said Mr. Garner told you he saw Mr. Ray. Is that in the form of a hearsay telephone call or is there a document which you make that statement, because here he says he didn't see him again. He says the last time he saw him was about 1 week after he rented the room and he left his TV set behind and never came back.

Mr. PREYER. The Chair does not understand the nature of the objection. The Chair is not aware what new document you are talking about.

Chairman STOKES. If the Chair—

Mr. PREYER. If Mr. Stokes is allowed to proceed with his questioning, I think we will be able to clarify this, Mr. Stokes.

Chairman STOKES. Mr. Chairman, the precise date that we are talking about Mr. Garner says he saw him was on the 31st when he made the notation on the envelope with reference to getting rent for an additional week.

If I may proceed. Mr. Ray, have you had a chance to look at this laundry receipt document, sir?

Mr. RAY. I have.

Chairman STOKES. And would you tell us the date on there?

Mr. RAY. April 1, 1968.

Chairman STOKES. And what is the name of the laundry?

Mr. RAY. Piedmont Laundry.

Chairman STOKES. And does a name appear on that receipt?

Mr. RAY. Eric Galt.

Chairman STOKES. And when you look at the items that are put into the laundry there, do you have any recollection as to those items being yours?

Mr. RAY. I don't recollect what I put into the laundry, although I did put articles of clothing in the laundry.

Chairman STOKES. Now, this was the laundry, was it not, where you put your laundry?

Mr. RAY. That is correct. What is this? There is two receipts here. Is one of them the date I put the articles in the laundry?

April 1. Is that when I am supposed to have put them in there?

Chairman STOKES. That is the date you put them in there.

Mr. RAY. Took them out April 2, right?

Chairman STOKES. No.

Mr. RAY. It has an April 2 stamp on here.

Chairman STOKES. Friday, April 5. According to the testimony of Annie Estelle Peters at the Piedmont Laundry.

Mr. LANE. May we see that testimony?

Chairman STOKES. Please furnish counsel and the witness with a copy of F-60.

Mr. RAY. Could I read this because I think this is an important area?

Chairman STOKES. I am sorry, I didn't hear you.

Mr. RAY. I say I think this is an important area, and I would like to read this complete paper.

Chairman STOKES. Take all the time you want.

Mr. Lane, in light of the fact that the witness has indicated that is very important and he wants enough time to be able to look it over, I am going to suggest that perhaps we take a recess at this time, Mr. Chairman, that will afford the witness the time he needs.

Mr. LANE. That will be OK. Mr. Ray would like, of course, to take documents with him during lunch to, so he can look at them. Will that be all right?

Chairman STOKES. One thing I think ought to be clarified so the witness is not confused through some of the questions or objections that have been posed. In the exhibit, which is exhibit 42, which is the statement of the investigators of this committee furnished to this committee, at page 4 it says this:

The third time Mr. Garner saw Mr. Ray was on Sunday, 1 week from the day he registered at the roominghouse. Mr. Garner was at 113-14th Street repairing a lock on one of the doors, at which time Mr. Ray came out of his room and offered to help. Mr. Ray assisted Mr. Garner in repairing the lock, and while he was in the hall paid Mr. Garner \$10.50 for a second week's rent in advance. The date being referred to, the Sunday, was March 31, a week from the date that he originally took these premises.

There is no confusion about that point.

Mr. PREYER. The committee will recess in a few moments. Let me again remind the audience that when the witness, James Earl Ray, is leaving the hearing room, that everyone will remain seated and stationary.

The marshals are asked to escort Mr. Ray from the hearing room at this time.

The committee stands recessed until 2 o'clock this afternoon.

[Whereupon, at 12:03 p.m., the committee was recessed to reconvene at 2 p.m. the same day.]

AFTERNOON SESSION

[The committee reconvened at 2 p.m., Hon. Richardson Preyer presiding.]

Mr. PREYER. A quorum being present, the committee will come to order.

I will ask the marshals if they will close the doors and remind everyone to be seated and stationary when Mr. Ray is brought into the room. The marshals will escort Mr. Ray into the hearing room.

[Mr. Ray is escorted into the room.]

Mr. PREYER. At the outset, the Chair would like to make a statement. I don't want to have to continue to interrupt Mr. Lane and I think perhaps many people observing this may feel that this is a courtroom proceeding, but I do wish to state that what is appropriate in a courtroom is not appropriate in a legislative hearing.

The Chair and all the members of the committee want to be fair to Mr. Ray and to give him every opportunity to testify. But when counsel acts as vigorous defense counsel, sometimes that's inappropriate in a legislative proceeding. I know Mr. Lane and Mr. Ray want the opportunity to bring all the facts before the American public and before this committee and I hope that we can present those facts with a minimum of interruption and argumentation. If there are issues on which counsel wishes to argue the case, at the conclusion of Mr. Ray's testimony, he will be allowed the opportunity to make a statement, if he chooses. He may allow Mr. Lane to make a statement for him at that time, and we can raise those issues at that time, but in the meantime, we do have a long way to go and we would like to proceed as smoothly as possible.

The Chair will recognize Mr. Stokes to continue his questioning.

Mr. LANE. We are not ready at this time, Your Honor, to continue—Mr. Preyer, to continue, because as it turns out, exhibit F-60, which you gave to us, the interview of Annie Estelle Peters was again a doctored document and just a few minutes ago after Mr. Ray spent the entire lunch period going over the document, I was given a 16-page document also called exhibit F-60 to replace the 6-page document originally called exhibit 60. The majority of the interview with Ms. Peters was not given to us, although the document indicated that it had been given to us. Since we just received this, Mr. Ray will have to have some time to go over the entire document. We will just plead with you in the future, please do not give us excerpts indicating they are entire documents.

Mr. PREYER. The document is not doctored. You were given the relevant part of the document about which questions will be asked. It is simply an effort to make it convenient for you. Mr. Stokes, I assume that your questions are going to relate only to that portion of the document which you made available?

Chairman STOKES. That is correct, Mr. Chairman.

Mr. LANE. We are not prepared to proceed until we have a chance to read the entire document. We are being asked about a document which is one interview with one witness and this witness may say contradictory things other than the statements which you would like us to look at on the 6 pages. Already we have found some very serious questions raised by looking at this document indicating that even this is not a complete document.

There is obviously an interview which preceded this one, and there is reference to it, but it is not available to us. This is very unfair, whether it is a courtroom or congressional inquiry—very unfair.

Chairman STOKES. Mr. Chairman, the questions that I will propound to the witness cover a very narrow portion of the total transcript with reference to a particular witness' testimony. It is for that reason we only furnished that part of the total transcript to them. They have now been furnished the total transcript, pursuant to their request, and I think that later on, if they want to come back to it, that they should be given every opportunity to do so. But at this time, I request the right to propound questions to the witness.

Mr. LANE. Mr. Chairman, in looking through the material, I find on the pages which we were not given, extremely important material which relates to the questions which Mr. Stokes had asked. It just is in all decency, it is only fair to let us look at the document which has contradictory material in later pages. It is extremely unfair to make us proceed without seeing this material. We are asking for full and complete disclosure to the American people and to us. That's all we ask. Why can't we read the document and then answer questions about it? Why must we read just the portion you tell us to read? We have already seen several errors this morning because you directed us in the wrong direction.

Chairman STOKES. Mr. Chairman, perhaps the Chair can inquire as to how long it will take counsel and his client to read the document?

Mr. LANE. Perhaps 15 to 20 minutes, sir.

Mr. PREYER. How long is the document?

Mr. LANE. It is 16 pages, We were only given 6 before, we have 10 more pages to read and to compare to the original 6.

Chairman STOKES. Is counsel saying you need 20 minutes to read 10 pages?

Mr. LANE. To read it and to analyze it, yes. That is not unreasonable, as—

Chairman STOKES. I suggest to the Chair we give counsel and the witness such time as they need to read and analyze these documents.

Mr. LANE. Thank you, Mr. Stokes.

Mr. PREYER. Will 2:30 be ample time, that is 20 minutes—

Mr. LANE. I wouldn't say ample, but I think it would be adequate, Mr. Preyer.

Mr. PREYER. The committee will stand in recess for about 20 minutes. Again, let me caution the audience to remain seated and stationary when Mr. Ray is escorted from the courtroom. The marshals will escort Mr. Ray from the courtroom.

[Mr. Ray left the courtroom.]

Mr. PREYER. The full document will be entered in the record so that it will be possible for everyone to determine whether the recess is necessary or not. We will resume in about 20 minutes.

[The full document was entered in the record, and follows:]

MLK EXHIBIT F-60

INTERVIEW OF

ANNIE ESTELLE PETERS

September 27, 1977

- Reeves: This interview is being conducted on today's date which is September 27, 1977. Present at the interview is myself, Floyd Reeves and also Investigator Ernestine Johnson. That's just for the record. We can just go on and, of course, like I said, I realize that you don't know a great deal, but what you do know is a great deal to us and like I said earlier, we appreciate your kindness and and your cooperation working with us and being patient with us the way that you have. I know people have come to you time and time again and you probably wonder well when is somebody going to come for the last time.
- Peters: Well, it hasn't bothered me that much. They, of course, when I was working, they were out at the place where I work quite often. That's the corner of Peachtree and 14th Street. They came out quite often for about a month. Then they would leave.
- Johnson: Who is they?
- Peters: Different ones. Well, I'll tell you, the first one that came out I reckon they were FBI men, you know, finding out if he had been in our place. And of course, I couldn't tell them a story, so I had to tell the truth that he had been in there but not with his real name. It was under the name of Eric Galt.
- Reeves: Eric Galt, I see. Now you were asking her just a minute ago, Ernestine. Go on.
- Johnson: I asked you are you sure it was the same man who put the clothes in who picked them up?
- Peters: Yes.
- Johnson: How did you recognize him; how did you identify him?
- Peters: Well, just by his looks.
- Johnson: When the FBI showed you pictures or . . .

- Peters: Well, they showed a picture but to begin with when he came in on Monday or Tuesday one and put them in and then he came in on Friday and picked them up, I never thought anything about it until maybe a week or ten days later when it came out in the paper that he was going by the name of Eric Galt. Because I never even connected him with this other.
- Johnson: Did you volunteer this information about him putting clothes in the laundry after it came out in the paper or. . .
- Peters: Well, those men came out and after the name of Eric Galt came out and they found out that he had been in that section of town. And they were just going up the street in all the places of business with a picture wanting to know if you had seen that man. Well, we didn't pay that much attention to our customers that came in. We noticed them enough to know that the same person was picking them up that bought them in.
- Johnson: Now at the time when you picked up, took his laundry, did you have to send it out?
- Peters: Yes. Un huh. We were just a call office on the corner and we sent it down on Walker Street off Peters Street to our plant to have it done. And then it came back to us.
- Johnson: Ok. So when he put it in, say, for instance, if he put it in today, it would have on today's date or would you take it. . .
- Peters: That's right.
- Johnson: . . .and send it to the plant. . .
- Peters: Now I have my counter book, we keep down everything that we sent out and bought in. I can get that if you want me to.
- Johnson: Ok. Let me ask you this. Would you allow us to xerox your book and give it back to you? I know you, the book is very precious to you; you want it, but would you allow us to xerox certain portions?
- Peters: Pages? Yes. Course it isn't but the one page

in there that's his clothes. Because we would put down the date at the top of the page that we had taken it in.

Johnson: And this was the actual date that he came in there?

Peters: Yes. Those two dates. The date he bought it in and the date that he came back and picked it up. Of course as I said, when he bought it in, his name hadn't been linked yet as Eric Galt a that time.

Johnson: All right. Let me ask you this, I know time has passed. Could you tell me what he had on. Can you remember?

Peters: He had on just a shirt and a pair of trousers. He didn't even have on a tie. It was open at his neck. That much I can remember and he was dressed practically the same way when he came back. But he did appear a little nervous, you know, as I went back on the rack to get his dry cleaning and pick his little bundle of laundry he kinda paced the front. And he just acted a little bit nervous you see.

Johnson: Now you did this since. . .

Peters: Well I just marked around that after he came in. Now you see this was on April the first, Monday morning that he came in.

Johnson: That's when he put it in.

Peters: And then he came back on the fourth and the fifth and picked it up.

Reeves: You say that he came in on the fourth and the fifth to pick it up?

Peters: Un huh. That was on Friday.

Johnson: No, you said, you don't mean fourth and fifth, do you?

Peters: No. Fourth month and fifth date of 1968.

Reeves: Oh I see. The fourth month, the fifth day of 1968. Ok.

Peters: Now that's all I have in that book for him cause

he never did come back anymore.

- Johnson: And you do not recall him being here prior to that time?
- Peters: No. I don't have his name down there at all like that. If he was, it was under another name and I didn't know then. But it did come out in the paper that he was going under the name of Eric Galt after he had put these clothes in and I know I called my bossman that morning when I went out on the street and got my paper and saw that, I called the bossman and I asked him what should I do. He said well he would talk to his boss and call me back later. So they told me just to stay quiet, answer the FBI men questions but you know, as far as gossiping around that place up and down the street just to stay quiet about it. Now those are the letters that I got when I subpoenaed to go to Memphis and we didn't go because he pleaded guilty that morning that his trial came up. And those are the letters that I got from the Judge and the different ones in Memphis.
- Reeves: Ok. Best that you can recall, Mrs. Peters, how many times did Galt enter the laundry to your knowledge?
- Peters: Twice. When he bought in the clothes and when he came back and picked them up.
- Reeves: He bought the clothes in on the first. . .
- Peters: That's right, on Monday morning.
- Reeves: . . .And came back on the fifth, which was on what?
- Peters: Friday.
- Reeves: On a Friday and picked them up. Now, to your knowledge, do you know whether or not anybody else that was employed at the Piedmont Laundry at the time waited on the same man?
- Peters: No. I don't know that and I don't believe they did because we don't have any records in any of call logs of this office.

Reeves: Of him ever being in there before?

Peters: Un huh.

Reeves: Now, the day that he came into the laundry to bring his clothing, was he accompanied by anyone?

Peters: No.

Reeves: Was anyone else with him?

Peters: No. He was by himself. When he came in and bought them and when he came back and picked them up.

Johnson: Can you recall what he had on the day he bought them in?

Peters: Well he just had on a shirt and a pair of trousers and the shirt was open at his neck. He didn't even have a tie on.

Johnson: He had on the same thing when he picked them up too?

Peters: I couldn't say it was the same thing. He just, he didn't have on a coat or a suit, he just had on a shirt and a pair of trousers of course, I guess, his underwear.

Reeves: Did you ever attempt to engage in a conversation with Mr. Galt?

Peters: No.

Reeves: Did he ever talk to you, did he ever make any kind of statement to you?

Peters: No. He just bought his clothes in and wanted to know when he could pick them up. And I asked him if he wanted them special or regular. Special is one day service and regular was three days service. But he didn't come back until Friday morning and pick them up.

Reeves: And he never made any statements about where he was from or where he was going?

Peters: No, un huh. I didn't even see if he was in a car.

I couldn't tell you that. Cause he walked into the, we were right, well there was a Little League Union, cafe on the corner and we was the next, then a barbershop and then us. So he parked around on 14th Street or if he parked, well he couldn't park up and down Peachtree Street because it was no parking at that time. So he would have had to park on a side street and I didn't notice after he went out the door, I just rang the money up on the cash register, put it in, I didn't even notice in what direction he went in.

- Reeves: I see. Now you said when he came back to pick up his laundry on Friday, he was acting sorta nervous.
- Peters: Well, you know how anybody pace like they like in a hurry and you're not going quite as fast as they think you should. To me it was just a little nervous action.
- Reeves: He didn't make a statement that day either?
- Peters: No. He just came in and said he wanted to pick up his clothes and I asked him what the name was, and he said Eric Galt. And as far as I can remember that's all that was said.
- Reeves: Now the man, did you tell him to hurry back or come back to see us or something like that?
- Peters: Oh yes. I tell, I always tell the customers that.
- Reeves: Did he respond to that?
- Peters: No, un huh.
- Reeves: He didn't respond at all. But you say there's no doubt in your mind that the man that bought the clothes in on Monday was the exact same man that came back to pick them up on Friday?
- Peters: I'm sure of that.
- Johnson: There was nothing to sign when he picked them up. Is that correct?
- Peters: No, not if they paid for them.

Johnson: You just put them in here when you take them in for your records?

Peters: Un huh. And then we put down the date they pick them up so we'll know that they had been picked up.

Reeves: Is there any additional information that you might be able to provide us with?

Peters: No. That's all.

Johnson: Do you know a Garner, Jimmy Garner?

Peters: Yes. He is the one that run the restaurant right on the corner.

Johnson: Do you know where he is now?

Peters: No, I sure don't.

Johnson: What age is he?

Peters: I would say he's around my age, between 65 and 70.

Johnson: He has a sister, is that correct?

Peters: Now that I couldn't tell you.

Johnson: Have you ever heard of a Robbie Lee Garner?

Peters: No, I don't think so. All I knew was Mr. Garner. Course, I carried my lunch most of the time because it was just one operator in that little pick-up station at a time.

Johnson: And you don't know whether he was married or not?

Peters: No.

Johnson: Ok.

Peters: Now I don't know if Mr. Wilson has a barbershop up there or not.

Johnson: Mr. Wilson?

Peters: A Mr. Wilson had a barbershop next door to us. Between us and Garner's cafe. Now he might give you information on Mr. Garner. I understand he's out of the restaurant business. Have yall been up on that?

Johnson: Yes.

Reeves: Mrs. Peters, when Mr. Galt came into the laundry on Monday to bring in his laundry, could you tell in what direction he was coming from?

Peters: No sir.

Reeves: Ok, you don't know where he came from?

Peters: No sir I don't because our windows were painted up about half way.

Reeves: And when he left, what direction did he go in?

Peters: I couldn't tell you that. All I can tell you is he just went out the door onto the street.

Reeves: What about on Friday when he came back to pick them up?

Peters: Same thing. Well, as I said, he came in and said he wanted to pick up his clothes. And I asked him what the name was and he said Eric Galt. Well of course I was, dry cleaning hung on the line but we had but we had little places that, shelves, you know, those metal shelves and we had our alphabet around on them and clothes with a name that, whatever it started with, we alphabetized in those little bins and all of the alphabet letters there. So I went back and got his clothes and I had two tickets; I had a laundry ticket and a dry cleaning ticket with starch we called it then; we just put ST for starch of course. And I picked up the two bundles and come back and take them off, the ticket and added them up and told him what the price was. He paid it. And I thanked him and told him to come back to see us and he just walked out. That's all that was ever said.

Reeves: The day he came in to bring the laundry, was he carrying anything in his hand?

Peters: No. Not, nothing but his clothes.

Reeves: Other than his laundry. . .

Peters: Nothing but his clothes as well as I can remember.

Reeves: Ok, what about on the Friday when he came back to pick them up. Was he carrying anything with him?

Peters: No. He didn't have anything that day.

Johnson: Your name is actually Annie. Is that right?

Peters: Annie Estelle. Prefer it as Estelle. Well, they've always called me Estelle though Annie was my first name.

Reeves: Mrs. Peters, if you would, give me your full name.

Peters: Annie Estelle Peters. A-n-n-i-e.

Reeves: E-s-t-e-l-l-a?

Peters: E-s-t-e-l-l-e.

Reeves: P-e-t-e-r-s?

Peters: Un huh.

Reeves: And your address here?

Peters: 1302 McLendon Drive.

Reeves: And it's not northeast or southeast, just Decatur, Georgia?

Peters: Just Decatur, Georgia.

Reeves: And the zip code?

Peters: 30033.

Reeves: And your date of birth?

Peters: July 7, 1907, July 3, 1907.

Reeves: July 3, 1907.

Johnson: Do you recall the approximate time that he picked it up?

Peters: Around 10:00.

Johnson: Ten o'clock in the morning?

Peters: Un huh. Just a little while before noon. I would say it was around 10:00 - 10:30.

Johnson: I see, according to your book I see you timed it at nine and he was about. . .

Peters: Well, that nine o'clock that was as late as we could pick up specials.

Johnson: I see.

Peters: I mean as our route man, our relay boy picked up all the everything that was to come back in one day had to be picked up by nine.

Johnson: So he was actually your seventh customer from the beginning of the next pick-up?

Peters: Un huh. But he didn't put his clothes in on special. He just put them in on regular three day service.

Reeves: I assume that his address was on the ticket?

Peters: Now, no. This. . .

Reeves: Are they required to give you an address?

Peters: No.

Reeves: They are not required to give you an address. . .

Peters: Not unless there's been something damaged and we have a claim on it. We never get the customer's address. On that ticket there was two lines above well you know what a laundry ticket is. The name and then we'd put the page and the line number on the next line. Then we didn't have any trouble finding it. And we went back to the book and put down the date they picked them up.

Reeves: Let me ask you these things, Mrs. Peters. The gentleman that came, Mr. Galt, when he bought the clothes in and came back to pick them up. Did you notice anything unusual about his physical description, did you notice any scars about his body, tatoo. . .

Peters: No, I didn't.

Reeves: Or anything that would positively identify this man as being the exact same man, any scars or anything?

Peters: No, nothing, his looks and all, he was a very neat looking man.

Reeves: Receeding hairline or. . .

Peters: No. I didn't notice any of that.

Reeves: Crippled or lefthanded or anything like that?

Peters: Well, it's like, just like I said to begin with, you know, we have so many coming in and a lot of times we have three or four or maybe a half a dozen customers standing there waiting to be waited on at one time. But it just so happened that I didn't have any in at the time that he came in and bought his clothes or came back and picked them up. But I still, I didn't notice that much about him because there hadn't been anything said about it.

Reeves: Was he wearing any distinguishing jewelry or anything like that?

Peters: Not that I could tell.

Reeves: First of all, let me see if I could get, just for the record, a physical description of this man. So about would you say he was, was he as tall as I am or was he shorter than I am or how tall would you say he was.

Peters: No I don't think he was about as tall as you are.

Reeves: I'm about 6 feet. So how tall would you say that he was?

Peters: I would say he was about 5'8" because I'm 5'5" and he was just a slightly taller than I was. I would say about 5'8" or 5'9".

Reeves: White male about 5'8" or 5'9".

Peters: And he wasn't awfully large. He was kinda of a slender like man.

Reeves: About how much would you say he weighed?

Peters: I would say around 150, maybe 55 or 60.

Reeves: I see. And about what age?

- Peters: Well, now that, I didn't pay any attention to that but I would say he was in his late 30's anyway. Middle to late 30's. Just as well as I could remember. I couldn't swear that he would be that old or that he would be older.
- Reeves: Was he wearing a hat?
- Peters: No, I don't believe he was.
- Reeves: Did he have a full head of hair, was his hair close cut?
- Peters: I couldn't tell you that either. The only thing I remember him having on was just a shirt and trousers.
- Reeves: Was he clean shaven, did he have a moustache or beard. . .
- Peters: Un huh. No, he didn't have any moustache. He was a clean shaven man.
- Johnson: Did he wear glasses?
- Peters: I couldn't tell you that either. I don't believe he did though. I don't remember seeing any on him, either time.
- Reeves: Did you notice anything unusual about his teeth, anything like that?
- Peters: No sir. No, I sure didn't. I just have to tell you like I told the man when they came up there at that time. I don't know if I could identify the man if they'd put (unintelligible; four words).
- Reeves: Well, that's all we want you, we know it's difficult to remember a lot of things. We're talking about something that happened ten years ago, so we only ask you to do the best that you can and of course. . .
- Peters: Well, as I say, just those two times and just a minute or two maybe five minutes at a time.
- Johnson: Now, at some later date, if we get some photographs, would you be willing to look at them if we come by?
- Peters: Yes. Anytime I can be of any help. It's such little help that I am.

- Reeves: Well we got everything down here except this clothing description. Now, was he wearing a coat?
- Peters: No, he was not wearing a coat.
- Reeves: What kind of shirt was he wearing?
- Peters: Just a light shirt is all I can tell you.
- Reeves: Was he wearing a tie?
- Peters: No. Definitely no tie. Because his shirt was open. But he was clean and neat and his clothes that I taken in wasn't too dirty; wasn't soiled too very much.
- Reeves: What color trousers was he wearing?
- Peters: He was wearing a dark pair trousers and it was a dark pair trousers he bought in. And then he had a shirt, maybe a suit of underwear in starch clothes, laundry.
- Reeves: What about his shoes. What kind of shoes was he wearing? What color shoes was he wearing?
- Peters: I could not tell you because we had a counter all the way across the front of the store except just a space to go behind. And of course it came up to about your waist where you could write good on it, standing up.
- Reeves: Ernestine, can you think of any additional questions at this time?
- Johnson: No. Except I'd like permission to xerox this. We can take it and I promise you bring it back or if you don't trust us, you can go with us.
- Peters: No, I trust yall. The only thing, now two of my grandchildren has used that in school as history. And you know. . .
- Johnson: Well you have our word that we will bring it back. Maybe a little delay because I don't know where to go and get a xerox. If you can tell us somewhere right in the near vicinity it would not take very long.

- Voice: The nearest place I'd say would be either the Federal Post Office or the police department.
- Reeves: We'll take it down to police headquarters and get it xeroxed. There's my card and phone number and you can contact me if you need to contact me.
- Peters: Ok. You want the letters there from the Judges and all in Memphis?
- Reeves: We would look at those, Mrs. Peters, but I don't think we're going to need them. But let us look at them first and then we'll make an assessment of them and see whether or not we need them for anything. And, we'll carry your book with us and. . .
- Peters: Just summons, that's. . . they going to let us know a day or two before so we'd have time to get to Memphis. Then I got that the same day. I got my subpoena the same day and I can't remember the two FBI men that was working that day. But at the time I had them down in the telephone directory. It was the call office and so I called the man and asked him if he had heard anything and he said no, I haven't. And I told him well I just got a subpoena to be in Nashville this morning at 9:00. So he got busy and called up there and they told him that Ray had pleaded guilty.
- Johnson: Do you recall the agent's name or do you have a record of who the agents were that talked with you?
- Peters: No I don't. And I can't remember their names. Now I had it in the telephone directory at the laundry. Well, in the meantime, my brother got sick and he died on the 4th of June. But he was in the hospital off and on for about six weeks before he died. And on the, I believe it was the 16th of May that we had been up there to see him at Crawford Long Hospital and we was in a wreck that night and I was all cut up on my forehead and all and I had, I was off from work part of that time.
- Reeves: Ok, we're going to carry your book with us and we're going to protect it with our life. And we probably won't get back out here today but we'll get it back to you tomorrow morning about this time if it's ok with you.
- Peters: Yes, it's ok.

- Reeves: But we would definitely get it back to you and there again we want to thank you for being to kind. . .
- Peters: The only thing I just like, now I've got two more grandchildren that might want, you know, for history.
- Johnson: Sure, I can understand. . . .
- Peters: Or show and tell as they call it in school.
- Reeves: Well that is certainly history. And it is certainly something that you would want to keep.
- Peters: Yeah, I would like to keep that.
- Johnson: Well we promise to get it back. As I say, we'll take it and xerox several pages of it and we'll bring it back tomorrow morning.
- Peters: Ok.
- Johnson: You have our word for it. We'll guard it with our life.
- Reeves: You really have a sharp and distinctive memory and we certainly appreciate your sharing your knowledge with us.
- Peters: After it came out like that and all and knowing that he had been up that way and that he was accused of the murder, you just, you just kinda get scared to remember anything. Now that the lady that relieved me on Thursdays, was my day off up there. And the lady that relieved me used to say tell me, when I'd go in on Friday morning, she'd call me and she'd say, well, somebody called you yesterday and they asked me what I knew about the man. I said, "What man?" She said, "I reckon they were talking about the man that killed Mr. King." But she said for two or three weeks they'd call her on Thursday. But I never got a call, a harrasing call like that.
- Johnson: She did not know who was calling; they didn't identify themselves?
- Peters: No.

Reeves: Ok, who is she. What's her name?

Peters: She was Mrs. Annie Riley.

Johnson: Where is she now?

Peters: I don't have any idea.

Reeves: Do you know anybody who might know where she is, who could put us in touch with her?

Peters: No, I don't believe I do right now because she quit work and she did live over in the C _____ M _____ section, off of C _____ Road, across Memorial Drive over yonder. And they, the last account I had she had sold out her place and they say she moved to East _____. But I don't even know if the lady's still living or not. Cause she was a good bit older than I was then and I'm 70. So she's got to be 75 to 80 years old.

Johnson: Oh you don't look 70.

Reeves: And you certainly don't sound like you're 70.

Johnson: You've been good to yourself.

Peters: Well, I've had pretty good luck. I don't have no worries.

Reeves: And let me say this. I know it goes without saying that but just let me say that any information that you give to us we want you to know that it is in the strictest confidence and this information is not shared with anybody; it is strictly for the Select Committee on Assassinations and nobody else has access to the information that we get from you. Just want you to know that. If we can ever return the favor to you for being so kind to us, just holler and we'll come running.

Peters: Well, I appreciate that.

Reeves: Ok, then.

Mr. PREYER. The committee stands recessed for 20 minutes.

May I have the attention of those in the audience? The Chair will ask at this time that the room be cleared for a few brief moments. There is a minor problem involving lost credentials of a press card, nothing more serious. We do need to clear the room for a few minutes. We should be able to solve the problem and be able to resume on time.

[A brief recess was taken.]

Mr. PREYER. The committee will come to order. The marshals will please close the doors. The Chair, again warns the members of the audience of the security precautions which the U.S. marshals have in effect. When Mr. Ray is escorted into the room, no one will stand or move. The marshals will escort Mr. Ray back into the hearing room at this time.

[Mr. Ray is escorted back into the room.]

Mr. PREYER. Are you ready to proceed, Mr. Ray, Mr. Lane?

Mr. LANE. I would like to point this out to the chairman that the examination of the entire document reveals the portions that were suppressed when we were first given the document are the most important portions of the document and challenge the very statement that Mr. Stokes made by relying upon the earlier portion of the document. I hope this was an inadvertent error and I certainly hope that in the future we will be given all the documents.

In addition to that, it is clear by reading page 1 of this document that there was an interview conducted by the staff of this committee with this witness before this interview, and we would like the transcript of that interview as well because it clearly was about the very same question, as you can tell from reading the very first page. In addition—

Mr. PREYER. Mr. Lane, let me interrupt by saying the committee has leaned over backwards to make all of these documents available to you. They will all be put on the public record where the public can make their judgment on the fairness of them.

At the present moment, the purpose of showing the documents to the witness is simply to refresh his recollection. It is not a question of what is in the document. If his recollection is not refreshed, we simply go on. It isn't necessary to read the entire document for the witness to be able to say his recollection was refreshed or not.

Out of fairness, we have allowed you to read all of that document, but it isn't necessary to delay the procedure by reading entire documents if the only purpose is to ask the witness to refresh his recollection.

Mr. LANE. Yes, sir, but the portions—

Mr. PREYER. That is the point of this—

Mr. LANE. The portion which was shown to Mr. Ray to refresh his recollection was entirely different from the suppressed portion. The entire document certainly refreshes his recollection, but it's unfair to show a deceptive portion to him.

Mr. PREYER. You have stated your position; the Chair has stated its position on this.

Mr. LANE. We make one more request. There is a reference in the testimony, in the statement of Annie Estelle Peters which comprises F-60 to a counterbook which the select committee had in its posses-

sion from this statement, took from her and Xeroxed. I believe that might have the greatest bearing on this question. May we see the counter book or the portion that was Xeroxed?

Mr. PREYER. Mr. Stokes, do you have any comments on that?

Chairman STOKES. Mr. Chairman, I think the committee has the right to proceed here in accordance with the orderly manner with which we have attempted to produce the evidence.

At the proper time all pertinent documents from which we will question this particular witness will be presented to counsel and made a part of the full record.

Mr. PREYER. The objection is overruled at this time. Mr. Stokes is recognized to resume questioning.

Chairman STOKES. Mr. Ray, I think it important in light of the intervening activities here to try and refresh your recollection with reference to a question I would like to put to you.

Do you recall that this morning I asked you what did you do after you purchased the rifle at the Aeromarine Supply Co.?

Mr. RAY. That's correct.

Chairman STOKES. You indicated that you left Birmingham and you headed on a slow trip to Memphis, is that correct?

Mr. RAY. That's correct.

Chairman STOKES. And in that context, you stated that at no time did I go back to Atlanta until the morning of the 5th, and then it is in that context that you said that no matter how many documents you have up there, if you can show that I did, I will take the responsibility for the King case right here on TV.

Mr. RAY. Let me explain this. I have always felt very strongly about this issue. I first read about it in William Bradford Huie's book. Later on, I believe George McMillan, who is the FBI commentator for public television, made the statement that I returned to Atlanta on April the 1st. I have contested this in lawsuits. I drew diagrams for William Bradford Huie explaining where I was at between March 29 and April 4. So I do deny it. I think if I could possibly get some—you're the interrogator, but there are some questions about these documents, if I can get it clarified, it would possibly help to resolve this matter.

Chairman STOKES. We will try to clear it up for you. If you have any questions you can feel free—

Mr. RAY. I would like to have those diagrams that I gave Mr. Huie if possible. I think the committee has them, and I think I provided the committee with them.

Chairman STOKES. If the committee has those, you will be furnished with copies of those.

Mr. RAY. Thank you.

Chairman STOKES. You have been furnished with two documents and we recessed at noon for the purpose of your being able to study those documents, and we have had an additional recess for you to be able to study those two documents. Have you had a chance to study those two documents?

Mr. RAY. Yes, sir.

Chairman STOKES. And let me first refer you to the Piedmont Laundry receipt. What is the date on that laundry receipt?

Mr. RAY. April 1, 19—there's two dates, April 1, 1968, April 2, 1968, and there's another date on the first receipt on your left which is blurred out. Is that intelligible on your record?

Chairman STOKES. It appears to be a stamp of some type of a date. It does appear to be blurred.

Mr. RAY. It is through the word description. I don't believe it is 5. It looks like a possible 2.

Chairman STOKES. The date April 1, 1968, is in handwriting, isn't it?

Mr. RAY. That's correct, yes.

Chairman STOKES. And the name Eric Galt is written in handwriting, isn't it?

Mr. RAY. Yes, that's correct.

Chairman STOKES. And then the lefthand side of this particular receipt which states Piedmont Laundry, doesn't it?

Mr. RAY. Yes.

Chairman STOKES. And then there is an itemization of some items such as one coat, one trousers, grey, one tie, so forth?

Mr. RAY. That's correct.

Chairman STOKES. So all indications are that this particular laundry list refers to dry cleaning?

Mr. RAY. Yes.

Chairman STOKES. The other side is also designated Piedmont Laundry, is it?

Mr. RAY. That's correct.

Chairman STOKES. And in handwriting appears April 1, 1968, and the name Eric Galt?

Mr. RAY. That's correct.

Chairman STOKES. And this particular slip appears to reference to underclothes, does it not?

Mr. RAY. Yes, that's correct.

Chairman STOKES. Now, the Piedmont Laundry is where you took your dry cleaning and your laundry, wasn't it?

Mr. RAY. Yes, but I took it there on March 25.

Chairman STOKES. March 25?

Mr. RAY. Not April the 1st, yes.

Chairman STOKES. How do you know it is March 25?

Mr. RAY. I'm almost positive of that because—it was—I checked into the roominghouse on—James Garner roominghouse on a Saturday, and I did take some laundry to Piedmont Laundry but I'm almost positive it was the following Monday, which would have been the 25th.

Chairman STOKES. You took the room on the 24th, didn't you, originally?

Mr. RAY. I'm not positive. 23d or 24th. I'll get the dates out here. I took, see, the 22d—I took the room on the 23d.

Chairman STOKES. You paid for it on the 23d or 24th.

Mr. RAY. That's correct, 23d.

Chairman STOKES. Then when do you recall going to the laundry?

Mr. RAY. I don't recall specifically, that was 12 years ago. I'm almost certain it was the following Monday, which would have been the 25th.

Chairman STOKES. Where was the Piedmont Laundry located?

Mr. RAY. It was on the corner—well, I was living in the middle of a block. I believe it was on 14th Street. Piedmont Laundry was located on the corner of 14th Street and Paisley Street.

Chairman STOKES. It was right around the corner from the roominghouse which you had rented, wasn't it?

Mr. RAY. Pardon?

Chairman STOKES. Wasn't it around the corner from the roominghouse you had rented? It was right close—

Mr. RAY. It was right up the street, yes, approximately one-half block.

Chairman STOKES. Do you know of any reason why if you took your laundry in on the 24th of March, that the date April 1 would appear on this laundry receipt?

Mr. RAY. Well, it had been the 25th. I can't recall unless this lady made an error on this or this is some kind of forged document because I know I did not take the laundry in April 1.

Mr. LANE. That's why we have requested the counterbook because it may resolve this. That is all we ask to see, just to see the evidence so the question can be resolved.

Chairman STOKES. I will ask the clerk to furnish counsel and the witness with the book, exhibit MLK F-106.

Mr. LANE. This counterbook only makes reference to when he picked it up, which is the 5th, which is not in contention. We wonder if there is a counterbook about when he brought it in?

Chairman STOKES. If you will permit me to ask your witness about it, maybe we will establish some other dates on it.

Mr. RAY. I direct your attention to the top of the document you are now handling and I ask you if you will read for us what appears at the top of that document.

Mr. RAY. Well, it says MLK exhibit F-106.

Chairman STOKES. And to the left of that?

Mr. RAY. Monday, April 1, 1968.

Chairman STOKES. Coming on down, on that same sheet of paper, do you see a name that has been circled on that sheet?

Mr. RAY. Yes.

Chairman STOKES. Would you read on that line what it says?

Mr. RAY. Eric Galt, underwear, one topcoat, tie.

Chairman STOKES. OK. So you are reading from both lines there, aren't you?

Mr. RAY. Yes. April 5, 1968.

Chairman STOKES. All right, now the date April 5, 1968, appears on both lines, doesn't it?

Mr. RAY. Yes; that is correct.

Chairman STOKES. And going all the way back up to the top of the column in which April 5, 1968 appears, tell us what it says there.

Mr. RAY. Whereabouts, please?

Chairman STOKES. At the top of that column?

Mr. RAY. It says April 1. You want me to read the first name?

Chairman STOKES. The words up there. It says "Date sold," doesn't it?

Mr. RAY. It says what?

Chairman STOKES. "Date sold?"

Mr. RAY. "Date sold," yes, that is correct.

Chairman STOKES. So that the record is clear, the top of this ledger sheet says Monday, April 1, 1968.

Mr. RAY. Yes, sir.

Chairman STOKES. And then appears several columns.

The first column is headed "Date." The second appears to say "Number." The third is "Name." The next column is "Address." And then the next says "Type service." The amount says "Amount, dollars, cents." And the last says "Date sold."

Mr. RAY. Yes.

Chairman STOKES. Mr. Chairman, I ask that exhibit F-106 be entered into the record at this point.

Mr. PREYER. F-106 is ordered entered into the record at this point.

MLK EXHIBIT F-106

Monday, DATE April 1, 1968

DATE	NUMBER	NAME	ADDRESS	TYPE SERVICE	AMOUNT		DATE SOLD
					DOLL.	CENTS	
	1	D.M. Key	1-2pc suit	DC	99		4-1-68
	2	"	3 shirts	ST	80		4-1-68
	3	John Stone	9 shirts	ST	2 23		4-6-68
	4	"	1-2pc suit	DC	99		4-6-68
	5	"	1-2pc suit	DC	1 35		4-6-68
	6	"	1 shirt 1 tie	DC	1 64		4-6-68
	7	J.L. Connor	1 trousers	DC	65		4-2-68
	8	"	7 shirts	ST	1 74		4-2-68
	9	Brad Martin	5 shirts	ST	1 24		4-6-68
	10	"	5 shirts	ST	1 23		4-6-68
	11	C. Murrain	4 shirts	ST	99		4-3-68
	12	"	5 shirts	ST	1 24		4-3-68
	13	J.A. Calhoun	Mixed Laundry	FLY	82		4-1-68
	14	"	1 trousers	DC	65		4-1-68
	15	"	8 shirts	ST	1 98		4-1-68
	16	"	1 suit 1 trousers	DC	3 64		4-10-68
	17	Jim Bryan	1-2pc suit	DC	99		4-10-68
	18	Renda Simell	4 trousers	DC	2 14		4-3-68
	19	"	6 shirts	ST	1 19		4-3-68
	20	Buddy Clark	3 trousers	DC	1 49		4-2-68
	21	"	1 shirt 1 pair slvs	ST	54		4-2-68
	22	E. McKinney	4 shirts	ST	99		4-3-68
	23	Gummy Johnson	Dress 1/2 collar suit	DC	3 25		4-3-68
	24	John Wagant	3 shirts 3 pc suit	ST	2 35		4-3-68
	25	Helma Boyd	1 dress 1 pair blue	DC	1 30		4-3-68
	26	"	2 dresses 1 pair blue	DC	2 80		4-3-68
	27	"	2 dresses 1 pair blue	DC	2 60		4-3-68
	28	Mrs B. Walker	1 shirts	DC	65		4-11-68
	29	"	5 shirts 1 pair	ST	1 74		4-11-68
	30	Eric Salt	under wear	ST	1 10		4-5-68
	31	"	1 tie 1 coat 1 tie	DC	1 55		4-5-68
	32	W.H. Dugan	3 trousers	DC	1 49		4-6-68
	33	Bertay Wade	1 coat	DC	1 50		6-12
	34	Charles Johnson	2 shirts 1 pair 2 pc suit	ST	2 54		4-6-68
	35	Miss Annie Elliott	1-2pc suit 1 pair	DC	1 85		4-20-68
	36	Quay Oliver	1-2pc dress 1 pair	DC	2 40		4-6-68
	37	B. Franz	7 shirts	ST	1 74		4-4-68
	38	Joe C. Stone	1 trousers	DC	65		4-5-68
	39	"	3 shirts	ST	80		4-5-68
	40	W. Overback	1 suit 1 pair slvs	DC	1 80		
	41	H. & Clifton	Mixed Laundry	FLY	1 10		4-2-68
	42	F. E. Lee	4 shirts	ST	99		4-3-68
	43	"	4 shirts	ST	99		4-3-68
	44	J. P. Baranoff	1 pair slvs 1 pair	DC	1 10		4-5-68
	45	Mrs P. B. Beck	2-2pc dresses	DC	2 60		4-5-68
	46	Benny Allen	1 trousers 1 pair	DC	65		4-5-68
	47	R. J. Orange	1 trousers	DC	65		4-5-68
	48	"	2 shirts	ST	54		4-3-68
	49	"	Mixed Laundry	FLY	1 00		4-5-68
	50	Bill Powell	2 shirts	ST	80		4-6-68

Chairman STOKES. Have you had a chance to review the transcript of the interview of Annie Estelle Peters, Mr. Ray?

Mr. RAY. Yes; we looked through these transcripts.

Mr. LANE. I would like to ask a question, if I might, because in the statement by Miss Peters, your investigator, Johnson, says that in looking at the document before us, it says, "I see according to your book, I see you timed it at nine," talking about 9 o'clock, and perhaps there is reference on this page, but could you help me and show me where that is? Or is there another document which we don't have?

Chairman STOKES. Mr. Chairman, I cannot—

Mr. LANE. Because I believe we may have been given a wrong document again by this committee. There is a specific reference by our own investigator on the suppressed page—

Mr. PREYER. The Chair will again state the question of the witness is whether this document refreshes his recollection in certain connections. We are not going into the truth of the document at this time. All of these documents will be made a part of the public record and the public will be able to judge on that. At this time on this point the question that is being proposed—the motion is overruled—Mr. Stokes is recognized.

Mr. LANE. If this in fact is a forged or deceptive document, we have the right to know it. It should not be shown to him to trick this witness. Your own investigator said by looking at the document. This is your exhibit.

I see 9 o'clock.

Mr. PREYER. The Chair has ruled on that matter.

Mr. LANE. There is no 9 o'clock on this document. We would like the other document, the real document, not this one. This is a legitimate request.

Mr. PREYER. Mr. Stokes.

Chairman STOKES. Mr. Ray, have you had a chance to read this document?

Mr. PREYER. Yes, sir.

Chairman STOKES. Having read it—

Mr. LANE. Which document?

Mr. RAY. Talking about this?

Mr. LANE. I don't think he is. Tell us which document you mean.

Chairman STOKES. The witness does not appear to be confused.

Mr. PREYER. The witness is being questioned. Let him respond to the question.

Proceed, Mr. Stokes.

Chairman STOKES. Have you, sir, had a chance to read it?

Mr. RAY. Exhibit F-106? Yes.

Chairman STOKES. And that is the interview of Annie—

Mr. LANE. That is not the one. That is exactly what I said. Either you are confused or he is confused. He's just told you 106, which is not the interview.

Mr. PREYER. If you will allow Mr. Stokes—

Mr. LANE. I was trying to help him before he confuses my client any further.

Mr. PREYER. He will be able to get the matter straightened out.

Mr. LANE. We will be patient.

Mr. PREYER. Proceed.

Chairman STOKES. Mr. Ray, we have reference to the interview of Annie Estelle Peters. Have you read that?

Mr. RAY. Yes; I have read both of them.

Chairman STOKES. And having read it, does it refresh your recollection as to whether or not you were in that laundry on April 1?

Mr. RAY. No; it convinces me that I wasn't there.

Chairman STOKES. What in there convinces you that you weren't in there?

Mr. RAY. Well, I made some notes on it—in the first place, her conversation here is not too clear on some points. About the 9 o'clock. Miss Peters says here on page 9 that I picked up the laundry at 10 o'clock on April 5. Then here she says she looks at the record and she found out I picked up—it was a special on at 9 o'clock. So, in other words, by putting the laundry in April 1st and picked it up on a special at 9 o'clock the next day, I would have picked it up April 2. And it is stamped April 2 on the receipt. Of course on April 2, I was in the DeSoto in DeSoto County, Miss. We have 10 or 15 witnesses to vouch for that.

On page 3, I believe Mrs. Peters says I picked the laundry up on the 5th, and then up above, in the first paragraph, the first full paragraph, I picked it up on the date stamped on the laundry. The laundry is stamped April 2, 1968.

Chairman STOKES. What page are you reading from?

Mr. RAY. I am reading the top of page 3.

Chairman STOKES. Read the part that you have reference to.

Mr. RAY. On the top of—Mr. Johnson says, and this was the actual date that he came in there? And Peters, yes, those two dates. The date he brought it in and the date that he came back and picked it up. Of course—which is stamped here the 2d.

Chairman STOKES. Is it your contention there that she is referring to April 2 rather than April 1?

Mr. RAY. Well, she refers to a special, which is an 8½-hour service. I think she's made some mistakes on here or something.

Chairman STOKES. Why don't we then, in order to ascertain whether she has mistakes or not, let's go over the relevant parts of her testimony. Is that OK with you?

Mr. RAY. OK.

Chairman STOKES. All right. On the first page, refer down to the lower portion of the first page, where Mr. Johnson says, "I ask you, are you sure it was the same man who put the clothes in, who picked them up?" Miss Peters said, "Yes."

Do you see that?

Mr. RAY. Yes, sir.

Chairman STOKES. Let's refer over to the second page. Counsel, the only reason I am skipping is to try and bring out important and pertinent parts of her testimony. If you want every word read, we will be happy to do that.

Mr. LANE. I would like you to read the whole document. If not, perhaps you could go to the later portions where she has some questions about the identification, where she says she was very nervous, she couldn't be sure, she gave a physical description that was different from Mr. Ray. I think the American people should have all the facts, not just those selected by you.

Chairman STOKES. The entire document is in the record, is it not?

Mr. PREYER. Yes, the document is.

Chairman STOKES. The American people will see the entire document.

Mr. LANE. Probably not.

Chairman STOKES. On page 2, Mr. Ray, at the top of the page, Peters says, "Well, they showed a picture, but to begin with, when he came in on Monday or Tuesday, one"——

Mr. LANE. Could we start with the question instead of the answer so we see the role of the FBI in here? I know you want to cover that for the people. Could we start with the question instead of the answer so when you hear someone respond you know what they are responding to?

Chairman STOKES. Mr. Ray, in her statement she makes reference to a double system of recording, doesn't she?

Mr. RAY. She put something in the counterbook, I believe. I don't know——

Chairman STOKES. The book that your attorney has asked us to produce, and which we have given you now as exhibit MLK F-106?

Mr. LANE. I don't believe that is so because the book she referred to said it said 9 o'clock on it and I don't see the reference to 9 o'clock on it.

Chairman STOKES. On the page you have before you—9 o'clock appears opposite No. 22 on that page, doesn't it?

Mr. LANE. Not opposite any of the references to Mr. Galt or his laundry, or cleaning.

Chairman STOKES. Mr. Ray, doesn't she describe how when she makes out a ticket she also goes over and makes a recording in her log book that corresponds with the date that she took the laundry or the dry cleaning in, doesn't she?

Mr. RAY. She makes some explanation. I am not sure I understand it. But she does make some explanation.

Chairman STOKES. And doesn't she explain to our interviewer that the date April 1, that appears on the receipt, and the date April 1, that appears in the log book, are the dates that she took this laundry in?

Mr. RAY. Well, she has an April 1 date wrote in and she has a stamped different date, so I am not certain which is the correct date.

Chairman STOKES. Doesn't she describe you in here?

Mr. RAY. Describe me?

Chairman STOKES. Yes.

Mr. RAY. No, she says here, she is not certain how I look.

Chairman STOKES. Where does she say that?

Mr. RAY. I think it is toward the back.

Mr. LANE. Page 11.

Mr. RAY. I am conceding I picked the laundry up April 5. There is no question about that. I am questioning the days.

Mr. LANE. She describes the man as 5 foot 8 inches at first and slender. She didn't know whether he was wearing glasses, had a lot of hair or hat, or no hair at all. I wouldn't say there was an absolute exact description of Mr. Ray.

Chairman STOKES. Mr. Ray, just so the record is clear, are you saying that you didn't go into that laundry, that she would not know you?

MR. RAY. I went into the laundry, but I do not go into the laundry April 1.

MR. LANE. I would like to call one matter to the attention of the committee. I would like to see the original book, because it appears to me—I am not an expert in altered documents, but I should be by now. It appears to me that on page—on line 29 of above Mr. Galt's name, there is a thin line and it looks as if there has been something added or subtracted to this document, from this document. Something may have been superimposed upon it.

MR. PREYER. Mr. Lane.

MR. LANE. Just the name Eric. Could we look at the original of this?

MR. PREYER. You are not testifying at this time.

MR. LANE. That is correct.

MR. PREYER. The counsel is not on the stand. We are seeking to elicit facts from Mr. Ray and he is perfectly capable of answering the questions. Please allow Mr. Stokes and Mr. Ray to work out this problem between them.

MR. LANE. It involves a lot more than just the two of them, I think, Mr. Preyer.

Chairman STOKES. Mr. Chairman.

MR. LANE. If it is an altered document, shouldn't we know about it?

MR. PREYER. Mr. Stokes is recognized for questioning.

Chairman STOKES. I think these documents will speak for themselves and we will move on.

We will ask, Mr. Chairman, that MLK exhibit F-105 be entered into the record at this point, a copy of which can be given to counsel. I have no questions to pose relative to it. I enter it for the purpose of establishing public knowledge with reference to the activities of Dr. King.

MR. PREYER. It is so ordered.

[Whereupon, Martin Luther King exhibit No. F-105 was marked for identification for the record, and follows:]

10-A — The Atlanta Journal — Monday, April 1, 1968

Funeral for Victim of Riot Keeps Memphis on Edge

MEMPHIS, Tenn. (UPI) — "apprehensive" about plans to hold a two-hour wake for a 16-year-old Negro killed by police their vigil over this racially troubled Mississippi River metropolis today. Authorities were

Assistant Police Chief W. E. Rount.

Rount said the city, where one person was killed, 62 were injured and almost 300 were jailed in racial violence Thursday, was "mostly quiet" Sunday. However, police officials predicted "tension will build again" today when civil rights leaders and the city's Negro community join in a wake for Larry Payne.

Adding to the fears was a report that Dr. Martin Luther King had sent four of his closest aides to Memphis to meet with local Negro leaders planning "massive nonviolent demonstrations" in support of the city's 1,300 striking sanitation workers.

King led the Thursday march which touched off the worst racial incident in the historic city's history. The Nobel Peace Prize winner plans to return Tuesday to lead more marches and his involvement here may postpone his publicized April 22 "poor people's campaign" in the nation's capital.

A Justice Department investigation into the slaying of Payne began Sunday. Police said the youth was caught carrying a television from a looted store and attacked patrolman L. J. Jones with a knife.

Jones, 25, said the youth attacked him "with the biggest knife I ever saw." The stocky officer said he was "very sorry" it happened. "I didn't want to kill him."

The service for Payne was scheduled for the Clayborn Temple AME Church.

A CLEAN SWEEP

NEW ORLEANS (AP) — A Bourbon Street in a scuffle was a big machine and carried for three ejected him.

Police said Joseph N. Peters, in undetermined condition. Not broken leg.

Patrolman Peter Dale said trucks with Peters are being so. During the fracas, the officer Peters on the head with an unidentified to the pavement.

The other two youths, said Da a huge street-sweeping machine. The machine, which sucks up the picked up Peters and carried him unknown to the driver—before it

Time Bomb Goes Off In Dow Building

MILAN (AP) — Italian police are investigating a time bomb explosion which damaged a building housing a branch of an American manufacturer of napalm, Dow Chemical.

Police said the explosion destroyed the main door of the building and damaged several windows but no casualties were reported.

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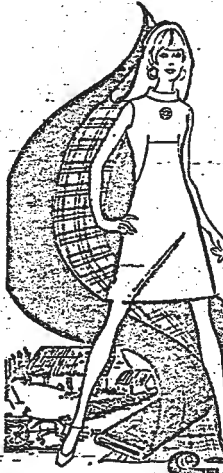
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King Threatens Demonstration At Conventions

By LAWRENCE L. KNUDSON

WASHINGTON, P. — Dr. Martin Luther King Jr. said Sunday that if his planned poor people's demonstration in Washington does not produce results in Congress, he may stage mass protests at the Democratic and Republican conventions.

King, an ordained Baptist minister, commented minutes after preaching to a predominantly white congregation that filled all 4,000 seats in Washington's prestigious Episcopal cathedral and spilled onto the steps and lawns outside.

"We're not coming to tear Washington apart," King told the congregation. "We're coming to demand to know if the government will address itself to the problems of poverty."

At his news conference, King said his Washington demonstrations will start April 22 with 200 to 300 persons who will talk with congressional leaders. They will be followed later in the week by 3,000 to 4,000 selected demonstrators who will build a shantytown at some still unchosen site inside the city, he said.

King said he expects a mass march, tentatively set for June 15th, will bring hundreds of thousands of demonstrators to the city to confront what he called "the goliath of opposition" to racial progress.

A demonstration which King led in Memphis last week erupted into riotous looting but he said his Washington demonstrators will be "trained in the technique of nonviolence."

In Atlanta, Dr. King's office said King plans to return to Memphis Tuesday where he will likely lead another march and organize some economic actions against discrimination there.

Four top SCLC aides were sent to Memphis to meet Sunday with local leadership from "all elements." The four — Hosea Williams, the Rev. Jesse Jackson and James Orange — met with church, labor, business and militant leaders to

work with them on "the issue of action for poverty," a SCLC spokesman said.

Most Russian Women

By ANTHONY C. COLLINGS

MOSCOW, P. — "The ballet dancers are beautiful, the fashion models chic, the ordinary women overweight," says American painter LeRoy Neiman.

Visiting Russia on assignment for Playboy magazine, Neiman says: "Even the young girls are not careful about their weight. But they do find different ways to fit the clothes around themselves. They're not regimented.

"And they all fuss with their hair, although the bleaches they use destroy it. During an intermission at a theater here I saw all the girls fussing with their hair at a mirror."

"They seem to have this thing about creating a shape with their head because

there isn't much they can do rest of their body.

"They don't move well, weight, even in a crowd. They do to enjoy avoiding contact.

"In Harlem people get a little close shaves, but here they're colliding. It's a lack of grace."

At the Arbat, Moscow's new spot popular with young people said the girls "dance just like I test new places in New York. But skirted kids here seem to lose a city in the process."

"And the guys don't keep up as the girls, in appearance or just putting on a white shirt is a with them."

"The guys are way behind. It seem to have the money or so

Farewell, Dear!



Associated Press Wirephoto

Marine Capt. Charles S. Robb and his wife, Lynda, daughter of President Lyndon B. Johnson, bid a fond farewell at Norton Air Force Base, Calif., from where Robb left for duty in Vietnam. Lynda told other Marine wives: "I hope I can be as brave as the rest of you."

Harry's Home

Former President Harry S. Truman and Mrs. Truman were back home in Independence, Mo., Sunday following a two-week vacation in Key West, Fla. They were flown from Florida in a Lockheed

Air-Sea Attack Halt Except for

By GEORGE ESPER

SAIGON, P. — The U.S. Command halted Monday air and sea blows against North Vietnam except for the southern end of the country near the Demilitarized Zone.

Brig. Gen. Winant Siddle, chief of information, said the halt went into effect as President Lyndon Johnson delivered a momentous speech in Washington ordering the curtailment. That was at 10 a.m. Monday. Saigon time—9 p.m. EST Sunday.

On orders from their commander-in-chief, the Air Force and Navy sent out word to subordinate units to stop the bombing of the Hanoi and Haiphong heartland of North Vietnam and the offshore naval bombardments of the North Vietnamese coast.

Johnson's order for this "first step" of deescalation ran counter to the positions that were held by almost all of his top military commanders in the war zone.

Gen. William Westmoreland, the over-all U.S. commander here who will leave soon to be Army chief of staff, has said consistently the air and sea blows against the North are vital.

Westmoreland, in a formal statement last year, said: "I consider the bombing and use of naval gunfire in North Vietnam essential and vital to our military strategy."

Military leaders in South Vietnam apparently were uneasy

against a so-called Hanoi Air Enterprise which hit at the only four mile center of Ha

Israel In A

TEL AVIV, an Israeli border were patrolling Israeli-occupied Arab and a spokesman count.

The two soldiers through the streets when a companion gave wounded man help. Reinforced the scene in the body. The apparently cut, fire, lay beside

The army in Hebron. Earlier, government proposals to station fire observers at River Jordan, flared again for

PIXIES By Wahl
I DRESS LIKE THIS WHENEVER I FEEL

Mr. LANE. Thank you.

Chairman STOKES. Mr. Chairman, I would ask the record further reflect that exhibit 105 just entered into the record is a copy of page 2 of the Atlanta Constitution dated Monday, April 1, 1968, in which there appears an article entitled "King Threatens Demonstrations At Conventions."

Further in that specific article, further reference is made to the fact that in Atlanta Dr. King's office said "King plans to return to Memphis Tuesday where he will likely lead another march and organize some economic actions against discrimination there."

The other item under exhibit 105 is a copy of the Atlanta Journal, page 10(a), dated Monday, April 1, 1968, where there appears an article entitled "Funeral For Victim Of Riot Keeps Memphis On Edge," in which one of the paragraphs says as follows:

King led the Thursday march which touched off the worst racial incident in the historic city's history. The Nobel Peace Prize winner plans to return Tuesday to lead more marches and his involvement here may postpone his publicized April 22 Poor People's campaign in the Nation's Capital.

Mr. Ray, when you arrived in Memphis on April 3, were you aware of the fact there was a sanitation worker's strike in that city?

Mr. RAY. No, sir.

Chairman STOKES. Did you notice increased police activity in the city?

Mr. RAY. Well, I don't have any recollection of it. I may have noticed it if there was.

Chairman STOKES. Being a fugitive, weren't you constantly aware of how much police activity was around you?

Mr. RAY. Well, if they were behind me, I would have probably taken notice of them; otherwise I wouldn't pay too much attention to them.

Chairman STOKES. Generally, you tried to stay out of their way, didn't you?

Mr. RAY. Yes, sir; that is correct.

Chairman STOKES. Now, were you aware of Dr. King's presence in Memphis on April 3 and April 4?

Mr. RAY. No, I wasn't.

Chairman STOKES. Mr. Ray, on April 4, 1968, an edition of the Memphis Commercial Appeal newspaper was found in the bundle of evidence outside of Canipe's Amusement Co. immediately after the assassination of Dr. King. That newspaper had your fingerprint on it.

Mr. RAY. My fingerprints?

Chairman STOKES. Had your fingerprint on it. Are you aware of that?

Mr. RAY. No, I wasn't aware of it. I was aware the newspaper was probably mine because I usually purchased a newspaper, but I didn't know you could get a fingerprint off of a newspaper.

Chairman STOKES. At this time I would like to have the clerk furnish a copy of F-50 to counsel and the witness, we also ask that it be included in the record.

Mr. PREYER. At this point MLK F-50 is ordered to be entered in the record.

Forensic Control Systems Inc.
150 Nassau St., Suite 1126
New York, N. Y. 10038

RESULTS OF EXAMINATIONS AND COMPARISONS

The following photographic copies of latent fingerprint impressions were compared against the photographic copy of the inked fingerprints of James Earl Ray (B#119908 dated 10-11-49 Illinois). The said photographic copy of the inked fingerprints contains the signature James E. Ray.

NCIC CLASS - CIRFO

1 6 1 3 1 1 P 0 1 2 1 2 D I 1 3 P I 1 7

Photographic Copy No. 2 - Latent fingerprint recovered from rifle positively identified as the left thumb (No. 6 of James Earl Ray)

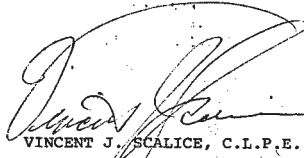
Photographic Copy No. 4 - Latent fingerprint recovered from binoculars positively identified as the left thumb (No. 6 of James Earl Ray)

Photographic Copy No. 5 - Latent fingerprint recovered from piece of newspaper positively identified as the left index finger (No. 7 of James Earl Ray)

Photographic Copy No. 7 - Latent fingerprint recovered from beer can positively identified as the right middle finger (No. 3 of James Earl Ray)

Photographic Copy No. 165 - Latent fingerprint recovered from robbery note positively identified as the right thumb (No. 1 of James Earl Ray)

Photographic Copy No. 3 recovered from telescopic site on rifle - Photo submitted is of too poor a quality for comparison purposes. In order to effect a comparison, the original must be submitted for examination.



VINCENT J. SCALICE, C.L.P.E.

Forensic Consultant

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Mr. RAY. I think if they got my fingerprints off of the newspaper, how come it took 15 days to find out whose print it was, or 13 days?

Chairman STOKES. We also furnish counsel and witness a copy of exhibit F-61, and ask that it be included in the record.

Mr. PREYER. At this point F-61 is ordered to be entered into the record.

[Document handed to the witness and counsel for their inspection.]



MLK EXHIBIT F-61

Chairman STOKES. Have you had an opportunity to study both documents?

Mr. RAY. Yes, I have read this fingerprint document.

Chairman STOKES. All right. On the fingerprint document you see where it says "photographic copy No. 5, latent fingerprint recovered from a piece of newspaper positively identified as left index finger No. 7 of James Earl Ray?"

Mr. RAY. Yes; that is correct.

Chairman STOKES. Now, the other document, which is the front page of the Commercial Appeal, a Memphis, Tenn., newspaper, Thursday morning, April 4, 1968, I will ask you to look at this document. Do you see an article on the front page there about Dr. King?

Mr. RAY. Yes.

Chairman STOKES. And would you just read the caption that appears at the top of that article?

Mr. RAY. "King Challenges Court Restraint, Vows to March."

Chairman STOKES. Are you aware of the fact that that article also makes reference to the Lorraine Motel?

Mr. LANE. I think that it says Dr. King was eating lunch there, not that he was staying there.

Chairman STOKES. I didn't say that.

Mr. LANE. I know.

Chairman STOKES. Does it make reference to the Lorraine Motel?

Mr. LANE. That is the reference it makes. He was eating lunch there. That is the reference it makes, as you know, from reading it.

Chairman STOKES. Mr. Ray—

Mr. RAY. I will assume it is in there.

Chairman STOKES. Had you read that newspaper that day?

Mr. RAY. No, sir.

Chairman STOKES. You did purchase—

Mr. LANE. He is going to read it now so he can answer your question.

Mr. RAY. I don't have any independent recollection but I most likely purchased it because I usually bought a morning newspaper and read it.

Chairman STOKES. Now, were you aware, then, that Dr. King was in Memphis?

Mr. RAY. No.

Chairman STOKES. Were you aware of the fact he was staying at the Lorraine Motel?

Mr. RAY. I really wasn't aware that he was existing.

Chairman STOKES. You know, don't you, that the Lorraine Motel is located immediately behind Bessie Brewer's roominghouse?

Mr. RAY. Yes; that is correct.

Chairman STOKES. Let me ask you this:

You were in Memphis on the night of April 3, weren't you?

Mr. RAY. That is correct.

Chairman STOKES. You watched television that night?

Mr. RAY. No, sir. I don't have any recollection of it.

Chairman STOKES. Listen to a radio?

Mr. RAY. No, sir.

Chairman STOKES. You did have a radio, didn't you?

Mr. RAY. I had a small one, yes.

Chairman STOKES. Did you listen to it?

Mr. RAY. No; I just used that radio when I escaped from the prison to pick up news reports. I seldom listened to it.

Chairman STOKES. So that we understand what you have testified to here this afternoon and this morning, you left Los Angeles shortly

after the media had announced that Dr. King was coming east, you filed a change of address form showing that you intended to be in Atlanta, Dr. King's home town, for some time, specifically April 25, 1968; you got lost in Selma, Ala., just about the time Dr. King is in the same area?

Mr. LANE. I don't think that is what the record shows. That is what you tried to show.

Mr. PREYER. Let Mr. Stokes complete his question.

Mr. LANE. It is not a question; it is a summation of the prosecution's case in this investigation.

Mr. PREYER. Objection overruled.

Mr. LANE. We thought it might be.

Chairman STOKES. Then you rent a room in Atlanta; you buy a rifle in Birmingham, and then buy every other piece of available evidence, other than parts of your story; you return to Atlanta where you remain until at least April 1, by the documents we have produced here this afternoon; and following the announcement in Atlanta of Dr. King's return to Memphis, you drive to that city, you rent a room from which Dr. King's movements can be easily watched.

Mr. LANE. That is not true. You know you cannot see the movements from that room, room 5. That is a false statement.

Mr. DEVINE. Mr. Chairman, if this witness or this attorney is going to insist on being the witness, I suggest he be sworn. He is filling the record with trivia, unsubstantiated. He is not under oath.

Mr. LANE. The trivia are the false statements—

Mr. PREYER. I ask counsel to please wait until the question is presented before making any sort of objections to it.

Proceed, Mr. Stokes.

Chairman STOKES. Mr. Ray, isn't it true that from the time you left Los Angeles until the time you left Memphis on April 4, 1968, that you were in the process of following the movements of Dr. King?

Mr. RAY. No, that isn't correct.

Mr. LANE. I would like to object to the statement made by Mr. Stokes, that from that room 5 you can monitor Dr. King's activities. I presume you have all been to that room and so have I, and we all know that statement is untrue.

Mr. PREYER. Mr. Ray can make the point of whether or not he can see from that—

Mr. LANE. He doesn't know, he wasn't looking at the Lorraine Motel from the window. I was, because I was there after the assassination, and so were you.

Chairman STOKES. Mr. Chairman, we have testimony from the witness that he could have used the bathroom on the premises there in the roominghouse and my question should have incorporated both the room and the bathroom with reference to being able to monitor the movements of Dr. King.

I will ask once again to have exhibit MLK F-15c shown to the witness.

Mr. RAY. Yes.

Chairman STOKES. Isn't it true that that balcony of the Lorraine Motel can be seen from the bathroom where you rented a sleeping room?

Mr. LANE. Are you talking about a community bathroom, not a bathroom attached to the sleeping room? Could you clarify that and make the question less vague?

Mr. RAY. I cannot understand the map too well, Mr. Stokes.

Mr. LANE. I would like a ruling on the question. I object to the question for vagueness. It appears as if this is a bathroom in an apartment that he rented. Are we talking about a community bathroom at the end of a hall?

Mr. PREYER. Mr. Stokes, do you wish to—

Chairman STOKES. Mr. Ray, you know what bathroom I am talking about, don't you? You are not confused.

Mr. RAY. I saw pictures of it. I believe you displayed a picture here yesterday or the day before.

Chairman STOKES. Yesterday when we talked about the bathroom, you said, "I could have been in it because I had been to several taverns," do you remember that?

Mr. RAY. Yes, I said that but I cannot remember every place I've ever been.

Chairman STOKES. What bathroom were you talking about you could have been in?

Mr. RAY. Well, the one you asked me about, the one at the rooming-house.

Chairman STOKES. And that is the one I am asking you about now.

Mr. RAY. I say, I cannot—if you could point out where the rooming-house is, I could answer your question. Is that the roominghouse on the left?

Chairman STOKES. Bring the exhibit over so the witness will be able to see it.

Mr. RAY. The picture, I gather, was taken from the Lorraine Motel?

Mr. LANE. Ask him; ask him that question.

Chairman STOKES. Mr. Chairman, let the record reflect that the photograph shown to the witness is a photograph taken from the bathroom window.

Mr. RAY. What's your question?

Chairman STOKES. The question is, that balcony of the Lorraine Motel could be seen from the bathroom that was somewhere adjacent to room 5-B, which you occupied in Bessie's roominghouse.

Mr. LANE. I object to the question. It cannot be somewhat adjacent. The word "adjacent" is quite precise. It is either adjacent or not adjacent. It was not adjacent.

Mr. PREYER. The objection is overruled.

Mr. LANE. Yes; we expected that ruling, but can we have a question which the witness can deal with, nevertheless?

Mr. RAY. Well, it appears you could. I see some trees and things of that nature in there. I guess if you had expert vision, you might see through there.

Chairman STOKES. Thank you.

Mr. Ray, did you use the name John L. Rayns while you were working at the Indian Trails Restaurant in Winnetka, Ill., in 1967?

Mr. RAY. Yes; that's correct.

Chairman STOKES. Shortly after leaving Winnetka, Ill., did you start using the name, Eric Starvo Galt?

Mr. RAY. That's correct.

Chairman STOKES. Did you use that name during most of the next 9 months in Canada, Mexico, and the United States?

Mr. RAY. Yes; I used the Rayns name some, but not too much. Mostly it was the Galt name, which I had the driver's license under.

Chairman STOKES. And then you used Galt at the safe deposit box in Birmingham?

Mr. RAY. That's correct.

Chairman STOKES. At the Birmingham roominghouse?

Mr. RAY. Yes.

Chairman STOKES. At hotels and motels in Mexico?

Mr. RAY. Yes.

Chairman STOKES. At apartments in Los Angeles, Calif.?

Mr. RAY. Yes.

Chairman STOKES. At the bartending school?

Mr. RAY. Yes.

Chairman STOKES. At dancing school?

Mr. RAY. Yes.

Chairman STOKES. At doctors in California?

Mr. RAY. Yes.

Chairman STOKES. At the Selma Motel?

Mr. RAY. Yes.

Chairman STOKES. At Garner's roominghouse?

Mr. RAY. Yes.

Chairman STOKES. At the laundry, Piedmont laundry?

Mr. RAY. Yes.

Chairman STOKES. The New Rebel Motel?

Mr. RAY. Yes.

Chairman STOKES. And, in fact, you had identification papers during all this time in the name of Eric Starvo Galt, didn't you?

Mr. RAY. That's right.

Chairman STOKES. Yet, when you purchased the .243 Remington and exchanged it for the 30.06 rifle at the Aeromarine Supply Co. in Birmingham, a city in which you had valid identification on March 29 and 30, you used the name Harvey Loemeyer, is that correct?

Mr. RAY. That's correct.

Chairman STOKES. Then, on April 4, when you rented the same room—not the same room, but the room in the roominghouse from which the fatal shot was allegedly fired—

Mr. LANE. One second; he rented the room from which the shot was allegedly fired? I have never heard that statement made before. If you have come across some new evidence, I would like to hear it.

Chairman STOKES. I believe I said roominghouse, the bathroom window of the roominghouse.

Mr. LANE. Oh, bathroom window.

Chairman STOKES. From which the fatal shot was allegedly fired. You again did not use your well-established identity of Eric Starvo Galt, but you used the entirely new alias of John Willard; isn't that true?

Mr. RAY. Well, that's correct, but I did think there was going to be some type of criminal activity going on in these transactions, purchasing the rifle.

Chairman STOKES. Actually, Mr. Ray, the two points most intimately involved with the assassination, that is, when you acquired the rifle—I withdraw that question.

You have maintained all along you did not fire that shot, right?

Mr. RAY. Yes.

Chairman STOKES. You have given more than one alibi as to where you were at 6 p.m. the evening Dr. King was shot, haven't you?

Mr. RAY. No, I haven't. I have written what you call alibies down several times. I've written them down for Percy Foreman, 2 or 3 months after the guilty plea; I wrote them down for Attorney Robert Hill of Chattanooga; about a year later, I wrote them down for Bernard Fensterwald.

I think what you are confusing is what I told book writers indirectly to mislead them. Most of these book writers have just been panders for the FBI. I never thought that I was under oath when I made any of these statements to William Bradford Huie or George McMillan or Mr. Franks. I never did tell Mr. Franks or McMillan anything directly. It was always through, possibly through an attorney.

Chairman STOKES. And did you tell him the story that you told other authors to mislead them?

Mr. RAY. Did I?

Chairman STOKES. Hanes.

Mr. RAY. Did I tell him to mislead him?

Chairman STOKES. Yes.

Mr. RAY. I told Hanes at one time about robbing a house of prostitution in Montreal, and then I told him—I was testing him this time around September—I told him I actually didn't rob the place; I robbed the supermarket. That wasn't to mislead him; it was to find out if he was giving the information to William Bradford Huie.

As I testified yesterday, the next day, Arthur Hanes, Jr., came by and told me not to—that Huie told me that he didn't want to hear any more of my stories, words to that effect.

Chairman STOKES. Well, at the time you were telling Arthur Hanes something to mislead him, he was representing you in a capital case, wasn't he?

Mr. RAY. This was just one incident and had nothing to do with the murder of Martin Luther King. It was whether or not I robbed a house of prostitution or supermarket in Montreal. That had nothing to do with the homicide.

Chairman STOKES. But didn't you tell Arthur Hanes, who at that time was your attorney, the white sheet story?

Mr. RAY. I told Mr. Hanes the white sheet story for Mr. Huie, and Mr. Hanes subsequently testified in 1974 that I was just putting Huie on in a habeas corpus hearing.

Chairman STOKES. OK. What you are now telling us is that you do have an alibi as to why you could not have shot Dr. King; isn't that true?

Mr. RAY. I don't know about the word "alibi." I think there is evidence.

Chairman STOKES. Well, at any rate, you were nowhere near the scene when he was killed, were you?

Mr. RAY. That's correct.

Chairman STOKES. Tell us where you were.

Mr. RAY. I was in the service station, I think. I'm not positive.

Chairman STOKES. I want you to think because this is very, very important where you were when Dr. King was shot.

Mr. RAY. Mr. Stokes, after I pled guilty, well, in fact, during the time they was maneuvering me into position to plead guilty, there is

a policeman in the Memphis jail named William Berry. Mr. Berry told me he was on duty at the fire station at the time Martin Luther King was shot. He told me there were also seven or eight other police officers on duty at this firehouse and this firehouse is approximately 100 feet, 150 feet from the roominghouse.

There was two cars there. Each one of them had four policemen in it and they were parked right near the street at the time Martin Luther King was shot. Police officers are very observing. I think they are trained to be observing.

I am certain anyone seeing me running out of a roominghouse throwing a weapon in a door and speeding off in a Mustang, all these police would have seen me. And in this respect, and the list of witnesses, I have never seen any of these policemen on the witness list.

So, you are asking me things I think maybe you should be asking the police.

Chairman STOKES. I will go back to my question. I want to know where were you when Dr. King was killed?

Mr. RAY. I believe I was in the service station, but I'm not positive.

Chairman STOKES. You see, it is pretty difficult for us to understand when you say, "I believe I was but I'm not positive."

Mr. RAY. Well, it is difficult to pinpoint where you was at a certain time. At 6 o'clock I could have been in the service station or I could have been driving down the street preparing to come back into the roominghouse area.

Chairman STOKES. Well, you knew that a few minutes after 6 you were on your way out of town, didn't you?

Mr. RAY. Yes, I knew that, yes.

Chairman STOKES. So, it is easy for you to reconstruct where you were a few minutes earlier when you were in such a hurry to get out of the city, isn't it?

Mr. RAY. It's easy for me to reconstruct? Before?

Chairman STOKES. Where were you a few minutes after 6?

Mr. RAY. I was heading toward Mississippi.

Chairman STOKES. And you were in a hurry to get out of town, weren't you?

Mr. RAY. No, not particularly; no.

Chairman STOKES. What were you leaving town for?

Mr. RAY. Well, I ran into a police roadblock.

Chairman STOKES. What had the police done to you to make you get out of town so quickly?

Mr. RAY. What had they done to me? Well, they hadn't done anything particular to me, but I was the fugitive, and usually when police are around, I try to avoid the area.

Chairman STOKES. So, as a result of your running into these police, you were in a hurry to get away, weren't you?

Mr. RAY. I wasn't in no really big rush, but I did want to get out of the area until I found out what happened.

Chairman STOKES. If you weren't in a hurry, why didn't you drive over to another part of town?

Mr. RAY. It was my intention to drive out into Mississippi on the highway and stop at a service station and make a telephone call and attempt to find out if anything had taken place illegally because I

assume that the rifle may have been in the roominghouse and the police could have found it or found something else.

On the way, while I was driving toward New Orleans, I heard these reports of the radio. Consequently, I turned and left and went toward Atlanta, Ga.

Chairman STOKES. Is it fair to assume that you really got out in a hurry then?

Mr. RAY. Yes, really then; yes.

Chairman STOKES. Now, you say, "I was possibly, maybe in a gas station." What is your best recollection?

Mr. RAY. My best recollection, I would be in the service station or just leaving it.

Chairman STOKES. What, sir?

Mr. RAY. Or just leaving it; just entering it or just leaving it.

Chairman STOKES. Just entering or just leaving what?

Mr. RAY. The service station.

Chairman STOKES. What service station?

Mr. RAY. Well, I can describe the approximate area, but I can't—I think it was one of the major brand service stations, but I can't give you the exact name.

Chairman STOKES. Do you know the name of it or you don't know the name of it?

Mr. RAY. No, I never checked the name of it out. I think it's—a lawyer checked it out, and I think he said it was a major station. Anyway, there's two or three of them in that area.

Chairman STOKES. Well, when you were picked up and brought back from London knowing you were charged with this crime, wasn't it important to tell your attorneys what gas station you were in?

Mr. RAY. But it wasn't important to tell the FBI about it.

Chairman STOKES. I don't understand how the FBI gets in here; I am talking about your attorney.

Mr. LANE. Explain it to him. He doesn't understand.

Mr. RAY. Well, I think I have explained it. When I tried to retain Mr. Hanes and Mr. Bailey in London, England, Mr. Bailey declined to represent me on a conflict of interest. I think he said he represented Martin Luther King one time in some type of a suit. Mr. Hanes took the case only after he talked to William Bradford Huie and they signed contracts. And they signed these contracts before I ever knew anything about them. Later on I added my name to them.

Well, after I got back to Memphis, I was presented with a few more contracts. I waited about 2 weeks. I wasn't really interested in signing them, but he put it to me it was either—I wouldn't have no choices. It was either sign the contracts to raise funds for the trial or forego the trial.

Well, under the contracts I was required to give Mr. Huie certain writings about the case, but it was my understanding with Hanes that we wouldn't discuss anything with Mr. Huie pertaining to April 4, because we thought that would give the prosecution an unfair advantage. Consequently, I would write out things for Mr. Huie through Mr. Hanes.

Well, to begin with, I think I had about 200 witnesses against me. When I wrote out certain items for Mr. Huie. For instance, I wrote about where I was at between the time I escaped in April and the time

I went to work at the Indian Trail Restaurant and the time I quit there; I was using the name John Rayns at that time.

Well, at that time the FBI had not found out where I was at. But consequently, because Mr. Huie gave this information to the FBI, well they did find out. And the consequences of this, I got about 50 more witnesses against me. I got a new witness list. I started out with 200 witnesses; now I had 250. So, every time I'd give Mr. Hanes information, either in writing for Huie or just information, 2 or 3 weeks later here the prosecutor would come back with more witnesses. It ended up I had 399 witnesses against me when, to start, I had 200 witnesses against me. So I think you can see why I was a little hesitant in giving Mr. Hanes certain information.

Chairman STOKES. So then this is the reason why you did not tell the man who was representing you in a case where your life was on the line about the fact you were in the gas station?

Mr. RAY. That's why I dismissed him and hired Percy Foreman. That's one of the reasons.

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

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

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

Mr. RAY. Yes; that's correct.

Chairman STOKES. Mr. Ray, did anyone see you in the gas station?

Mr. RAY. Well, I never did investigate. I've since told several different attorneys. I think the present attorney here, Mr. Mark Lane, has tape recordings from witnesses saying they saw me there. I think the witnesses subsequently died. But I assume this committee got a statement from the individuals because Mr. Lane had informed the committee. I believe there was another individual seen me in the area. Did you tell the committee?

Mr. LANE. I told the committee.

Mr. RAY. Mr. Lane says he informed the committee about this witness before the witness died.

Chairman STOKES. Do you care to furnish the committee with the name you gave us, Mr. Lane?

Mr. LANE. Yes. As you probably know, I informed Mr. Lehner many, many, months ago when he was the chief counsel on the King side of your investigation of two names, telephone numbers and tape recordings. As a matter of fact, I believe transcripts as well with my interview of Dean Cowden and my interview of Thomas Wilson.

I was informed by Don Harris of NBC Television several days ago about a week or two ago Mr. Wilson died, but he was alive, and although I saw him in the hospital, he was coming out of the hospital when I saw him. He was certainly alive at the time many, many months ago that I gave that information to the chief counsel on the King side.

Chairman STOKES. So that the record is clear, you are talking about Mr. Wilson and Mr. Cowden?

Mr. LANE. Those are the two names that I gave and those are the two tape recordings that I gave to the committee of interviews.

Chairman STOKES. And Mr. Wilson is now deceased. Mr. Cowden is alive; is that correct?

Mr. LANE. I didn't see him lately, so I don't know. A lot of things are happening around Memphis now. I don't know what the situation is. I haven't talked with him in a long time.

Chairman STOKES. Are there names of any other persons who will tend to establish his alibi which you have furnished our committee?

Mr. LANE. Are you asking me?

Chairman STOKES. Yes, sir.

Mr. LANE. Yes. As you probably know, from reading the newspapers in Memphis which covered this event, there was a black service station attendant who was interviewed very fully at the time. I have not talked with him, but in newspaper interviews with him he said that he did see Mr. Ray and he said something which I found quite startling; that is, the FBI came around with pictures of Mr. Ray very soon after the murder of Dr. King.

As I recall, there is a much later story in one of the Memphis newspapers, the Commercial Appeal or the Scimitar, Press Scimitar, in which, I think his name is Mr. Green, said that—I will wait until you finish the conversation, Mr. Stokes.

Chairman STOKES. Do you have that individual's name, Mr. Lane?

Mr. LANE. I think his name was Willy Green. I'm not sure. I never talked to him. I just read the newspaper account. About the time this committee was being formed he was interviewed perhaps before or after that time, but more recently than the assassination.

And he said, I'm in the phone book, and nobody from the Government has come to talk to me. I am here, I'm ready to answer all these questions.

Now, all I know—excuse me. All I know about him is I think I read two different newspaper counts. I have not talked with him myself.

Chairman STOKES. Would you furnish counsel and the witness copies of exhibit F-17.

Mr. RAY. Mr. Stokes, I think there are further witnesses, if you want me to provide them.

Chairman STOKES. Yes; I will in just a moment, if you will just withhold for a moment.

Mr. LANE. You have given us a story from the National Inquirer, I believe.

Chairman STOKES. Yes; that's the National Inquirer article dated October 11, 1977, entitled "Inquirer Uncovers New Evidence."

My question to you, Mr. Lane, would be whether this is the article you referred to with reference to Dean Cowden and Thomas J. Wilson?

Mr. LANE. I did not refer to an article about Mr. Cowden and Mr. Wilson. As I said clearly, I interviewed both of them. I gave the transcripts and the tape recordings of my interview of both men to Mr. Lehner; I gave him the telephone numbers. I made no reference to a newspaper story whatsoever about Mr. Cowden and Mr. Wilson.

I am not as easily deceived. I don't think it is fair to try to do things like that, Mr. Stokes. I never said anything about a newspaper and those two men; never.

Chairman STOKES. Does this article make reference to those two men?

Mr. LANE. It makes reference to those two men, to Renfro Hayes and to Grace Walden—you remember her; Grace Walden? They are all referred to in there.

time when the shot was supposed to have been fired, or before it was fired. There is another one named Copeland. These people worked right across the street from the roominghouse, too.

In addition to that, I mentioned the two police cars awhile ago. And also the policeman who was guarding me in the Memphis jail; there were two guards at all times observing me. Well, several of these guards were also in the firehouse at the time the shot was fired. One of them told me directly or indirectly—I don't recall now just what—all policemen in the city of Memphis who were within 4 miles of Martin Luther King when he was shot were required to make a sworn statement about their activities in case in Memphis police was charged with the homicide. And the police told me these sworn statements differed substantially from that of the State's case that was being put in the newspaper.

However, these 4-mile statements were apparently destroyed when the Memphis city government destroyed the King file. I think they destroyed them right before this committee got ahold of them. However, I think the sheriff's police department has the same statements which could possibly support my testimony.

Chairman STOKES. Now, have you anything else you want to tell us about any other witnesses that can clear you?

Mr. RAY. Well, not what I can recall. Usually in a criminal's trial, you don't have to prove yourself innocent, but I thought possibly in this one I would. I can't think of any other evidence—

Mr. LANE. May we just have a moment?

Mr. RAY. I did write Chief Luchs about this matter, Chief Henry Luchs, possibly he could help you with the statements.

Mr. LANE. May we have just a moment before Mr. Ray continues with the answer to that question?

[Pause.]

Chairman STOKES. Are you ready, sir?

Mr. RAY. That's correct, yes, sir.

Chairman STOKES. Your reason for heading out of town was because you came back to your roominghouse and you saw these police; is that right?

Mr. RAY. That's correct.

Chairman STOKES. You immediately then headed out of town?

Mr. RAY. Yes.

Chairman STOKES. When you headed out of town, you knew you hadn't killed anybody; isn't that true?

Mr. RAY. That's correct.

Chairman STOKES. And when you hit the highway, you headed for Atlanta, Ga.; you drove 350 miles for a straight 11-hour period; isn't that true?

Mr. RAY. Yes.

Chairman STOKES. And on the way back to Atlanta, you threw some items out of your car, too, didn't you?

Mr. RAY. Yes.

Chairman STOKES. What were they?

Mr. RAY. You've left out a little bit in between there.

Chairman STOKES. Put it in.

Mr. RAY. Pardon?

Chairman STOKES. Put it in. I don't want to leave out anything.

Mr. RAY. When I left Memphis, I entered Mississippi. I was heading toward New Orleans. It was my intention to make a phone call when I came to a service station that had a phone booth in it. However, I heard the report on the car, the Mustang radio, saying that Martin Luther King had been shot. I believe it was a bulletin. I'm not certain.

Maybe 15 minutes later I heard a report they were looking for a white man in a white Mustang. That's when I speeded up a little bit.

Chairman STOKES. That's when you began to speed up?

Mr. RAY. Yes.

Chairman STOKES. And that's when you headed directly for Atlanta?

Mr. RAY. Well, I turned left at the first intersection.

Chairman STOKES. And headed for where?

Mr. RAY. Atlanta.

Chairman STOKES. And on the way to Atlanta, didn't you throw some items out of your car?

Mr. RAY. Everything I could get ahold of, yes.

Chairman STOKES. Everything you could get ahold of.

Mr. RAY. Yes.

Chairman STOKES. Like what?

Mr. RAY. Well, the camera equipment I had been asked to purchase; I just threw it all out. It was dark. I didn't know what else I threw out.

Chairman STOKES. You threw out a check, too, didn't you?

Mr. RAY. A check?

Chairman STOKES. Yes.

Mr. RAY. No.

Chairman STOKES. How much were the cameras you threw out of the car worth?

Mr. RAY. How much was?

Chairman STOKES. How much they were worth?

Mr. RAY. I imagine \$500.

Chairman STOKES. And the other items you threw out of the car of value?

Mr. RAY. I was mainly trying to get away from—

Chairman STOKES. I am talking about the value of the items.

Mr. RAY. I really couldn't say what the value of the other items were. In other words, anything I could get my hands on I threw out the back seat of the car.

Chairman STOKES. And then when you got to Atlanta and you parked your automobile, what was the first thing you did then?

Mr. RAY. Well, before I got to Atlanta, I purchased some gasoline. And when I was throwing the items out of the Mustang, I wiped the fingerprints off the car. The first time I got to Atlanta, the first thing I did was—well, I parked the car in a parking lot and went back to the roominghouse that I had rented in Atlanta.

Chairman STOKES. And where was it that you wiped off the fingerprints off the car?

Mr. RAY. That is when I threw the camera equipment out. It was raining at that time.

Chairman STOKES. Mr. Chairman, I have no further questions. I yield back the balance of my time.

Mr. PREYER. Thank you, Mr. Stokes.

The Chair recognizes Mr. Fithian at this time for further questions.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. RAY, I am sure at this public hearing you will want to help us establish all of the information that's possible in this case. And I'm interested primarily in your recollection, your memory; what do you think today is that story?

In other words, I'm primarily interested in what you feel to be the truth. Now, there have been, of course, a great many articles, words, books, speculations, theories, and so forth, about the assassination of Martin Luther King. One of them has to do with you and your possible racial motive, or alleged racial motive, for such a killing.

It would be very informative to me, as one member of the panel, if you would care to comment on your racial feelings and whether or not those many speculations, allegations, or whatever you would choose to call them, have any basis in fact.

Mr. RAY. What are the allegations? I've written some things down here that pertain to these allegations that I've read in George McMillan's book, for instance. I don't know if the committee is relying on Mr. McMillan's book.

Mr. FITHIAN. I would be primarily concerned in your telling us about your own attitudes toward race and whether or not those who speculate that there is some relationship or connection are way off base or whether they are approximately correct; I just really want your impression.

Mr. RAY. I really don't have no opinion about it. I assume everyone is looking out for himself most they can, whether he's black or white.

Mr. FITHIAN. Would you say, then, that your own feeling toward a Black person could not motivate you to kill this leader of the civil rights movement?

Mr. RAY. No; I'm certain of that.

Mr. FITHIAN. Mr. Ray, another area that I am quite interested in is your travels and some of the expenditures that you made while you traveled, following particularly that period of time immediately after your escape from Missouri State Penitentiary. It's of great interest to this committee and to me, and I would like to ask you some questions about that at this time.

As I understand your testimony, you indicated that you walked—after you escaped from the prison and got out of the truck—you walked west along some railroad tracks for a period of about 6 days following your escape on April 23; isn't that your story?

Mr. RAY. That's correct, yes, sir.

Mr. FITHIAN. And you further said that you then boarded a freight train headed East.

Mr. RAY. Yes.

Mr. FITHIAN. To St. Louis.

So if I understand it now correctly, you proceeded 6 miles down the track west—

Mr. RAY. Six miles?

Mr. FITHIAN. Six days; I'm sorry.

Mr. RAY. Yes.

Mr. FITHIAN. Six days down the track West, and then you caught a freight train going East?

Mr. RAY. Yes; I guess it's a freight train.

Mr. FITHIAN. Well, some people have questioned why you would board a train which carried you back along the escape route through Jefferson City, Mo., the location of the Missouri State Penitentiary, and on to the St. Louis-East St. Louis area.

One explanation which has been offered is you were familiar with the area in the St. Louis-East St. Louis vicinity and that you had family there. I would like to ask you whether you, in fact, did have family and friends in that area at that time.

Mr. RAY. In St. Louis?

Mr. FITHIAN. Yes.

Mr. RAY. Yes, sir, I did.

Mr. FITHIAN. Now, how much money did you say you had when you escaped prison?

Mr. RAY. Approximately \$250.

Mr. FITHIAN. Among those members of your family living in that area, did your brother John live in the East St. Louis area in April of 1967?

Mr. RAY. Yes; he worked in St. Louis.

Mr. FITHIAN. I am sorry?

Mr. RAY. He was employed in St. Louis, yes.

Mr. FITHIAN. Did you contact your brother John when you were in St. Louis on or about April 29; that is, about 6 days after your escape?

Mr. RAY. No, sir.

Mr. FITHIAN. Mr. Ray, you were born in Alton, Ill., which is, what, about 20 miles from St. Louis; is that correct?

Mr. RAY. Yes; that's what I've been informed, yes.

Mr. FITHIAN. Were there periods in your lifetime in which you resided in Alton in years after your birth?

Mr. RAY. Yes, sir.

Mr. FITHIAN. Did you rob a supermarket in Alton, Ill., on August 21, 1959, with a Mr. Joseph Elmer Austin?

Mr. RAY. I really don't think I should answer that. It has nothing to do with the King case and there has been allegations that I did, and I don't know about the detainer effects on some admission or omissions—I rather not answer any questions about crimes I'm familiar with.

Mr. FITHIAN. Mr. Chairman—

Mr. RAY. I don't have any objection to answering anything I have been convicted of, but I'd rather not go into things I have been charged with, except the King case.

Mr. FITHIAN. Mr. Chairman, I respect the witness' right not to answer the question, of course. I would just point out to the Chair that in the habeas proceedings in Mr. Ray's testimony, marked as King exhibit No. F-24, just to establish for the record, the witness was arrested at East Alton, Ill., for burglary. He was never prosecuted for this, according to the habeas corpus, though he was indicted for holding up a Kroger store in Alton, Ill.

But let's move on. I respect the witness' right.

Mr. LANE. I wonder if we might take a look at that document you just referred to, Mr. Fithian.

Mr. FITHIAN. Well, I have no objection, except the witness doesn't want to answer the question.

Mr. LANE. I know, but you made an allegation. I wonder if we could see the document, especially since you say you have no objection.

Mr. FITHIAN. I have no objection. Let me just establish at this time one fundamental question. You have had access to the habeas proceedings?

Mr. LANE. I've had access to—

Mr. FITHIAN. I am talking to the witness.

Mr. LANE. To Mr. Ray; you are asking Mr. Ray that question?

Mr. FITHIAN. Yes.

Mr. RAY. Habeas corpus proceedings in Memphis?

Mr. FITHIAN. Yes. You have had access to those?

Mr. LANE. Which ones do you mean? He brought a number himself. Could you identify the one you are referring to?

Mr. FITHIAN. This particular reference, and I would be glad to have the clerk show this to Mr. Ray.

Mr. LANE. Thank you, Mr. Fithian.

Mr. FITHIAN. The reference is to Martin Luther King exhibit No. F-24, the habeas proceedings, Ray's testimony, page 917.

I would hope, however, since the witness doesn't want to answer this question, that we won't have to recess while they read the nine volumes of the habeas proceedings.

Mr. LANE. If you can bring it here, I will look through it and Mr. Ray can continue right on with the questions without my participation.

Mr. PREYER. Yes; I see no need to hold up the questioning.

Mr. RAY. Could I ask if I answered the question in Memphis? Was I asked and answered it?

Mr. FITHIAN. You said you would prefer not to answer a question pertaining to other crimes for which you may be accused.

Mr. RAY. I said that in Memphis in the habeas hearing?

Mr. FITHIAN. Yes.

Mr. PREYER. Will the clerk make the exhibit available to counsel?

Mr. FITHIAN. At this point I will ask, the Chair, that MLK F-24 be entered in the record.

Mr. PREYER. MLK exhibit F-24 is so ordered into the record at this point.

[MLK exhibit F-24 was entered into the record, and follows:]

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>R/D</u>	<u>R/C</u>
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James Earl Ray				
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EXHIBITS

<u>NUMBER</u>	<u>IDENTIFICATION</u>	<u>EVIDENCE</u>
129		768

FRIDAY AFTERNOON

OCTOBER 25, 1974

The trial of the case was resumed on this date, Friday, October 25, 1974, at 2:30 o'clock p.m., when and where evidence was introduced and proceedings had as follows:

THE COURT: Call your next witness, gentlemen.

MR. LESAR: We call James Earl Ray.

- - - - -

JAMES EARL RAY

The said witness, having been first duly sworn,
testified as follows:

DIRECT EXAMINATIONBY MR. LESAR:

Q. Mr. Ray, were you arrested in London, England and charged with the crime of having assassinated Dr. Martin Luther King?

A. Yes, sir.

THE COURT: Mr. Lesar, now, all these people have come up here to hear you and they can't hear you. The answer doesn't mean much unless they hear the question. Will you speak up?

MR. LESAR: I will.

Q. Were you subsequently extradited to the United States on that charge?

A. Yes, that's right.

Q. About what date was that?

A. What date?

Q. That you were extradited.

A. I believe it was approximately July 12th, 1968.

Q. And between that date and the date of the guilty plea hearing on March 10th, 1969, how much of that time did you spend in solitary confinement?

A. I spent the entire time in the Shelby County jail.
I suppose you could consider that some type of solitary.

Q. And were you confined to solitary confinement at
Nashville in 1972?

A. Well, the next time I have been in solitary confinement, I think, was August 1st, 1972, up until about six weeks ago. I was released about six weeks ago, I suppose, to prepare for this hearing.

Q. You weren't put into the general population, though, six weeks ago?

A. No, but the confinement was modified.

Q. I want to begin by showing you a note which is part of Trial Exhibit 114. It is also in the record as another exhibit, but this is the original copy on yellow paper.

That reads that it is a note that was delivered by someone, by a Captain Smith, on February 14, 1969, does it not?

Could you read what that note says?

A. (Reading)

"Attached delivered to me by Captain Smith,
at 3:55 p.m. February 14, 1969, written by
Ray, and he left it in a newspaper probably
by mistake, and it fell out of the newspaper
when guards went to throw away the newspapers."

And it has some initials on it.

Q. And would you look at the attached writing which is

referred to in the note? Is the attached writing a writing by you?

A. Yes, I am sure it is.

Q. Now, I thought we just might go through some of this. General Haile read it into the record first, and then I think I went through some of it with the former district attorney general, Phil Canale.

I note on the left margin of this exhibit there are a couple of names written out and a date. Can you read those?

A. C. R. Freeman, 13 February, 1969, J. R. Hudson.

Q. Who were C. R. Freeman and J. R. Hudson?

A. Freeman was one of the officers there that was guarding me. I think Hudson was, but I'm not clear on that name.

Q. The Xerox copy does not reflect that there are different pens used, but does that copy reflect that different ink was used in the two signatures?

A. Well, the name is on the lefthand here that you have referred to.

Q. This appears to be in a different color ink than this?

A. Yes, that's different.

Q. Now, could you -- this February 13th, 1969, had you agreed to -- what was the status of your relationship with Mr. Foreman at that time; was this a communication to

Mr. Foreman?

A. Well, I believe part of it is.

What it probably is is referring to things that I could refer to. However, some of it is probably just something I wrote down.

Q. You think at the time you were writing this down you were talking with Mr. Foreman ^{was} or/some of this written down before?

A. Well, it could be two things. Either I wrote this down so I could remember what I was going to talk to him about, or I wrote it down and wrote a letter from it.

Q. Now, let's go into some of this.

There is a notation there that says, "Still can't see papers, Huie on t.v." What does that refer to?

A. Well, that was the day Mr. Huie went before the grand jury, I believe February 7th. I'm not positive that's the date, but that's what it was about. He was on t.v. and someone asked how many people were involved in the King murder, and I think he raised three or four fingers. And I remembered it, and I think I called it to the attention of Foreman.

Q. You called it to the attention of Foreman that Huie had been on t.v. saying there were three or four people involved in the conspiracy to assassinate Dr. King, and he made this statement before he went before the Shelby County

grand jury?

A. He either made it before or after, but I don't have any independent recollection of telling Foreman that. But I wouldn't have wrote it down here unless I intended to tell him.

Q. What is this reference here "still can't see papers"?

A. I had some trouble up there at one time -- the entire time I was up there. I was restricted from newspapers for a week, I believe. I'm not positive, but I believe it was a week.

Q. What was the reason for that restriction?

A. It was just a rather ridiculous thing.

I had some blood on me once from a nosebleed or something.

Q. You had blood on you from a nosebleed?

A. Yes.

Q. Where was it?

A. I think it was on my T-Shirt. I think the guards wanted to shake me down, and I was opposed to it, and I think they brought the goon squad up there.

Q. What do you mean?

A. A couple of officers.

Q. And they strip searched you?

A. Yes, sir.

Q. So you were put on restriction after that?

A. I believe for a week, yes, sir.

Q. And do you know what this next line is -- "Something I can do you can't. Write letter." Do you have any recollection of what that was?

A. I'm not positive, but it is a probability I wrote the attorney some time in Jefferson City, Missouri, trying to get some information. This attorney, he had represented me on another matter, an attempt to escape, or something, up there, and he had some information I wanted to get. I don't recollect what it was I wrote up there. I think Percy Foreman later intercepted the letter from the sheriff. That's the only thing I can think that could be.

Q. And was this you were trying to get these records in connection with your defense?

A. I wrote a few letters while the case was still pending.

Q. Now, let's drop down to where it says, "I wrote to Judge Battle once complaining about Huie's article linking me with the KKK"?

A. Well, he didn't do it directly. It was kind of a sly article. I believe the Commercial Appeal -- I think he gave an interview to Charles Edmondson, and he ran down how Huie -- it appeared Huie gave money to someone and they implicated themselves and he would use the information that they gave him and he would take it to the FBI and they would use their own testimony against them for a few dollars.

Q. You were worried about Huie writing articles and implicating you in something, and since he was paying for your defense --

MR. HAILE: (Interposing) Your Honor, I think it would be more probative if Mr. Ray told it instead of Mr. Lesar.

BY MR. LESAR:

Q. Could you explain it further?

A. Well, not too much further.

I just thought from reading the articles at that time I knew more about Mr. Huie than I knew when he first came into the case. At first I had read a book Mr. Huie had written. I think it was "Three Lives from Mississippi," or something like that, and then I read this article.

His technique seemed to me to get someone to incriminate themselves.

Q. And what happened in that book?

A. A guard brought a book up there or two guards; there were a couple of copies up there.

It was a homicide case, and I believe Mr. Huie was involved in that some way. He was paying out money for information. I believe it was considerable amount of money. I'm not positive -- twenty or twenty-five thousand dollars, and he would get this money and --

Q. And the people he was paying the money to, he implicated

them in the crime?

A. Well, I don't know if he implicated them, but I suppose if he took it to the FBI I suppose the FBI used it, and I thought he was kind of trying the same thing on me.

Q. Now, the next quotation is, "Is Huie going to run article the 18th." What is that?

A. The only thing I can think that would be, I think there was somebody mentioned to me. I suppose it was Percy Foreman-- that he was coming out with a Look Magazine article on February 18th, I believe.

Q. And the next entry says, "What did Huie tell grand jury, give names." Who are you addressing this to?

A. That was Foreman. I remember him asking what he told the grand jury.

Q. You asked Foreman what Huie told the grand jury?

A. That's right.

Q. Did he give you any answers?

A. He said nothing.

Q. Did he tell you that he had received a letter from district attorney general, Phil Canale, telling him that William Bradford Huie would testify as a state witness?

A. No, no information like that.

Q. The next line says, "Like to see new witness list. Have you seen it? Given to Hanes about two weeks before trial. Most names I suppose resulted from Huie's story.

Did you get list?" Can you explain that?

A. I requested several times on this. I think when I was first extradited they had about three hundred witnesses on a list, and then when I would give Huie information a few days later Arthur Hanes, the attorney, would come up with a list of twenty-five or thirty more names.

I think there must have been three or four supplementary lists coming up after the first one.

And the last list I had some trouble seeing it from Hanes. Some reason he didn't want me to see it, so I assumed Huie might have said something to the newspapers and the prosecution and they had got some more names or something.

Q. Did Foreman get this list?

A. Not as I know. I suppose he got it, but I don't recall seeing it.

Q. You didn't go over it with him?

A. No, I didn't see it personally. One time Hanes had it, but he didn't want me to look at it too close for some reason. I think it had some people in Canada and Louisiana on it.

Q. The next line says, "Seems funny none of police on witness list who was at the scene of crime (suppress evidence on statements?)"

What does that refer to?

A. Well, most of the guards that were guarding me had

been in the area of the crime. Several of them. I would say at least seven or eight of them. And I had the original list, the first list they put out, and I checked that list over for the guards up there and there was none of them on the witness list except DuFore. And I thought that was unusual. And I think I did take it up with Foreman or Hanes a couple of times.

Q. Now, DuFore, I notice up here on the lefthand margin you have got above the names of the guards -- you have a capital D. capital F-o-r-e, and then you have written in between a letter E. Is that the name of Mr. DuFore that you were writing there?

A. I think what that is, I didn't know how to spell the name, whether it was D-u-F-o-r-e or D-e-F-o-r-e.

Q. But the reference is to that guard?

A. Yes. I wanted to discuss this with him for some reason.

Q. Now, the last two read "Reason threw bag down. Car gone. Used bag to carry binoculars and shells." Is that a correct reading of that statement?

A. Yes, that's a correct reading.

Q. Now, what does that mean?

A. Well, I believe that was the hypothesis. There had been some information about investigation that the -- that some cars had changed places, Mustangs or something, and I

don't remember all the details, but some cars was supposed to have been moved out of the area before 6:00 o'clock or something, and I suppose I was -- I wanted to talk about this thing.

Q. Now, is this something that you might have written down in response to a question from Foreman?

A. No. It was probably that ~~something that~~ I had written down in response to maybe a conversation with Hanes or Foreman. These things I wrote down here are things that I wanted to discuss, or something that we may have discussed before, and I thought maybe we wanted to rediscuss it.

Q. Did you have trouble discussing this kind of thing with Mr. Foreman?

A. Yes. He never stayed in the jail too long, and it was mostly -- well, he did most of the talking when he was there, and sometimes I would write information down and give it to him, and he said he would read it when he left.

Q. I notice up at the very top of this you had, "mile -- won't say." What does that indicate? Is Mike the name of a person or does it refer to something else?

A. I assume that it was referring to the mike that was in the cell.

Q. Indicating that you couldn't discuss something because of the presence of microphones in your cell?

MR. HAILE: If Your Honor please, I object.

This is his witness, and he tells him what to say.

THE COURT: I sustain the objection.

BY MR. LESAR:

Q. What was the reason for this notation?

A. This was probably a refresher. We never did discuss anything if we could keep from it, unless it slipped out, that we didn't want the prosecution to hear, and we would write something down, so we wouldn't forget about it, or I would write something down. I suppose if it was real important, we wouldn't discuss it, but probably write it down on paper.

Q. Now, the reference at the bottom of the page, again with reference to the car. Is that a reference to the car which you had driven?

A. Well, I thought that's what the reference was.

Q. Okay. Now, I would like to, I think, return and start at the beginning back in London. You were arrested on what date, did you say?

A. Approximately June 6, 1968. I am not positive, but it was in that area.

Q. Who represented you on the charge there?

A. Well, the court appointed attorney was Michael Eugene, solicitor, and he retained Roger Frisby as the barrister.

Q. And they represented you at the extradition proceedings, is that correct?

A. That's correct.

Q. Were you informed by the court in London of your right to retain counsel of your choice?

A. English counsel?

Q. In London were you advised of your right to retain counsel of your choice?

A. I believe the English magistrate asked me if I had fee to hire counsel, and I didn't think I had enough, and he asked me if I wanted him to appoint counsel, and he did appoint Mr. Eugene, and I believe he didn't use the regular manner. I think the English procedure is to pick in rotation, and he dropped down a couple, and he said, I believe, that the reason he gave for this, or the reason given by the clerk for this was that Mr. Eugene had some experience in extradition cases.

Q. And did you thereafter attempt to obtain American counsel?

A. Shortly after -- I would say two or three days after I had been arrested -- I was held incommunicado the first three days, and then I think I was then permitted in some way to write a United States attorney. I believe I wrote Arthur J. Hanes, Birmingham, Alabama, and F. Lee Bailey, Boston, Massachusetts. I didn't write them directly. I didn't know their address. But I think I wrote the bar associations.

Q. Is there any particular reason that you wrote to those?

A. No particular reason. But they were the only nationally known attorneys that I knew their home address, what city they was from.

Q. And did you get any response from Mr. Bailey?

A. All I can tell you is what Mr. Eugene told me.

Q. What did Mr. Eugene tell you?

A. There was some conflict of interest apparently on Mr. Bailey's part. He wrote back and said he couldn't get involved in the case because of a contract he had -- he had represented this organization, I believe, in some manner, the SCLC.

Q. But this was told to you by Mr. Eugene? You didn't see a letter to that effect?

A. No, I never saw no letter.

Q. And what was the response from Mr. Hanes?

A. Well, Mr. Hanes wrote Mr. Eugene inquiring about fee, and I don't know what Mr. Eugene's answer was. I read some of the scandal magazines about a hundred thousand or something, and then shortly after that Mr. Hanes wrote me and told me that he accepted the case, although I really didn't -- actually, I didn't think I asked him to take the case.

Q. What did you ask him to do?

A. Well, the best of my recollection, I was concerned about being extradited, being transported to Memphis, and that I would possibly be falsely quoted on the plane or after I arrived here in Memphis. I was concerned about being falsely quoted, and I believe I asked Mr. Hanes if he could meet me in Memphis, or something of that nature, and in this respect I believe I wrote my brother, John Ray, and asked him if he could send Mr. Hanes some money.

Q. To retain him if and when you were extradited?

A. Yes.

Q. Did you receive any indication from anyone, any suggestion that you should not hire Mr. Hanes?

A. Mr. Eugene came by -- well, he told me in the court room at one of the magistrate's proceedings that someone in the United States Embassy had contacted him and suggested that I not hire Mr. Hanes and that they would recommend counsel.

Q. But you did get a letter from Mr. Hanes, and he did come to London?

A. Yes. He made a trip to London.

Q. Even though your recollection is that you did not ask him to come to London?

A. Well, I don't think the letter specifically asked him. I didn't want to make any firm commitments, because I didn't know what the situation really was, even whether I would be

extradited or not. But I wanted to get in some position if I was extradited that I wouldn't get in the hands of the police and possibly be falsely quoted without some attorney there looking out after things.

Q. Now, the first time that Mr. Hanes came to London, did you meet with him?

A. Well, I don't know the details of it, but I understand from the newspapers the first time that he wasn't permitted in the prison.

Q. Was there any reason given for that?

A. Well, they didn't give me any. I don't know whether they gave him any or not.

Q. Did they tell you he was there?

A. I don't believe they did. I think probably I read about it in the London newspaper.

Q. After you read about it in the London newspaper, did you take any action as a result of that?

A. I believe -- I am not positive, but I am almost certain the next time I went to the -- had a magistrate hearing that I complained to the magistrate that I wanted to see a United States attorney, and then shortly after that they located him.

Q. And Mr. Hanes did see you?

A. Yes.

Q. What was the first date that he met with you?

A. I am not positive. I believe it was July 5th. Since that time I have read several contract documents, but I believe it's somewhere in that area.

Q. Okay. Now, which prison were you at?

A. The first prison I was in was -- I believe it was kind of in, more in downtown London, I believe, and I understand the Justice Department, I think Mr. -- I can't think of his name. He came over there. He is the assistant, number two man, in the Justice Department. I believe his name is Vinson. He requested that I be moved to another prison, and then they moved me on the outside. I believe it was Wadsworth Prison.

Q. Waynesworth?

A. Wadsworth -- Wadsworth or Waynesworth -- it starts with a "W."

Q. And your first meeting with Mr. Hanes was in that prison?

A. Yes, that's correct.

Q. Now, how long did that first meeting last?

A. Well, very short. It was a small room we was in. I believe it was approximately eight by eight, and it was partitioned off by glass, and I had -- we had to talk through a hole, and I had two security officers behind me. I think the conversation didn't last over ten or fifteen minutes. It was just a pep talk more or less.

Q. And you didn't get any chance to discuss your case at that time?

A. No. We didn't discuss the case.

Q. Did Mr. Hanes provide you with any documents? Did he show you any documents at that first meeting?

A. One of the meetings -- I believe it was the first -- I believe he had two instruments. I think one was a power of attorney, and the other one was some kind of document giving him forty percent of any revenue he might receive through the communications industry.

Q. I am going to show you Trial Exhibit No. 1. Is that a copy of the power of attorney that he showed you?

A. It looks like it. It must be it. It looks like it.

Q. And would you want to read that?

A. All of it?

Q. Well, let's read just the first part, up to the point where you appoint Mr. Hanes, the attorney.

A. (Reading)

"Power of Attorney.

"KNOW ALL MEN BY THESE PRESENTS: That I, R. G. Sneyd, James Earl Ray, of the United States of America, have made, constituted and appointed, and by these presents do make, constitute and appoint Arthur J. Hanes of Birmingham, Jefferson County, Alabama, my true and lawful attorney for me and in my name, place and stead, and for my use and

benefit, to ask, demand, sue for, recover, collect and receive all such sums of money, debts, dues, accounts, legacies, bequests, interests --"

Q. All right. That's sufficient.

Now, let's drop down further down here -- it says, "Also, to bargain and agree for, buy, sell, mortgage, hypothecate and in any and every way and manner deal in and with goods, wares and merchandise, choses in action and other property in possession or in action, and to make, do and transact all and every kind of business of what nature or kind soever, and also for me and in my name, and as my act and deed, to sign, seal, execute, deliver and acknowledge such deeds, leases and assignment of leases, covenants, indentures, agreements, mortgages, hypothecations, bottomries, charter-parties, bills of lading, bills, bonds, notes, receipts, evidences of debt, releases and satisfaction of mortgage, judgments and other debts." And it goes on like that. Are you familiar with hypothecations, bottomries? Is that language familiar to you?

MR. HAILE: We will stipulate that it is a general power of attorney in the usual form,

Your Honor.

THE COURT: Do you want to ask him?

MR. LESAR: I want to ask him whether he knew the meaning of these terms.

THE WITNESS: No. I am not conversant with those terms, most of those terms.

BY MR. LESAR:

Q. Your understanding was that this was you just gave Mr. Hanes the general power of attorney to do virtually anything that he needed to do in your name?

A. Well, he just told me when he came over on these contracts that we needed considerable funds to prosecute the case, and he had already spent considerable -- well, not considerable funds, but already had spent, I suppose, a couple of thousand dollars, and that's about the only excuse he gave me, the only reason, and I accepted it and signed the two documents.

Q. And you say that it was at this same meeting that he also presented to you another agreement, which was a contract?

A. I believe it was a forty percent agreement for all monies from the communications industry, monies made from the communications industry, or something to that effect.

Q. Your understanding of this agreement was just that -- what was your understanding of that contract that he presented to you?

A. Well, he gave me the contracts, and after he had left I assumed that he was going to use them to raise money for the defense, if necessary.

Q. For the purposes of your defense?

A. Yes; and for the trial if it came to that.

MR. LESAR: I am trying to locate a copy of the exhibit, Your Honor.

THE COURT: All right.

BY MR. LESAR:

Q. Now, I show you a copy of Exhibit 2-A, and ask you whether or not that is the contract which he brought you?

A. Well, that would appear to be it.

Q. What is the date at the bottom of this contract?

A. 5th day of July, 1968.

Q. 5th day of July?

A. Yes, that's correct.

Q. And is there an indication in the middle of paragraph 1 that it was executed on some day?

A. Well, it has got the 8th day of July, 1968.

Q. Executed on the 8th day of July, 1968?

A. Yes.

Q. Now, the copy which you have there bears what signatures at the bottom?

A. ~~R. G. Sneyd~~ James Earl Ray and Arthur J. Hanes.

Q. I'm going to read paragraph 1, which I believe says:

"The said ~~R. G. Sneyd~~, alias, does hereby assign, transfer and set over unto the said ~~Arthur J. Hanes~~, his heirs and assigns, an undivided ~~forty percent~~ interest in all his right, title and

interest in and to money, rights and benefits which may accrue to him under and by virtue of an agreement entered into between the said R. G. Sneyd and -- "

And on that copy there are other names that appear.

It says there James Earl Ray, William Bradford Huie and Arthur J. Hanes, is that correct?

A. Yes, sir, that's correct.

Q. Now, in your recollection were the names inserted when you saw this on the 5th of July in London?

A. Well, I don't believe they were on there the 5th of July. The only ones I say -- that is, William Bradford Huie -- I had no recollection of ever seeing his name until I returned to the United States.

Q. So you think his name was inserted in there after Mr. Hanes returned to the United States?

A. Yes, or Mr. Huie, I believe, was in London at the time. He may have inserted it.

Q. You say Huie was in London on the 5th of July?

A. I have read some place since then that he was in that area.

Q. But you are not sure he was there?

A. I am not sure.

Q. Were you -- this indicates it was executed on the 8th day of July?

A. Yes, that's correct.

Q. Were you in the United States then?

A. No.

Q. Will you read through this and see if there is any mention in this contract of your defense?

A. I don't see anything where it would say defense, where he defends me in a jury trial in Shelby County, Tennessee.

Q. What does it refer to?

A. Contracts and negotiations.

Q. It says,

"The said Arthur J. Hanes does hereby agree to act as exclusive agent and attorney for the said R. G. Sneyd in the handling of his affairs, contracts, negotiations, and sale of any and all rights to information or privacy which he may have in and to his life or particular events therein to persons, groups or corporations for the purpose of writing, publishing, filming or telecasting in any form whatever."

That sounds more like -- does that sound like it is intended for your defense?

A. Well, it doesn't sound like a criminal trial or anything like that.

Q. Now, this is a contract between you and Arthur Hanes.

Who represented you in this contract?

A. Well, I didn't have anyone representing me at that time. Mr. Eugene signed as a witness, but he didn't represent me in these contracts.

Q. He didn't advise you about this?

A. No. He was just a witness for Mr. Hanes, and he has got up here the undersigned R. J. Sneyd, or whatever other name he may be known by. Of course, that would cover a lot. I think that was the purpose of this.

Q. Now, I notice -- do you have Exhibit 2-B there? This is Exhibit 2-B.

Is that a part of-- this is the same agreement. Is there a part that is scratched out?

A. Yes. On the third line of the paragraph 1 there has been a couple of words scratched out.

Q. What is scratched out?

A. The words "undivided forty percent interest."

Q. And is there something inserted above that?

A. Yes. In place of that he has a fee of twenty thousand dollars plus case expenses.

Q. A fee of twenty thousand dollars plus case expenses, and his initials?

A. Yes, JER and AH.

Q. That is JER, and that is you?

A. Yes, and Mr. Hanes.

Q. Do you know what the date of this modification of the contract was?

A. I believe it was some time in September of 1968.

Q. What was the reason for that modification?

A. I don't remember all the details. I remember reading in the newspaper one time where Mr. Hanes had said there was some question about him defending me from Alabama, and I believe he said it was a one-shot deal, that he could defend me one time or one case here and that would be it. There was some question in my mind if there had been a hung jury or they placed some other charge against me, whether he could defend me. Or if I had been convicted or something he could appeal it. So under the prior contracts I couldn't even -- if I had lost the case I could have never received the funds to get another attorney. So I brought up this and suggested we make some type of modification where if he did have to get off the case there would be some provision to pay another attorney.

I think the way the original contracts were drawn there might have been a long time until he ever got a fee, and I didn't know what his fee was going to be.

He had a power of attorney, and I think all the money was going from Hule to Hanes.

Q. You didn't get any money, did you?

A. No, I didn't ask for any money, but I wanted to be in a position where I might be able to get it.

Q. Did you ever receive any money under these contracts?

A. No. I've never received a cent from William Bradford Huie.

Q. Now, did Mr. Hanes represent you at the extradition proceedings?

A. No, he didn't. The United States attorney I don't think was ever permitted to practice in English courts.

Q. And you don't know whether he assisted Michael Eugene or not?

A. I don't believe he assisted Eugene. I believe he was an investigator and the barrister does the actual counseling and arguing.

Q. And did you -- what was the ruling of the magistrate court on the extradition case?

A. They ruled for the government.

Q. Meaning you would be extradited to the United States?

A. That's right.

Q. And did you intend to appeal that or -- let me rephrase.

What happened after the judge ruled that you would be extradited to the United States?

A. Well, shortly after I was already extradited I had the solicitor, Mr. Eugene, come and discuss it with me. And apparently under English rules in these forma pauperis cases some government comes in and they have to approve funds

if you want a fee. And this committee apparently ruled that they wouldn't finance my appeal.

Also, about that time I talked to Arthur J. Hanes, Sr., and he recommended that I drop the appeal and return to the United States.

Q. Did he give you any reason for recommending that you drop the extradition appeal?

A. I don't know if he gave me any valid ones. He just told me I should come back and face the charges.

Q. And you did waive your appeal?

A. Well, after these two instances, yes, I waived the appeal.

Q. Now, when you returned to the United States -- what date did you say you got to Memphis?

A. I believe it was July 19, 1968, or thereabouts.

Q. And Arthur Hanes saw you the day after, or when did he see you?

A. I wasn't permitted to see anyone the first day. They wanted pictures and palm prints and that kind of thing, and they wouldn't let me see an attorney.

Q. They wouldn't let you see an attorney?

A. They said I could see him after I went through this and that, and they wanted to get the fingerprints and stuff. That was early in the morning. I arrived at four or five o'clock in the morning, and I believe the first time

Mr. Hanes came was not that day but the next day.

Q. And did he present you with some copies of some more contracts?

A. No, he didn't. The first day he didn't present me with no contracts. We just had a general discussion.

Q. General discussion about your case?

A. Yes; nothing specific.

Q. I am going to show you a copy of a contract which is Exhibit 3-A. Is that a -- does that appear to be a copy of an agreement which he presented to you?

A. I haven't seen this particular copy too much, but I do recall something like this.

Q. I direct your attention to the next to the last page, which is page 3, and whose signatures appear on that copy?

A. William Bradford Huie and Arthur J. Hanes.

Q. And is that copy -- and on the next page there is a notarization, is there not, on the next page there are two signatures also?

A. Yes, sir; Arthur J. Hanes, Jr. and that appears to be Jr.

Q. And there are two Hanes that signed this statement, is that right?

A. Yes, the two Hanes.

Q. And a place for the signature by you?

A. Yes, that's correct.

Q. And there is no signature there?

A. That's correct.

Q. Turn back --

MR. HAILE: Your Honor, there is something misleading about the questioning here. He said only the two Hanes signed that signature there. I believe he referred to the fact that Mr. Arthur Hanes, Jr. signed it twice as notary for Mr. Arthur Hanes, Sr. and Mr. Huie.

MR. LESAR: I thank him for pointing that out. He is correct.

THE COURT: All right.

BY MR. LESAR:

Q. I ask you to turn back to this first page, and is there any date which appears at the top of this? It says, "Agreement entered into this ..."

A. No date. It was July '68, I believe.

Q. No date?

A. No.

THE COURT: What is that supposed to be?

MR. LESAR: Exhibit 3-A is an agreement between William Bradford Huie, James Earl Ray and Arthur J. Hanes. And it is a contract for the publication of information. And I think it includes all other forms of media, use of information derived from James Earl

And I will get to some of the contents of it in a minute with Exhibit 3-B, but I have a purpose in asking him to identify 3-B next.

Q. Does that appear to be another copy of that same agreement?

A. That appears to be the same thing except -- yes, it is the same thing.

Q. It is the same thing, but is there a date on this copy of the contract?

A. Yes, the 8th day of July, 1968.

Q. The 8th day of July?

A. Yes, sir.

Q. The 8th of July. Now, were you in London or the United States on that date?

A. I was in London on that date.

Q. And I will ask you to turn to the last page where you have signed it, and it indicates that you personally appeared to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same. What is the date that it indicates that you appeared and subscribed to this instrument?

A. Are you on page 3?

Q. Page 4.

A. August 1, 1968.

Q. And where were you on August 1st, 1968?

A. I believe I was in the Shelby County jail.

Q. Now, do you recall how long was the interval between the time that he presented -- did he present this July 8th contract to you in England, or was it after you returned to the United States?

A. It's my recollection that these documents, contracts, that one and another one were presented the second visit Mr. Hanes visited me. The first visit he didn't present the contracts, but the second one he did, and we discussed them, and I believe that's the first time Mr. Huie's name came up, and at that time I suggested that maybe we should try some other method to raise funds to finance the trial. I found out several people had written the Shelby County jail and wanted to raise funds some other way, public funds, or something like that, and I didn't think it would take all that money to finance the trial. So this is -- so I suggested some other method, and he felt strongly that that was the only method that we could use to raise the necessary funds. So he told me he was taking over, and I think I kept the documents a few days, and then I decided that's about the only choice I had, and I went ahead and signed the documents, and that was it. I don't know what day I signed them. It may have been August 1st or some other day.

Q. But there was an interval of time between the time that he gave them to you and the time that you signed them,

A. Yes. I don't know what it was. It may have been seven or eight days, six days.

Q. All right. I want to direct your attention first to paragraph 5 on the second page, paragraph 5 reads -- "In full consideration for all rights, titles and interests given or agreed to be given by Ray and Hanes to author hereunder, and for all agreements and acts of Ray and Hanes hereunder, or pursuant hereto, author agrees to pay Ray and Hanes each thirty percent of the gross receipts of said work. All receipts shall be paid and directed by the author's agent, Ned Brown, Inc., 315 South Beverly Drive, Beverly Hills, California, and said author's agent shall make payments to Ray and Hanes each, or their respective designees, within ten days after receipt. The author's agent shall also at quarterly intervals furnish statements reflecting all transactions. The author's agent shall within ten days after their completion furnish to Ray and Hanes copies of any and all contracts entered into by author."

It says here, "Author's agent shall make payments to Ray and Hanes each."

Did you ever receive any payment from Mr. Ned Brown?

A. No. I think there was a reason for that -- because I declined to sign the power of attorney, and I think Mr. Hanes applied this first forty percent contract to the thirty percent on the subsequent contract.

Q. The first contract was the agreement signed in London which gave him an undivided forty percent interest in any revenues derived from contract he signed on your behalf?

A. That's correct.

Q. And this contract gives him thirty percent of the gross receipts from any work by Mr. Huie, is that correct?

A. That's correct.

Q. So he gets thirty percent of the gross receipts under the contract, plus he gets forty percent of your share. Now, how much was your share?

A. Well, I never considered I would have any share, but as to this it was thirty percent.

Q. You had thirty percent, and you say Hanes applied his forty percent undivided interest under the basic agreement, and he -- see if you can explain -- I don't understand why you didn't get any money under this. Can you explain that?

A. Well, I think we have to go into this money deal all together. When I was arrested, I think I had \$150.00, or sixty, and I believe I gave that to Mr. Hanes, and I think he gave me twenty or thirty dollars back for food, and also I believe certain people sent money to the jail. I don't know just how much it was. I believe it was a few thousand, and I also turned that over to him. I don't know how much that is. I never had a count from the sheriff's office. And now to get to your question on the thirty percent, I never asked

for any, you know, money from the contracts at that time. I did later on ask for a specific amount. I think I asked Mr. Huie. So there was no -- I don't think there was any argument between Mr. Hanes and me at that time as to that thirty percent that I was supposed to get, or forty percent of the thirty percent.

Q. Now, it says, "Author's agent shall at quarterly intervals furnish statements reflecting all transactions in reasonable detail." Did you ever receive any quarterly statement?

A. I never have, and I am still trying to find that out.

Q. We filed a discovery motion on that, didn't we?

A. Yes.

Q. And then the next sentence reads, "The author's agent shall also within ten days after their completion furnish to Ray and Hanes copies of any and all contracts entered into by the author." Was that complied with to your knowledge?

A. No. It was just the last couple of weeks I have seen some contracts down there that I saw before.

Q. I show you a copy of an agreement entered into this -- it's Exhibit 6 -- and it is a memorandum of agreement made this 7th day of October, 1968, between William Bradford Huie and Cowles Communications, Inc. Have you seen a copy of that agreement before we obtained it on discovery a few weeks ago?

A. No. I saw it a few weeks ago.

Q. But you didn't see it before that time?

A. No, I never saw it before.

Q. I show you a copy of an agreement, which is Exhibit 8, entitled "Amendment to Agreement of October 7, 1968, between William Bradford Huie, author, and Cowles Communications, Inc., (Cowles), made this 17th day of March, 1969."

Did you ever before a few weeks ago see a copy of that agreement?

A. No. I just saw this a couple of weeks ago.

THE COURT: What is that number?

MR. LESAR: That's Trial Exhibit 8.

Q. Now, I show you Trial Exhibit 7, and there is a covering letter to Mr. William Bradford Huie, dated November 20, 1968, signed by Stephen L. Baer, vice president, Dell Publishing Company, Inc., and it says,

"Dear Mr. Huie:

"Please refer to our contract dated November 20, 1968, for 'They Slew the Dreamer.' For good and valuable consideration we hereby mutually agree that said contract is amended as follows."

Then there are a couple of amendments, and then here is a copy of that contract.

Did you ever until a few weeks ago see a copy of that contract?

A. I never saw a copy of this contract until right now.

THE COURT: Are we through with the contracts he hasn't seen before?

MR. LESAR: I think that is all that I will introduce at the moment if you want to take a recess.

THE COURT: Well, I think we better take one. Let's try to make it as quickly as possible, but take at least ten minutes. Please cooperate with the marshals. Recesses are a nightmare to them, I am sure, but we need to break up the afternoon.

(Recess.)

BY MR. LESAR:

Q. I think you just informed us that I had never before shown you Exhibit 7, which is a contract, a covering letter with amendments to a contract dated November 20, 1968. And it says on it -- it says Bailey Court at the top and says "Agreement made this 20th day of November, 1968, between Dell Publishing Company, Inc., 750 Third Avenue, New York, New York, herein referred to as Dell, and William Bradford Huie, Hartselle, Alabama, hereafter referred to as author," and you stated that you have not even seen a copy of this contract until today, and you have not seen a copy of this other contract before, is that correct?

A. That's correct.

Q. You were involved in extensive criminal and civil litigation before with these contracts, and the contractual relationship between you and that attorney and Mr. Huie before?

A. Yes, that's right.

Q. And you had never seen the contracts before?

A. They were never made exhibits in the civil case.

Q. On this Exhibit 7, which you have not seen before, I want to call your attention to some of the special conditions attached to it.

First, I believe you have already stated that the purpose of your contracts between William Bradford Huie and Your attorney was to raise funds for your defense?

A. Yes, at trial.

Q. Would you note that under Section 19 of the contract that there are three other provisions, under 19 is labeled Special Agreements: And it says Dell agrees that its publication date for the work shall be not sooner than four weeks after publication of the final installment in Look Magazine. In any event, however, Dell may publish the work on or after March 1, 1969.

You were not previously aware of any such provision governing the relationship between Mr. Huie and his publisher?

A. No. I think the book Mr. Huie wrote wasn't published

-- I think it wasn't until May of 1970. And I believe the civil case in the instant court was concluded in December of 1969, so I wasn't --

Q. You didn't know of any such provision?

A. No. I didn't know the book wasn't supposed to be published before then.

Q. I call your attention to Section 21: "The author agrees that none of the proceeds from this contract shall directly or indirectly be used for the benefit of James Earl Ray."

A. Well, I didn't know that. I don't know why it is.

Q. You are not surprised?

A. No.

Q. You had a suspicion of that?

A. Well, I didn't know. I will say I didn't know that the contract was in existence.

Q. Now, I want to return to Exhibit 3-A.

First of all, let's start with the first page. There are some references on the first page at the bottom, paragraph 3 says, "The literary material which author proposes to write as aforesaid, including such of the private material as author in his sole discretion elects to use, is hereinafter referred to as 'said work.' Author shall have, and if and to the extent that they or either of them have any rights, titles or interests therein, Ray and Hanes, and each of them,

give, sell, assign and transfer to author, forever, the following absolute, exclusive and unqualified rights: The right to write said work and to use the same, in whole or in part, in whatever manner author in his sole discretion may elect, including, but not limited to, the right to make and/or cause to be made magazine, book, dramatic, motion picture, television and/or other adaptations of every kind, of said work or any part thereof."

And then it continues with some additional references. And, first of all, there are some initials back there on page 1, and on the bottom line it says, "Newspapers, radio, electronics." Do you know when that insertion was made? Was that there at the time of the original contract?

A. On page 2?

Q. No, on page 1 at the bottom.

A. At the bottom of page 1?

Q. Yes. Isn't there some handwriting?

A. I see what you mean. I couldn't say. I don't recall when that was.

Q. And going back to page 2 where we were reading, this provision goes on, and it gives the author the sole and exclusive right to make motion pictures and t.v. pictures of all cases. And this is written in to the left -- "sole and exclusive" -- and I don't know why it is written out there.

A. This is my recollection on this document. On page 3 I remember those being crossed out, those lines running all through those paragraphs there.

Q. I will come to that in a moment.

A. But I don't recall this other writing.

Q. You don't recall this at the top of page 2.

How about down here at the bottom where there are initials WBH, AJH, and a notation in the lefthand margin saying "Add reference to the amount already paid of which --" and there is something I can't make out there, can you?

A. I don't recall that being written there when I signed this document.

Q. And you don't know when it was written?

A. I have no idea when it was written.

Q. And you were referring to paragraph 6-B on page 3?

A. Yes.

Q. Where there is a paragraph scratched out, and it reads, "In the event author does not have an interview with Ray within thirty (30) days after the date of this agreement, or the date when Ray first enters the United States hereafter, whichever is the later date, author shall have the right and option, by a written notice to Ray and Hanes, to terminate this agreement and all of the respective rights and obligations of the parties hereunder. In the event any such notice is given, notice to Ray shall be deemed to have been sufficiently

given, if mailed or delivered to the warden or other person in charge of the institution in which Ray may be confined at the time of the giving of such notice."

Now, out to the left again the initials AJH and WBH, and above them it says, "excluded." Do you know when and why that paragraph was excluded?

A. I don't know, but I do recall this being marked out like this. I don't know why it was marked out, but I do recall the contract with the paragraph marked out.

Q. All right.

A. A sub-paragraph, I guess.

MR. LESAR: May I approach the witness?

THE COURT: Yes.

BY MR. LESAR:

Q. I show you Exhibit 4-A, which is a letter from William Bradford Huie addressed to Mr. Arthur J. Hanes, and dated July 8th, 1968. Do you know when you first saw that letter?

A. I don't recall when I first saw this letter. I recall all these things one after another, but I don't exactly know when I saw this letter. I thought it was a contract instead of a letter.

Q. Well, it is in the form of a contract, isn't it, or the last page has spaces for three signatures?

A. Well, I assume all those are in the form of contracts. I think they have been called letters, but I assume they

were in the form of --

Q. On this copy of it, there are two signatures on the last page, are there not?

A. Yes. All I can say is I saw this some time after I returned to the United States. It may have been August or September.

Q. It is dated July though?

A. Yes, of 1968.

Q. And you were in London at that time?

A. That's right.

Q. And the only two signatures are William Bradford Huie and Arthur J. Hanes?

A. That's correct.

Q. And a space for James Earl Ray, but no signature?

A. Yes, that's correct.

Q. I show you Exhibit 4-B, and does that appear to be another copy of the same agreement?

A. It would appear to be a duplicate, except I believe this last one is an appendage or something.

Q. Pardon?

A. Well, it seems to be a duplicate, but the last page seems to be an appendage.

Q. I direct your attention to the signature or the signature page. Are there not three signatures there?

A. Yes, that's correct.

Q. And you have signed this copy of this July 8th letter agreement?

A. Yes, that's correct.

Q. Do you know when you signed it?

A. I recollect, come to think of it, I signed this when I signed the other contracts, which would probably be around August 1st.

Q. August 1st?

A. Yes, sir.

Q. Now, the provision of this letter reads:

"Dear Art:

"This letter is meant to be part of our agreement, signed on this date, and is an extension and clarification of Article 5 of the Agreement.

"It is known and understood by you, Ray and me that all advances made by publishers to an author on a book contract are merely loans, returnable in full if, for any reason whatever, the book is not completed and accepted, and these advances or loans become income to the author only after completion of the book and after its acceptance by the publisher.

"Therefore, any monies paid by me to you and Ray while I am researching and writing this book are, in effect, loans from me to the two of you.

However, under the circumstances, I am willing to consider these monies or advances made by me to the two of you non-returnable, if you and Ray will agree that these payments or advances shall not exceed the following schedule of payments:

"1. On the signing of the first, or book, contract, I will pay you the sum of \$10,000.00.

It is assumed that this will be on or about July 15th, not later than July 20th.

"2. On the first day after Ray has been lodged in a jail in the United States, I will pay \$5,000.00.

It is assumed that this will be about August 1st.

"3. One month after Ray has been lodged in the United States, I will pay \$5,000.00.

"4. Similarly, a month later, another \$5,000.00.

"5. Similarly, a month later, another \$5,000.00.

"6. Similarly, a month later, another \$5,000.00.

"7. Similarly, a month later, another \$5,000.00.

"In short, on signing, on Ray's return and during the first five months after his return, I am obligating myself to pay you and Ray, under terms of our agreement, to pay you and Ray a total of \$35,000.00. All payments, as per our agreement, will be made to you by my agent, Ned Brown, and these payments in equal amounts, will be charged against

whatever may become due to you and Ray under the agreement.

"Five months after Ray's return, assuming that I receive all the cooperation from you and Ray guaranteed by the agreement, I expect to have completed the book, or to have obtained legal extensions from the publisher, you and Ray. Normally, a publisher has thirty days in which to accept or reject the book. Once the book has been accepted, the entire publishing advance will be paid; and thereafter all payments made to me, from any and all sources, will be income, not loans; and this income will be divided and paid promptly as provided under the agreement.

"Your signature, along with that of Ray, affixed by you under your power of attorney, will attest agreement."

Now, this contract, beginning with paragraph 2, provides that these payments will not be made until after you have been extradited to the United States.

At the time Arthur Hanes advised you to waive extradition and return to the United States were you aware of the existence of this contract?

A. Not this document, no.

Q. Now, I want you to identify one other exhibit here.

I show you Exhibit 5. This is a -- this is on the letterhead of Cowles Communications, Inc., dated July 11, 1968. It begins -- "Dear Bill:" -- it is addressed to Mr. William Bradford Huie, Huntsville, Alabama, and it begins -- "Dear Bill:" -- and it sets off a series of provisions for a contract between Mr. William Bradford Huie and Cowles Communications, Inc. for the publication of magazine articles in Look Magazine, and also some money for a manuscript. Have you ever seen a copy of this agreement before?

A. Well, if I did -- if I did it was just a couple of weeks ago. I was given two or three documents a couple of weeks ago after the discovery order. I had never seen it prior to two or three weeks ago, if I saw it then.

Q. Now, after you returned to the United States, and you began to prepare for trial, can you describe your relationship with Arthur Hanes during the months of July and August? Were there any early disagreements?

A. I don't believe there was any disagreements in July and August -- probably the last part of August. But there was, I think, maybe in September. I think it was then that we had a couple of disagreements.

Q. Were you concerned at that time about the pretrial publicity?

A. Yes. I did mention -- me and Mr. Hanes did discuss the pretrial publicity, and I think -- are you referring to

specific articles or anything like that?

Q. Well, I will get to that in a minute. I am going to show you a copy of a letter to Judge Battle, dated August 14, 1968. Would you read that letter?

A. Yes.

(Reading)

"August 14, 1968

"Dear Judge Battle:

"Since April there has been a lot of articles written about me in magazines such as Life, Newsweek, and the Reader's Digest, which I claim and can -- " that is "prove," I believe -- "is not true. Therefore, I would like to have some interviews with Mr. William B. Huie, the author, to give my version, so that he maywrite it "" I believe that is "natural."

Q. "Natural" -- is that what it says?

A. "Natural," I guess it is supposed to be --

"It would not be about my defense. I know this couldn't affect everything that has been written, but it might help."

MR. LESAR: I believe this is not in evidence, and I would like to have it marked at this time.

MR. HAILE: We have never seen that.

THE COURT: What is that?

MR. HAILE: We have never seen that.

(Document handed to Mr. Haile.)

THE COURT: Where did that come from?

MR. LESAR: You have got me. I thought he had seen it, and I would -- let me see if I can. I really don't know. There is no indication on it that it came from the discovery motion of the state. It's possible that I got it from the files of Arthur Hanes when I was in Birmingham, but I am uncertain.

THE COURT: All right. Go ahead.

MR. HAILE: We object to it.

THE COURT: What is that?

MR. HAILE: We object to it.

THE COURT: Well, if the witness can identify it, and I assume that he can -- maybe in the face of the objection you had better ask him.

BY MR. LESAR:

Q. Can you identify this as a letter that you wrote to Judge Battle?

A. I can explain it.

Q. But can you identify it as a letter that you did write?

A. Yes. I wrote this to Judge Battle.

THE COURT: Ask him if he mailed it.

BY MR. LESAR:

Q. Did you mail it?

A. I will just go ahead and explain it. I wrote this at the request of Arthur Hanes, and at the time, August 14th, I think we were all on very good terms at that time, and Arthur Hanes wanted to counteract some of the adverse publicity in Reader's Digest and Life and all those articles, and I think I wrote the note, and I believe I gave it to Hanes, and I think he mailed -- I am not positive he mailed it, but I believe he did, and that was about it, and I never heard no more about it. I don't think the judge ever acted on it.

THE COURT: All right. I will permit it to be admitted.

THE CLERK: Hearing Exhibit 129.

(The document above referred to was marked Exhibit 129, to the testimony of the witness, and same will be found among the exhibits hereto.)

BY MR. LESAR:

Q. I will show you Trial Exhibit 30-B, and I will ask you if that is a copy of a letter you wrote to Judge Battle on September 12, 1968?

A. Yes. I wrote that letter to Judge Battle September 12, 1968.

Q. And what was the nature of that letter? Can you go

through it and explain why you were writing it and what it is about?

A. Well, this was another complaint about the pretrial publicity. I think the main thing we was trying to do, or at least I was, was to put some restraints on pretrial publicity. I think Mr. Lucius Burch, or someone on some bar association committee, some ethical committee, that I was going to send a copy to.

Q. This was the amicus curiae committee?

A. That's right.

Q. And you wanted to get some restraints put on pretrial publicity?

A. Some of it, especially the O'Leary articles, or things like that.

Q. You mentioned in here an article in the August issue of Reader's Digest by Jeremiah O'Leary?

A. ~~Yes.~~ I did mention that.

Q. Is this a copy of that article?

A. This appears to be it, without reading through it. I am sure this is it.

MR. LESAR: I would like to introduce this in evidence.

MR. HAILE: If he can say he read it at the time, we wouldn't have any objection.

MR. LESAR: I am introducing it on the issue

of pretrial publicity.

THE COURT: What was your comment, Mr. Haile?

MR. HAILE: I just want to know if he read it at the time.

MR. LESAR: I don't think the pretrial publicity is affected by whether or not he read everything that occurred.

THE COURT: Is this the O'Leary article?

MR. LESAR: Yes, sir.

THE COURT: Well, if he complained about it, he must have known something about it. I overrule the objection.

BY MR. LESAR:

Q. Now, did you ask Mr. Hanes to do something about the pretrial publicity? Is there any reference in this letter to that? I direct your attention to page 4.

A. Well, I inferred that he should, you know, attempt to stop it, but he was restrained, I guess, somewhat in his relationship with Mr. Huie.

Q. All right. On page 2 of this letter I think you also complained about an article by William Bradford Huie.

A. Well, this was -- I am almost certain this is an article that Mr. Huie give -- it didn't say he gave an interview, but the article appeared like -- it was written by Charles Edmondson of the Commercial Appeal, and there was --

Q. (Interposing) What is there in it that disturbs you?

A. Well, it appeared to me like I was intended to be a witness against myself for what he was supposed to give me. Of course, the writers have a way of putting those other side issues into it, and he referred to Huie's -- I think to his past reputation in solving those type crimes by getting defendants' money.

Q. Was there any reference in that article to Huie's "Three Lives from Mississippi"?

A. I have some recollection there was, but I am not specific. It was in that general area, that type of operation of Mr. Huie.

Q. Now, some time during this period I believe there arose some disagreements between you and Mr. Hanes. Can you explain what those disagreements were and how they came up and when they came up?

A. Well, I believe the first disagreement came up around -- probably some time around when I wrote this letter. I think I wrote Mr. Hanes once, and I wrote Mr. William Bradford Huie, and I told Mr. Hanes that I would like to have -- I think it was \$1,250.00, a certain percentage out of these contracts.

Q. You say a certain percentage out of these contracts.

A. Well, just that much.

Q. That would have been ten percent or something?

A. Yes; out of one of those contracts.

Q. And what did you want that \$1,250.00 for?

A. I believe I recall I told Mr. Huie I wanted it in case there was some type of conviction and I would need something on appeal. I was worrying about Tennessee counsel. If I was left without funds to hire Tennessee counsel I wanted to be sure about that.

Q. What bothered you about not having Tennessee counsel?

A. I have testified in my earlier testimony that there was some statement or reference to Mr. Hanes in the paper that I referred to earlier as a one-shot deal, and in case there was a conviction or something I might be handicapped if I had to appeal or there was some legal reason for him to get off the case. He was barred from practicing in Tennessee or something. I am positive I told him at the time that I wanted to attempt to get an outside investigator, not Mr. Huie, to look into certain things.

Q. An outside investigator. You specifically did not want Mr. Huie to do this investigation?

A. Well, I think his investigation probably ended up in the newspapers and in the hands of the prosecution and the FBI, and I thought there should be someone independent of Mr. Huie to conduct some phases of this investigation. In other words, a general investigation about where I was at and things like that.

Q. Trying to get into information helpful to your defense as opposed to something else?

A. Well, I was interested in various things that really wasn't concerning the crime. I was interested in women and things like that, it seems.

Q. But --

A. I didn't have no objection to giving that type of information to him, or where I was at various stages, but some things that could have been used in the trial I didn't think I -- I thought would be foolish to give to him.

Q. Because you felt you couldn't trust him?

A. I don't know if trust is the right word, but he was a reporter and was getting paid for publishing things in the newspaper. And I believe -- you can interpret these articles he was giving information that I was giving him to the FBI for information about my past. I know he got my past records from the FBI and things of that nature, and I would have felt more comfortable if I had someone more extraneous than Mr. Huie doing the investigation.

Q. Was there any other disagreement which arose?

A. There was some complaints on this pretrial publicity. I believe that was shortly before the trial. I don't know just when it was. I suggested to Hanes once that maybe he try to get a continuance or something because of the publicity.

Q. You felt the publicity was hurting your case?

A. Well, it was such a massive scale. One example -- I think the day before I was to go to trial I believe on November 12th, and on November the 10th a long article came out in the Commercial Appeal, and, of course, they treated the prosecution in glowing terms and described Hanes as a KKK lawyer or something, and I thought that type of thing might influence the jury.

Q. And, but did this -- what was your relationship with Arthur Hanes at this time? Now, we are talking, say, a couple of weeks before the trial date was scheduled to begin.

A. My relationship with Arthur Hanes was always fairly good except for the Huie -- that was our biggest problem, Huie, especially from the middle of September on, I would say. I was -- there was some problems in here, but I was still ready to go to trial when Mr. Foreman arrived on the scene.

Q. Now, how did that come about? Can you recall for us the circumstances which led to that?

A. Well, what do you want, the first time Mr. Foreman was ever mentioned to me?

Q. Well, let's start with -- did one of your brothers visit Mr. Huie around the 1st of November?

A. Well, he told me he visited Huie.

Q. When did he tell you that?

A. He told me on a visit some time in November.

Q. The trial was scheduled for what date?

A. November 12, 1968.

Q. And how much in advance of that date did he visit you and tell you this?

A. I couldn't say. It was some time in early November.

Q. Which brother was it?

A. Jerry Ray

Q. And what did he tell you?

A. Well, he just told me he came back from seeing Mr. Huie, and had had a long discussion.

And I would like to say, first, I just talked to him about fifteen minutes. That was the limit of the visits, and it was difficult to talk to anybody there.

Q. What do you mean about it was difficult to talk there?

A. In jail you have to talk through these three small holes about the size of the bottom of that cup, and everything is not really clear.

Q. You can't really see the people on the other side?

A. Yes. You have a small hole there, but you have to get the job over with quick.

With that in mind, he told me he just come back from seeing Mr. Huie, that they had had somewhat of a long discussion on it. And he said the problem there was whether I would take the witness stand or not. And my brother told

me that Huie told him if I did take the witness stand in a trial it would probably destroy his book or something like that. It would all be published in the newspaper before he could publish the book.

Q. Did Arthur Hanes talk to you about the question of your taking the witness stand?

A. Yes. We discussed that several times, and he was opposed to it for some reason. He never did give me a valid reason. He mentioned once why publish it when you can sell it, or something like that.

But there was never any -- he kind of cut the conversation off when we got around to discussing that.

Q. Did your brother suggest hiring another attorney?

A. When he came there, yes, he discussed Mr. Huie, and he did discuss -- he said -- I don't know. I think he mentioned Percy Foreman. I don't know if he mentioned anyone else or not. I think he said hire another attorney, and Percy Foreman came up in a way. He mentioned he might go to Percy Foreman, or something like that.

And this time was November 10th. I didn't think he had enough time to change attorneys. So I didn't know if legally I could change attorneys at that date, so I just told him to forget about it, that I would go ahead to trial with Hanes and see what happens.

Q. And then on what day did Mr. Foreman come to see you?

A. I believe it was November 11th. I think it was the

day or two days before trial. It may have been November 10th. I believe it was on a Saturday or Sunday.

Q. When Foreman appeared at the jail was he by himself when you saw him?

A. He came up there with Captain Smith. I think the captain brought him.

Q. Did you ever write him a letter prior to that time?

A. No, I had never written him a letter.

Q. Didn't ask him to come there and consult with you on the case?

A. No, I never wrote him a letter or contacted him in no manner.

Q. And what did you and Mr. Foreman discuss?

A. Well, he got down to the business really pretty quick. He had these contracts with him.

Q. By these contracts you are referring to what?

A. Well, these various contracts I had become involved in with Mr. Bradford Huie and Arthur Hanes. I think he had them in his hands after he introduced himself. I think I opened the conversation on the contracts. I asked if he read it, and what he thought of them.

Q. Did he express an opinion?

A. He just told me that Bradford Huie and Arthur Hanes were long-time friends and that --

Q. Did he say anything to indicate that you were bound

by these contracts?

A. No. I think I asked him later. I think the conversation was that he mentioned something -- I asked him something about the contracts associated with the trial, or something, and he mentioned something about I think Hanes and Huie being long-time friends. He used a lot of expletives, and he said something about you will probably barbecue, and it is kind of hard to follow his questions and his line of talk too much.

Q. You were quoting Foreman and you said if you stuck by Hanes and Huie -- what was the rest of that?

A. Well, he said I probably would be barbecued. That's his talk of the electric chair, I suppose.

Q. What else did you discuss? Did you discuss for him his coming into the case?

A. I asked him several questions on it, I guess legal questions, of what he would do if he was in Hanes place, you know. I think I asked him about Tennessee counsel, if he would retain Tennessee counsel, and he said that would be necessary.

I don't think I asked would he retain them. I asked should there be Tennessee counsel, and he said that would be necessary because Tennessee laws are different than other jurisdictions.

I asked him about what he would do in respect to

contracts with people like Mr. Huie and things like that, and he said he would get involved in no type of contract until the trial was over and there would be no type pretrial publicity.

I think from there I asked how he would finance the case, and I believe he said he would wait until the trial was over and then make some type arrangement with the book writer.

I think from there on we started discussing probably what his fee -- I think before we discussed his fee I think we discussed whether I could change attorneys, or something of that nature. I had some doubts if I could do it at that late date. I think the trial was scheduled to start in one or two days. And he said you could get a continuance under those circumstances.

And I asked what his fee would be, and he said a hundred and fifty thousand dollars, and that that would cover the appeals and everything.

And then he started discussing a retainer fee, and he asked me about the Mustang and this rifle.

And I told him the Mustang -- that I had some collateral in the Mustang, and I could probably claim it, but I didn't know about the rifle, that there was a question of ownership on it.

He said not to worry about that, that he could get it.

And we made the agreement then that I would sign this, whatever you call it, over to him, for a retainer fee.

Q. This was the rifle and the Mustang you signed over to him as retainer fee?

A. Yes; as retainer fee. Then we discussed how to dismiss Mr. Hanes and what kind of note to write. I think I wrote out the first note, and it was a little too - well, I think he modified it. He put some lawyer talk in it or something. He used words like "perhaps" and this and that.

Q. In other words, he was a little more diplomatic than your original draft?

A. I believe he was. Then the next day, I believe it was, that he brought me up a document giving him the Mustang and the weapon.

Q. I want to show you -- may I approach the witness?

THE COURT: Yes.

BY MR. LESAR:

Q. I want to show you Trial Exhibit 31. Is that a copy of a note which you wrote out under Mr. Foreman's direction?

A. Yes. That was our -- me and his both direction, I believe.

Q. You worked on it together?

A. Yes.

Q. It was a joint venture?

A. Joint communication.

Q. Okay. Were there parts of it that you claim credit for and part that he claims credit for?

A. Well, I recall that "perhaps." Yes, I think -- I will just read the whole thing.

Q. Would you read the whole thing, please?

A. It says, "Due to some disagreements between me and you with regard to the handling --"

Q. It is addressed to whom?

A. It is dated November 10, 1968, and addressed to Mr. Arthur Hanes.

"Dear Mr. Hanes:

"Due to some disagreements between me and you in regard to handling my case, I have decided to engage a Tennessee attorney and perhaps someone else -- " that was Mr. Foreman -- "Therefore, I would appreciate it if you would take no further action in my case in Memphis, Tennessee. Also, I appreciate what you have already did for me."

Q. Mr. Foreman approved that -- you said, "What you have already did for me." He didn't correct that?

A. I don't know if he put that in there or not. Then he had the two deputies sign down here.

Q. He had the two deputies witness this, right?

A. Yes.

Q. Now, at this meeting -- this is November 10th. Would

you agree that the date on this is correct as to the time that he did visit you and get this?

A. Yes, that's correct. Because I remember he got the deputies to sign as witnesses.

Q. So it was on November 10th that he visited you at the jail?

A. That's correct.

Q. Now, did he on this meeting, November 10th, suggest to you the name of any Tennessee attorney that he might want to hire?

A. I don't believe -- no, he didn't suggest any Tennessee attorneys on that date.

Q. And did he discuss any trial tactics or strategy?

A. No, he didn't. Most of the discussion up there then was how to get Hanes out and him and his fee, things like that and what he would do, you know, hire a Tennessee attorney and things like that, and what he wouldn't do, and all this. There was no discussion of the dates. He wasn't in the case yet.

Q. But he was in the case -- what date did he formally become your attorney of record?

A. I believe November 12th when we had the court appearance. He made an appearance with Mr. Hanes there, and I believe on that date Mr. Hanes withdrew and Mr. Foreman became counsel of record.

Q. Now, you say that he had discussed with you these Hanes and Huie contracts, and he told you that Hanes and Huie were old friends, and did he view these contracts as being detrimental to your legal interests?

A. Well, he told me he wouldn't get involved in anything of that nature until after the trial was over, and so I assume from that, and when he told Judge Battle a couple of days later he considered the contracts detrimental to the trial, I assumed he did.

Q. Did he consider any action against William Bradford Huie?

A. Well, I think he said he could break the contracts, but I don't know if that was any action.

Q. Did he do anything that indicated that he might be contemplating proceeding against them to break the contracts or file some sort of suit?

A. Well, he didn't do anything at that time. Later on he asked me if I had any type of documents or letters or anything from Hanes and Huie, and I did have a few things Huie sent me, and I don't -- I may have had some letters from Hanes too. I just turned everything over to him.

Q. You turned all those letters over to Foreman?

A. Yes.

Q. And have you seen copies of them since?

A. You mean the letters Hanes and Huie sent me?

Q. Yes.

A. No. I have never seen them since.

Q. Now, do you recall -- Mr. Foreman visited you, I guess on November 12th?

A. That's correct.

Q. And that's when he brought up this assignment of the Mustang and rifle?

A. On his next visit he came up there, and he had a document-- I think it was addressed to Judge Battle and the prosecutor and the sheriff, and it just gave him -- it said to turn over to him when the trial was over.

Q. Now, do you recall how long it was before he visited you again?

A. I don't believe it was too long. He told me--he said, "Sit tight," or something like that, "I will see you later."

Q. And, say, during the month of November and December, did you see him frequently?

A. I couldn't recall. I wouldn't say frequently. I think after November 12th I may have -- I think I may have saw him a couple of times in November, and I think we saw him once in December. I think we had a court appearance in December, December 18th I believe it was.

Q. What happened at that court appearance on December 18th?

A. I believe that was the day that he got the public

defender in the case.

Q. Did he discuss bringing the public defender into the case before he was brought in? Did he discuss that with you?

A. The first I knew the public defender was being brought in the case -- well, he had mentioned something about Jake Erlichman, Sr., and that he was going to retain him, but then when I came in the court room, before the proceeding started, he told me that they were going to appoint the public defender, and he said he discussed it with -- I am not certain who he discussed it with. It was either the judge and the prosecutor or the judge and Mr. Stanton. Well, it was a couple of them. I don't remember which two it was.

Q. Did he give any reason to you for bringing the public defender in?

A. No. He just said that it would save us money. That's all he said, I think, and I think that was the main reason. He said he was still going to retain outside counsel though.

Q. Did he suggest to you that bringing in Mr. Stanton as the public defender -- bringing the public defender in would meet this requirement that Tennessee counsel be retained?

A. Well, at the time -- I didn't know Tennessee counsel was required. I believe Foreman -- what he told me -- he told me that Tennessee counsel would be necessary to brief him on Tennessee laws, because different jurisdictions had different procedures. Of course, I found out later that

you are supposed to have Tennessee licensed counsel. But at that time I didn't know that it was required that you have local counsel.

Q. Now, did you --

THE COURT: (Interposing) Mr. Lesar, will you work to a stopping place? It is apparent that we can't finish today.

MR. LESAR: I think I have got up to about December 18th now, and I think in about four or five more questions I can get us to January 21st, and that is a logical cutting off point.

THE COURT: All right. Go ahead.

BY MR. LESAR:

Q. Now, between December 18th, when the public defender was appointed counsel -- well, what was the next time after that date that you saw Mr. Foreman?

A. Well, it was -- I made a court appearance before I ever saw him again. It was a considerable length of time before I saw him. I believe it was early January, somewhere around the 21st or the 22nd of January, the next time I saw him.

Q. And that's the next time that you saw Mr. Foreman?

A. That's right.

Q. You didn't see him between December 18th and January 21st?

A. 21st or 22nd -- that's close.

Q. Did he give a reason for that?

A. Well, he didn't give me no reason. I had made a court appearance on January 17th with Hugh Stanton, Sr. and Hugh Stanton, Jr., Senior and Junion, the public defenders, and at the time Judge Battle informed us that he was ill. I think the judge had received a telegram from some lady doctor saying that he had some type of ailment, and the judge said -- the judge talked like if Foreman stayed ill and became incapacitated and couldn't defend me, the two Stantons would defend me.

Q. They would be entrusted to go ahead with the case in the event that he could not appear?

A. The way the judge talked I got the distinct impression that he had upgraded Mr. Stanton, Sr. due to Mr. Foreman's illness, and I think he said if Mr. Foreman for some reason couldn't handle the trial and became incapacitated, then Mr. Stanton, Sr. should be in position where he could assume the chief counsel role.

MR. LESAR: Your Honor, I think that is a natural place to break.

THE COURT: All right. Well, as the court indicated on several earlier occasions, we will not be able to resume this hearing until Tuesday morning due to the holiday Monday.

All right, Mrs. LaFon, you may adjourn court
until that time.

(Adjournment.)

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JAMES EARL RAY,

VS.

JAMES H. ROSE, WARDEN.

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CIVIL ACTION
NO. C-74-166

VOLUME IX

TUESDAY MORNING

OCTOBER 29, 1974

HLK Exhibit # 24
Vol. IX

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>R/D</u>	<u>R/C</u>
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James Earl Ray (resumed)	795			
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EXHIBITS

<u>NUMBER</u>	<u>IDENTIFICATION</u>	<u>EVIDENCE</u>
131		867
132		869
133	878	

TUESDAY MORNING

OCTOBER 29, 1974

The trial of the case was resumed on this date, Tuesday, October 29, 1974, at 9:30 o'clock a.m., when and where evidence was introduced and proceedings had as follows:

THE COURT: All right. Are we ready to continue with the testimony of petitioner?

MR. HAILE: Your Honor, we have a preliminary matter or two.

We have a witness that got a letter from his doctor this morning that he can't be here. You might want to see this.

(Document passed to the court.)

THE COURT: All right. Do you wish to take the witness' deposition?

MR. HAILE: Yes, I do, I think.

I have given that to my adversary, but I haven't gotten their reaction of it yet, and if we can't work it out we will be back later. I just wanted Your Honor to understand what had happened about this witness.

THE COURT: All right. I will ask counsel for

the petitioner to confer with counsel for respondent and come up with some suggestions.

MR. HAILE: There is another matter. We have a witness --

MR. FENSTERWALD: We will, Your Honor, but we are rather pressed for time, and I don't know if this can be arranged, but we will certainly try it.

THE COURT: All right.

MR. HAILE: We had a witness subpoenaed this morning, Renfro Hayes. It took us about three or four days to find him, and then his attorney, Mr. Gilder, contacted us and said he was not in any condition to come to court, and he wanted to be excused, and he didn't show up, and we would like to have a bench warrant on him.

MR. FENSTERWALD: Your Honor, it is their witness. We have no feeling that we would wish to express to the court on this.

THE COURT: All right.

The court is willing to issue the bench warrant. Who is going to undertake to get it issued and to the marshal?

Mrs. LaFon, can you do that?

THE CLERK: Yes, sir.

THE COURT: I would like whoever serves the

bench warrant to be advised that there has been some suggestion that there is a medical reason for the witness not coming. But he will have to have some doctor's certificate before he can be excused. It may be ~~Mr. Gilder~~ Mr. Gilder will work with you on that.

I don't know the man's condition. He was a plaintiff in this court in a case against Mr. Foreman, and it was repeatedly reported to me ~~that he was unable to come to court~~ that he was unable to come to court, but this was some time back.

Are we ready to proceed with the testimony of Mr. Ray?

MR. LESAR: Yes, Your Honor.

JAMES EARL RAY

The said witness, having been previously duly sworn, resumed the stand and further testified as follows:

THE COURT: Mr. Ray, do you understand that you, like all the other witnesses, are under the same oath when your testimony is interrupted during the hearing?

THE WITNESS: Yes, sir.

THE COURT: You are under the same oath you took last week even though we have called you back.

THE WITNESS: Yes, sir.

THE COURT: All right, fine.

MR. LESAR: Your Honor, I think when we left off on Friday it had us about up to January 17th or 20th, and over the weekend I realized there were a couple of things I should have gone into or gotten in the record that I didn't in the early period, and I want to backtrack for a moment.

THE COURT: All right, Mr. Lesar. I didn't think you had really finished, and we will let you do that.

Go ahead.

DIRECT EXAMINATION
BY MR. LESAR (RESUMED):

Q. ~~Mr. Ray~~, I believe you stated that some guards had brought you up some copies of a book by William Bradford Huie?

A. That's correct. First Mr. Huie sent me up a couple of copies of his book about Hiroshima, and about a man named Shaeffer, or something, and the guards brought up three --

Q. And you were a bit concerned about some of the implications --

MR. HAILE: Your Honor, I object to him leading him. He led him all day Friday.

THE COURT: All right. Please be aware it was leading.

MR. LESAR: Yes, sir.

Q. Did you for some reason become concerned about Mr. Huie's writings?

A. Well, after the first two books weren't controversial in a racial sense, the other one dealt with race in Mississippi or somewhere, and I was somewhat concerned about Mr. Huie's M.O. and how he dealt with these type cases.

Q. Could you describe that M.O.?

A. I haven't read this book in five or six years, but it seemed basically he would offer people money, persons that didn't have much money and never had much, and it appeared to me he would use their testimony against them.

And I got the impression he might be giving other information he would get from these defendants to the

prosecution or the FBI indirectly.

MR. HAILE: Your Honor, we move that that testimony be stricken. That was his mental impression, and we have listened to that all Friday, to his mental impression and mental impressions naturally are self-serving type, and we don't think should be admissible in this case especially.

He is also telling us what this book said, and if there is any question about that, maybe the book should be in evidence.

THE COURT: Well --

MR. LESAR: Your Honor, I think that what Mr. Ray thought was part of his relationship with Mr. Huie and his attorneys, and his actions cannot be explained without going into that. I don't see how we are going to achieve any idea of what motivated James Earl Ray, and what dictated his determination as he faced each event during his confinement unless he can give some idea.

MR. HAILE: Your Honor, if he can't tell us what happened I think the test is not what he thought, but what any reasonable man would have thought in light of what actually happened.

I repeat my objection to his uncommunicated

BY MR. LESAR:

Q. Does it appear to be a facsimile of a check from William Bradford Huie?

MR. HAILE: Your Honor, we will stipulate it is a check from William Bradford Huie, but it is not relevant unless he can say he saw it or read it.

THE COURT: What is the purpose of it?

MR. LESAR: The purpose of it is to show that James Earl Ray has testified that he was forming certain conclusions about William Bradford Huie, and that he was worried that the public would conclude from the matters that William Bradford Huie paid him money, that he was thereby admitting guilt. I think this indicates an M.O. It also goes to the prejudicial publicity that is put out. This is highly prejudicial, and I want to ask him whether or not he ever received any such check.

THE COURT: I have forgotten the name of the magazine, but that's no proof of the check any more than the contents of the article can be received for the truth of them. That's true of all these checks.

MR. LESAR: I understand that. I am not putting it in for that purpose. I am putting it in to show that William Bradford Huie was detrimental to James

Earl Ray.

THE COURT: For that limited purpose the court will allow it in. What is the number again?

BY MR. LESAR:

Q. Jimmy, do you have that number?

A. 58.

Q. Did William Bradford Huie ever pay you a check in that sum?

A. Thirty thousand dollars?

Q. Yes.

A. No.

MR. HAILE: Is he trying to prove it is a fascimile of a false check?

THE COURT: I think through the power of attorney you could arguably say he did pay him that. May I see the exhibit, please?

(Exhibit passed to the court.)

MR. HAILE: Your Honor, we want to renew our objection to that article for any purpose. It was not written by Mr. Huie. ~~It is written by some reporter in Miami, or something, and to say it is admissible for the purpose of showing Mr. Huie was engaging in prejudice or publicity, I don't think it is good for that purpose.~~

It may be useful for the purpose of showing

everybody knew about what was going on here. It's detrimental benefit far outweighs any evidentiary value it might have. It is not admissible for any purpose he is suggesting, and it seems to be a kind of way of getting it into evidence on some flimsy theory.

MR. LESAR: It is an interview with William Bradford Huie about the James Earl Ray case.

THE COURT: That doesn't make it admissible.

I don't mean to reflect on any of the stories, but the court can't receive any of this as evidence of what happened.

I don't want to try whether this writer was accurate or whether any of them were accurate, and observe that some of them were dealing in sensationalism, and it is not evidence in this case. I am sorry, but it is for the limited purpose of showing what was going on at the time that magazine came out. It is not directly related yet.

All right. Go ahead.

MR. LESAR: Fine.

Q. Now, in the fall of 1968 did you write Mr. Michael Eugene?

A. I believe I wrote him a couple of times. I am not sure how many, but there was some correspondence on the transcription

he had that I was trying to get possession of.

Q. Which transcript was this?

A. Of the extradition proceeding in London.

Q. He represented you in London?

A. He was the solicitor, yes.

Q. Do you recall what happened with that letter?

A. I do recall the letter was returned to me. I know now.

I have seen these things, but at the time -- but I did write a letter in longhand, and I discussed this couple of weeks ago with you and when it was returned it was in a typed envelope.

Q. The letter you wrote him was in longhand. Was the envelope you addressed it to him?

A. Yes. It was in longhand. We didn't have typewriters in the jail.

Q. And when it was returned?

A. It was returned "Address Unknown," or something, and there was -- it was a typewritten envelope.

Q. I show you Exhibit 46 and direct your attention to the entry on September 19, 1968.

THE COURT: What is the number?

MR. LESAR: Exhibit 46.

THE WITNESS: Do you want me to read this entry?

BY MR. LESAR:

Q. Yes. Read the entry.

A. 9-19-68, 4:00 p.m., Michael Dresden, Attorney, Solicitor Company, 132 Travistock, London, England. Date received -- I guess this is the date it went out -- 9-19-68, and it says "Sheriff."

Q. Now, Michael Dresden is what relationship to Michael Eugene?

A. I believe Dresden is the name of the firm.

Q. I show you Exhibit 45, which is a log of the incoming mail, and direct your attention to the entry on October 24, 1968.

A. Yes, October 24, 1968, 2:45 p.m., Michael Dresden, London, England, returned. I guess this is the time returned, 10-24-68, 3:45 p.m.

THE COURT: What is the number of that exhibit?

MR. LESAR: That is No. 45.

Q. Now, I want to show you Exhibit 70 and ask if you can identify this?

A. Yes. That's my writing, and it has my initials on it.

Q. Would you read the notation on it on the second page as to when it was obtained?

A. Received 10-16-68, 9:00 a.m. from Captain Joe Cox, Sheriff's Department.

Q. Does it give a time?

A. It is 9:00 a.m. There is something on top. I didn't read that.

Q. Would you read that part?

A. It says, "Taken from trash can by patrolman Miller, MED, approximately 12:45 a.m., 10-18-68."

Q. Would you on the back -- the contents of the writing -- I notice something there about doctors. Could you explain what that was about?

A. I think the second part is "Did you see doctors?"

I am almost positive I had some eye trouble since I got out of the penitentiary, and I went to see an eye doctor in Birmingham to get some glasses, and he charged thirty dollars, or something, and there was some discussion between me and Mr. Hanes about the condition of my eyes at the time of the assassination and could this somehow be relevant to the case.

Q. It would be relevant to the case to show what your eyesight was at that time?

A. At that particular time, yes.

Q. Now, we have come up to about January 17th, and I believe you had stated there had been a court appearance on January 17th?

A. Yes, that's correct.

Q. And the purpose of that was?

A. Well, I believe the purpose of it -- I think Judge Battle had ordered some type of progress report, and I believe that was the purpose of the hearing.

Q. Progress report by whom?

A. Counsel, ~~Percy Foreman~~ and I believe the public defender's office.

Q. Was Percy Foreman there that day?

A. I believe at the start of the hearing Judge Battle read some telegram from Foreman's secretary, or his doctor's -- I believe it was a woman doctor -- saying he was incapacitated, and had some kind of ailment.

Q. And did the judge take any action with reference to your counsel that day?

A. Yes. It is my recollection the proceedings weren't very long.

I think he obtained Mr. Hugh Stanton's status in the case. I think he told him if Mr. Foreman remained ill that Mr. Stanton should be prepared to take the case to trial.

Q. Now, after that meeting did Mr. Hugh Stanton come to visit you?

A. He came and visited me, I think -- I think Captain Smith told me he was coming to visit me, and I thought it might be better that I not become associated with Stanton on that plan. I wasn't too enthusiastic about coming to trial with the public defender at that time, so I told Captain Smith

I would rather not see Mr. Stanton. But Captain Smith let him in anyway.

Q. What did you tell Stanton when he did visit you?

A. Well, he was just there about five minutes, and I told him I didn't wish to discuss the case with him, and I considered Percy Foreman my attorney, and I think I told him something to the effect that if Foreman became ill or something I might try to get another attorney.

And he said something about he didn't have much time for the case anyway, and he went on and left.

I told him I would write him a letter to try to explain my position with reference to the attorneys.

Q. Exhibit 35 -- that's a copy of the letter you wrote Mr. Stanton?

A. Yes.

THE COURT: What is the number?

MR. LESAR: Exhibit 35.

Q. And after telling Stanton that you didn't want to discuss the case with him did you do anything with respect to Mr. Foreman?

A. I made a telephone call to him -- I believe they let me make a call to him the next day.

Q. You made a telephone call to Mr. Foreman?

A. Yes. It was shortly after this hearing. I was worried about his health, whether he could defend me, and they let

me make a telephone call to him from the office in the jail.

Q. What did you ask Mr. Foreman?

A. I believe I asked him if he was going to be able to defend the case, and inquired about his health, and he told me he would be up there shortly, up to Memphis shortly, I guess he meant.

Q. I am showing you a page from the sheriff's log book, page 136 for the date of January 20, 1969.

MR. LESAR: Your Honor, by stipulation General Haile and I have agreed to introduce these log books in evidence, so I will not introduce this as a separate exhibit.

THE COURT: You haven't introduced them yet?

MR. LESAR: No. But by stipulation he has agreed to. Is that all right?

THE COURT: That's fine.

BY MR. LESAR:

Q. Would you read the entry for 11:30 a.m.?

A. Yes. 11:30 Captain Smith brought Attorney Hugh Stanton, state public defender's office, to talk to James. They conferred about five minutes, and Mr. Stanton left, by Captain Smith.

A letter was brought in -- well, this is something else.

Q. The next entry is what time?

A. 11:35.

Q. Would you read that?

A. These numbers all run together.

"A letter was brought in by Captain Smith from James' brother Jerry."

And the next notation is 12:00 o'clock.

Q. All right. Continue.

A. "Supervisor notified all okay. Ray lying down."

That's one that goes on and on.

Q. And the next one?

A. "Supervisor notified all okay. Ray seems upset."

THE COURT: What time was that?

THE WITNESS: 12:30.

"Wanted to talk to Mr. Foreman's secretary in Texas. Notified supervisor of his request. Stated he wouldn't let Mr. Stanton defend him in a traffic case."

I don't get that last part.

(Continuing to read) "1:00 o'clock. Supervisor notified all okay. Ray watching t.v. Supervisor notified us that the sheriffs had okayed for Ray to call Mr. Foreman's office in Houston."

Do you want me to go ahead?

MR. LESAR: That's all right.

MR. HAILE: Might as well read the next two.

MR. LESAR: Would you just read that?

THE WITNESS: (Reading) "Supervisor notified all okay. Ray watching t.v."

The next is 1:45, and it says, "Supervisor ~~DuFore~~, Lewis and Lt. Brown took Ray into the supervisor's office where Captain Smith placed a call to Mr. Foreman, where he answered the phone himself. Ray talked to Mr. Foreman for approximately three minutes. Mr. Foreman told Ray he would be to see him next date."

Then the next time at 1:50 it says, "Ray returned to 'A' Block."

MR. HAILE: He left out the word "collect" in front of call.

THE COURT: Is that what it says?

MR. LESAR: Yes, it does say that.

Q. Now, did Mr. Foreman come up from Texas after that?

A. He came up ~~shortly~~ after that, yes.

Q. And what did you talk about at that time?

A. Well, I think the first time he visited me I don't think it was any long conversation. It wasn't too long after that he did -- he had various newspaper clippings and things, mostly newspaper clippings, in some type of portfolio, and discussed them quite lengthy.

Q. What was the purpose of those newspaper clippings?

A. They seemed to be some type of investigation of the case. It seems the reporter's name was Gonzales, and he had me mark all these things out with a legal pencil, I suppose, a type that is the type you can see through when you draw a line over it.

Q. Up to this time, which is some time after January 20th

A. I will just guess around the 22nd or 23rd, some time in there.

Q. Up to that time had there been any -- is this the sort of pen that was used?

A. I don't believe -- maybe he was using that sort. I don't believe he gave me a pen that big.

Q. More like this (indicating)?

A. Similar to that, yes.

Q. Now, up to that time had there been any indication Mr. Foreman would ask you to plead guilty?

A. No. There was never even an indication up to that time.

Q. From Mr. Foreman directly?

A. No, not directly.

There was something in the paper by Foreman -- says I discussed this January 3 article with Foreman. Up to that time there was no indication of a plea.

Q. What is this January 3 article?

A. I did mention it. There was an article in early January by Charles Edmondson, I believe it was, indicating there might be some kind of plea.

I asked Foreman who put that in, and I thought it might be a part of the attorney general. He just said forget it.

Q. Did you write anybody about that?

A. I wrote my brother about it.

Q. Do you recall what you mentioned?

A. I believe I referred to it, whoever put the article in must think he was a supreme being, something like that.

Q. Did that remark ever come back to you?

A. A couple of days later I read it in the Commercial Appeal. I believe Mr. Edmondson must have gotten hold of it.

Q. When Mr. Foreman came and discussed these newspaper clippings did he -- had he up to that time ever talked about William Bradford Huie?

A. No. He -- I hadn't seen him too much up to that time. I had just seen him two or three times, I think; it couldn't have been over three or four times. And he had made references to an author. I think he mentioned George McMillan once, but I don't think he ever discussed Huie specifically.

Q. Now, about that time in January did he bring anyone in

to see you?

A. I think the only persons he brought in to see me -- there were two ministers, one named James Bevel and another one named Rutherford, and they said something about defending me, that they was interested in the case and wanted to come up there.

He asked did I want to see them, and I said bring them on up. I think some time around the first time he came up he did bring Mr. Rutherford and James Bevel up there.

Q. Who was present?

A. At first they didn't let them inside the block. The attorney was the only one inside the block. They came up and talked through this small hole in the wall where the regular visitors talk.

Q. Could you get a good look at them that way?

A. If you get close -- it is such a small hole -- I remember they was dressed in what they referred to was these monkey suits, or something that the guards wear. They are jumpsuits, or something of that type of uniform.

Q. What type conversation did you have with Reverend Bevel and Reverend Rutherford?

A. It is a one-way conversation. I think Reverend Bevel is a pastor and he did most of the talking. He talked about fifteen or twenty minutes, and the most he said was he was interested in helping defend me. And I said I appreciated it,

but Percy Foreman was chief counsel and he would have to make any decisions on that.

Q. Did you ever write Mr. Bevel?

A. I did write him a page on a legal pad. I wrote him one page. There had been several stories about him in the paper, and what he wanted to do, and I wrote him I think a one-page letter and told him I would appreciate any information or assistance, but I wasn't interested in any type cause or anything like that.

I don't think the letter was ever mailed, and if they did mail it it didn't reach the destination.

Q. Now, was there any significant change here toward the end of January? What is the next important event as far as your relationship with Percy Foreman is concerned?

A. Well, I would say after the Bevel visit -- well, I might add -- I think Percy Foreman, he got the letter. I don't know how he got it.

Anyhow, after that I believe the next thing of any import was he brought the contract up there. I think that was the one dated January 31, 1969. No, it was--yes, January 31st, I believe it was, and he brought a check up there for five thousand dollars about that time.

I am not positive which was first, the check or the contract.

Q. Let me ^{show you} a copy of Exhibit 9-A and ask you if you can

identify that as a copy of the contract which he brought?

A. Yes. This is a copy of the contract.

Q. Now, what was the purpose of this contract?

A. Well, I suppose -- I had read this several times.

The purpose of it was to get Hanes out and get Foreman in. ~~communication~~ ~~communication~~
And he advised me to sign it, and I think I looked through it and signed it.

Q. It is your understanding that the purpose of this contract was to release Arthur Hanes?

A. That's correct.

Q. Do you know what date this contract was drawn up?

A. I have a recollection I signed this contract before January 29th, but it is not notarized, so I could be mistaken on it.

Q. Is there a date at the top of it?

A. Initials JJS and AK 12-6-68.

Q. Now, would you have seen it as of December 6th, 1968?

A. I just don't know. I just have a recollection. Of course, I could be wrong on this, that this document was brought to the mail before that.

But during this period there was being quite a few documents drawn up and brought up there for me to sign, so I could be mistaken.

Q. Do you know who the JJS is?

A. I speculate on it, but I don't know.

Q. You had a speculation?

A. I think Mr. Foreman associated some time about then ~~John J. Hooker, Sr.~~ John J. Hooker, Sr., but I don't know who it is.

Q. I show you ~~Exhibit 52~~ Exhibit 52, and is that a copy of a check made out to you?

A. Yes, sir. That's --

Q. By whom?

A. The top one?

Q. Yes.

A. It is dated January 29, 1969, and it is made out to the petitioner from William Bradford Huie.

Q. And in the amount of?

A. Five thousand dollars.

Q. And did you receive the funds from this check? What happened to this check?

A. This check was transported to the jail by Mr. Foreman some time around this area.

He mentioned something about he needed a retainer fee. I believe it was for Mr. Hooker, and wanted to know if I would sign it, and there was no disagreement there. I just signed it and that is it.

Q. Does he endorse it on the back? Is that there?

A. On the second page?

Q. Yes.

A. Well, his name is printed on there. I don't know if

that's an endorsement or not.

Q. Now, you say that he asked you to sign this check, and what was the purpose?

A. Well, his stated purpose would be some sort of retainer fee for outside counsel.

Mr. Hooker's name would either come up when there was some type of outside transaction going on.

Q. Had he mentioned Mr. Hooker's name before?

A. Early in the proceeding he mentioned that he would probably retain John J. Hooker as co-counsel in the case.

Q. Now, he brought you another contract?

A. Shortly after that, I believe, on February 3rd, he brought another contract up there.

Q. Let me show you Exhibit 10.

A. This is apparently a duplicate copy of the one he brought up there.

Q. What was the purpose of this contract?

A. Well, I assume this was to finance the trial. I read it, you know.

Q. Is there any reference in there to the trial?

A. That's the part I had the most clearish recollection of. I don't see it now, but there was a clause in here that said in exchange for all these rights he would defend me.

Q. Does that paragraph refer to his defending you at trial or trials?

A. Well, this would be the fourth paragraph. Yes, it says, "Whereas, Percy Foreman, a duly licensed and practicing attorney at law of Houston, Texas, has been admitted by the trial judge at Memphis, Tennessee, to its bar for the purpose of representing the said James Earl Ray in the trials of cases pending before said judge."

Q. And as of the date that you signed this contract it was your understand you were still going to trial with Percy Foreman as your attorney?

A. Yes. When I signed this he told me everything was going all right.

I do recall he wasn't there very long that day. He just advised me to sign the contract, and I think he had the deputy sheriff, Roy Nixon, with him, and he notarized it right there in the room.

Q. Now, at about this time in February was Mr. Foreman filing motions? What was he doing on your case?

A. I believe the next thing of substance -- I am not positive of the date of that, but maybe a day after I signed the contract, I am positive it wasn't the day I signed it, because he wasn't there long that day, but he came up there with various pictures in his briefcase, and he had me look through them. I think ten or twelve of them. And he described various individuals in the pictures.

And I think the majority of the pictures were probably

individuals of Latin origin. He described some of them as Cubans and things like that.

Q. Why did he bring these photographs up?

A. The way it explained it, he had some arrangement worked out with Life Magazine.

Q. Did he go into any details?

A. Well, if I went to trial, and I assumed there was going to be a trial at that time, they were going to write one of these expose stories in Life Magazine of political figures, and I don't remember any of the names he mentioned. I think one was Senator Russell Long. But they weren't involved in the King matter.

Q. Did he indicate any writer who was involved in this?

A. No. At that time -- and that conversation he was supposed to sell some pictures to Life Magazine. I might add I didn't know the pictures he was going to sell to Life. I assumed he was going to sell them to Look Magazine, and later on I saw the evidence he was going to sell them to Life.

Q. Did he ever, during this period of time, mention another writer?

A. Well, he mentioned a considerable period before that, I guess, some time in December, he mentioned George McMillan, and there was some mention that McMillan might give us five thousand dollars for some stuff in writing.

I remember the incident. I think we had a hearing and he went part-way up to the jail with me, and he mentioned it briefly. And I just told him there is no point in getting involved with any more writers. If we have to associate a writer we will just stay with Huie.

That's the last instance other writers were ever mentioned.

Q. All right. What is the next significant event in this scheme?

A. Well, I would say it would probably have been the same time that he transported these pictures up there.

In other words, he had a whole plan laid out, it seemed to me, how he would conduct the case, and publicity and all that.

And he did suggest if I would identify one of these pictures as the person that shot Martin Luther King, I think he said they would transfer this individual to Memphis and I would make some type identification.

Q. Who was going to transfer him to Memphis?

A. I guess the prosecution.

I told him I didn't want to get involved in that type operation for several reasons. It seems to me it would have been sort of a state-witness position for me, and I thought probably a lot of it would have been counterfeit, and so I told him I didn't want to get involved in it, although I did

agree to the picture part.

Q. You did agree to the picture part, meaning what?

A. Well, he went up there to take photographs, and I believe it was still movies, or something.

Q. Did he file a motion in court to that effect?

A. Yes. And I think maybe it was a day or so later he brought a motion up there to sell pictures, and asked me to sign it, and I signed it, and he argued it in court a couple of days later.

As I recall --

Q. What is your recollection of Mr. Huie's visit before the grand jury? Did Mr. Foreman discuss this with you?

A. I think I asked Mr. Foreman what Huie said from the grand jury, and I think he said nothing. And about that time he told me he wanted to try and get Huie at the jail to see me. And I don't know if he had me sign a paper. I know he filed a motion to get Huie in to see me.

Q. Did he tell you that he had received your letter from the district attorney general, Phil Canale, stating that William Bradford Huie would be called as a state witness?

A. No, he never mentioned that to me.

Q. What is the first you recall of Mr. Foreman's broaching to you the idea that you might plead guilty?

A. That I am positive. That was February 13, 1969.

Q. Would you describe how it occurred?

A. Well, just -- he just transported this document up there and asked me to read it. It seemed to me a sort of multi-purpose document.

Q. I would like to show you Trial Exhibit 47.

A. This appears to be a duplicate.

Q. All right. Let's read this letter. It is dated Memphis, Thursday, February 13, 1969, and it is on the stationery of Percy Foreman's law office, to Mr. James Earl Ray, Shelby County Jail, Memphis, Tennessee, and it says,
"Dear James:

"I write this letter to put of record my analysis of your case, my judgment concerning the probable outcome and my recommendation as to the course of action we should explore in your behalf. I also write it for my own protection. Because I anticipate the coming of a time when it will be needed for reference.

"I have spent several weeks reviewing the nature of the case the State of Tennessee has against you. I have surveyed jury sentiment in this county and jury verdicts in other recent cases. And I have come to this conclusion:

"In my opinion there is little more than a ninety-nine percent chance of your receiving a death penalty verdict if your case goes to trial.

Furthermore, there is a hundred percent chance of a guilty verdict. Neither I nor any other lawyer can change the overwhelming evidence that has been assembled against you. The above analysis of your chances would still obtain even without the Look articles.

"As my client, you are entitled to my judgment. It is based on my experience as attorney in more than a thousand murder cases. If I am able to save your life by negotiation with the attorney general and the court, I will consider it one of the great accomplishments of my career in the court room. I do not know whether I can get an agreement to waive the death penalty or not. But if I can, it will have to be now. I know that it cannot be done after March 3, 1969.

"Please sign pages of two copies of this letter as evidence I have advised you to permit me to try and negotiate the waiver of the death penalty in consideration of our entering a guilty plea for you." And then on the next page there is an acknowledgement of a receipt.

Now, I call your attention to the last paragraph, and ask you to tell us what your understanding of this letter was where he says, "Please sign/both pages of two copies of this letter as evidence

I have advised you to permit me to try to negotiate the waiver of the death penalty in consideration of our entering a guilty plea for you."

MR. HAILE: Your Honor, I submit that the letter speaks for itself, and I submit it is his understanding --

THE COURT: I overrule the objection.

THE WITNESS: First, this last paragraph is sort of ambiguous. It is lawyer language. I don't say that derogatory, but it was a little difficult to understand.

I thought possibly that was an explanatory thing.

BY MR. LESAR:

Q. Is it your --

MR. HAILE: I object to him leading.

THE COURT: I sustain that objection.

THE WITNESS: I had the impression of the third paragraph that he might have been concerned about his other clients, Look Magazine and William Bradford Huie.

BY MR. LESAR:

Q. What makes you say that?

A. He says, "The above analysis of your chances would still obtain even without the Look articles."

I studied this document some time after he gave it to me, and he was, of course, urging that I sign it. He was kind of prociferous on these things, and I mentioned one time about the Look article, that Look and Huie can look after their own financial interests.

Q. Where he says, "Because I anticipate the coming of a time when it will be needed for reference," do you know what he meant there?

A. I can speculate on it. But I suppose --

MR. HAILE: I object to the speculation.

BY MR. LESAR:

Q. You have no clear recollection of what he was talking about at that time?

A. I don't have no clear recollection except it is my best recollection I thought possibly he didn't want to really enter a plea, but he was concerned about Look Magazine and Mr. Huie's business.

Q. Could you elaborate on that a little bit -- he was concerned about Look Magazine and Mr. Huie, for what reason?

A. Well, I believe Mr. Huie was sort of a client of his. I didn't know the legal details at that time of civil law and all of that. I just had the feeling some way he may have been concerned with their business activities and all of that.

Q. When he came into your case he had given you some

I studied this document some time after he gave it to me, and he was, of course, urging that I sign it. He was kind of procliferous on these things, and I mentioned one time about the Look article, that Look and Huie can look after their own financial interests.

Q. Where he says, "Because I anticipate the coming of a time when it will be needed for reference," do you know what he meant there?

A. I can speculate on it. But I suppose --

MR. HAILE: I object to the speculation.

BY MR. LESAR:

Q. You have no clear recollection of what he was talking about at that time?

A. I don't have no clear recollection except it is my best recollection I thought possibly he didn't want to really enter a plea, but he was concerned about Look Magazine and Mr. Huie's business.

Q. Could you elaborate on that a little bit -- he was concerned about Look Magazine and Mr. Huie, for what reason?

A. Well, I believe Mr. Huie was sort of a client of his. I didn't know the legal details at that time of civil law and all of that. I just had the feeling some way he may have been concerned with their business activities and all of that.

Q. When he came into your case he had given you some

advice concerning Hanes and Huie, had he not?

A. He was strongly opposed to these contracts when he first came in. He told Judge Battle -- he was talking to me when he told Judge Battle too -- he said something about he didn't want to get involved with the press or something of that nature.

Q. Did you have a feeling this was concerned with that or not?

MR. HAILE: Your Honor, is he asking about his feeling now or then? I am objecting to it.

THE COURT: Now and then.

MR. LESAR: I am asking about feeling at that time.

THE COURT: I overrule the objection, insofar as it is addressed to that time.

THE WITNESS: My feeling at that time -- I was more concerned about Look and Mr. Huie. Of course, Look was quite involved with Huie, and I thought he might have been more concerned with their legal problems than he was with his other client, the petitioner.

BY MR. LESAR:

Q. All right. Now, he states down here that in his opinion he says, "In my opinion, there is little more than a ninety-

nine percent chance of your receiving a death penalty verdict if your case goes to trial." Did he discuss that with you?

A. We discussed that. I would say at most about two minutes. And I told him I thought it was ridiculous that the state was going to rely on circumstantial evidence, and I thought the most they could convict me of, if anything, would be some sort of aiding and abetting.

This death penalty never came up but that one time when he was talking to me.

Of course, when he was talking to the press he had another story for them.

Q. And he continues, "Furthermore, there is a hundred percent chance of a guilty verdict." Did he discuss that with you?

A. No, we didn't discuss that much. I was more concerned about his theory of a death penalty than I was on a jury verdict. This all tied in with the make-up of the jury. His story there was that they would probably be -- he tried to give me the impression, of course, that the black and affluent white of the business community would more or less convict me on general principles. And I didn't agree with the first part of it. But I was kind of concerned about it -- well, some of the business leaders at that time that would be on the jury, but I didn't think there would be more than one or two on a jury, so I didn't think, as I explained it

to him -- in fact, I had seen a chart in one of the newspapers and it explained how you pick a jury. I think they get -- what I read, you get the jury from the voting polls. I don't recall just what newspaper this was, whether it was the Commercial Appeal, or the other one, or maybe both.

I had read this some time before this. I went on and read about the voting patterns in the city, and then I explained to him from this, and I thought if he was concerned about blacks possibly would there be over three or four on there, and if he was concerned about the chamber of commerce type there wouldn't be more than one or two of those on there.

Q. You say if he was concerned about blacks and chamber of commerce types. Were you concerned about blacks on the jury?

A. No, I wasn't concerned about the blacks.

I suppose you question anyone and more or less get their philosophy on what they believe.

Q. But, in general, you were not worried about the fact that there would be blacks on the jury?

A. What I think, you can bring out someone with some independence like Reverend Bevel from those that they call -- whatever it is -- so there was never much of a problem so far as I was concerned about this.

Q. Now, you said he was concerned with the chamber of

commerce types. Was that a concern of yours too?

A. Well, yes, it was a concern of mine, but I -- there is just not that many type people that can get on a jury. They usually sit on grand juries.

Later on, we was discussing it and he said a clerk can manage the jury panel where all these types can be on.

Q. Mr. Foreman told you the clerk can rig the jury panel?

A. We was arguing about it, and he said this off the top of his head. Of course, this all is ridiculous, if they brought two or three hundred jury panelists there who was all from the cotton exchange or the bank, and it was kind of ridiculous to suggest something like that.

Q. He goes on and says, "Neither I nor any other lawyer can change the overwhelming evidence that has been assembled against you." Did you discuss that statement with him?

A. The evidence?

Q. Yes. Did you discuss the evidence with him, or what evidence did you discuss with him?

A. Well, actually, he never showed me any evidence. He came up there one time about February 5th or 6th and had about a one and a half inch stack of investigative files. I believe he said he either got them from Bradford Huie or Russell X. Thompson. I know Mr. Thompson or this other investigator, you just mentioned about them.

And at that time he -- I think I looked at two or

three papers on top, and they were reports from my penitentiary files, Leavenworth and all of those other places.

Q. Well, now, did he go through items of evidence and ask you about the rifle? Did he ask you about any particular items of evidence?

A. Well, he discussed the evidence at that time, I believe, and he mentioned to me that the materials he had -- I don't know if that was the Art Hanes investigation plus what he had. He could possibly prove I wasn't actually the shooter, but there was the problem on this aiding and abetting, and my criminal record, and the probability and all that.

Q. Now, did you agree that there was overwhelming evidence?

A. That the state had overwhelming evidence?

Q. Yes. He says here, "Neither I nor any other lawyer can change the overwhelming evidence that has been assembled against you." Is that something you agreed with him on?

A. No. He never indicated to me they had any overwhelming evidence.

The story he told me later on when he was going on the guilty plea was that they had one witness, I suppose referring to Stephens, and they had some type of thing working on him, and he said two of his attorneys signed a contract with him for fifty percent of what he was supposed

to get if I got convicted.

Q. So he told you this is the alleged eyewitness, Charles Stephens?

MR. HAILE: Your Honor, I object to leading.

MR. LESAR: I thought I was just restating.

THE COURT: Restating is just duplication, and if you lead into another area, it is leading, so I sustain the objection.

BY MR. LESAR:

Q. Let's drop down here to where he says, "I know that it cannot be done after March 3, 1969." Which is referring apparently to negotiating of the guilty plea. Do you know why he picked that date?

A. I have no idea how come this March 3rd to be in there.

Q. You have got no idea why it couldn't be done after that date?

A. No, I have no idea about it.

Q. Okay. Now, after this letter which he brings to you on February 13th, what happened next?

A. Well, I have the strong recollection I didn't sign this letter that day, and the next day I recall we had some type of court hearing. I believe a motion for a continuance or discovery or maybe both.

He was suggesting at that time in the court room right before the hearing that I should sign this document.

I am not certain whether I signed it in the court room that day or the next time he visited me, but it was some discussion on it.

Q. Did he visit you on the 14th in the jail, either before or after the hearing on that date?

A. He probably did.

Q. Do you recall what was the nature of that discussion?

A. No. There was some -- he was kind of loud on signing this paper. I know one time I had to kind of keep him down because they have guards and microphones.

Q. This was on February 13th letter that he was kind of loud on you signing that?

A. Yes, sir.

Q. And then what do you recall was the next date that he visited the jail? What I want to do is go through this process of starting now with the process of advising you to plead guilty. I want you to carry it through. What is the next step?

A. It is my recollection right after the 13th that all the ambiguity -- there was a little more ambiguity -- he was after the plea then. I had some doubts here when he first gave me this document, but he seemed to be pretty strong on the plea, after two or three days later, or from then on out.

Q. Did you understand that February 13th letter as

authorizing him to negotiate a guilty plea, or was he just advising you or asking you to note that he had advised you of that?

A. I had kind of mixed feelings on this thing.

I had the feeling this was a kind of blitz on his part. He would say what he wanted to do and I wouldn't have much time to say what I thought the best.

I would write all this on paper, and when he would come up there I would give it to him before he started talking too much.

Q. Did you write him about a guilty plea?

A. Yes, sir. I wrote him in February, something about the 17th or 18th, some of the reasons why I shouldn't.

Q. Let's take the reasons why he said you should plead guilty. Do you recall what those were?

A. Well, it was pretrial publicity. He cited various articles; I think Reader's Digest article, and he cited this where I testified before about the witnesses that were possibly getting witness money. And generally things of that nature, things which I thought weren't valid.

Q. Okay. Now, you didn't think those were valid reasons for pleading guilty?

A. No, I didn't think they were.

Q. Now, did -- you say you wrote down something for him. Some reasons for not pleading guilty. What were those reasons?

A. I wrote those down on a yellow legal pad.

I thought the pretrial publicity -- I didn't think was any reason.

At the time I wrote that the press could maybe influence a certain segment of jurors, twenty-five or thirty percent, but I didn't think they could influence everything. I didn't at the time and still don't think everyone believes what they see on the top and read.

I said if we could prove I hadn't been the actual shooter, I doubt very much if the jury would convict me.

In this respect the extradition treaty also come up.

His advice was that they could probably try me on anything, aiding and abetting or just about anything, but it was my understanding from the barristers in England, Roger Frisby, they would have to stick to what they told the extradition magistrate.

Q. They would have to prove you fired the shot?

A. Yes.

Q. But Mr. Foreman disagreed with that?

A. Yes.

Well, he really didn't say it was legal opinion, but he said they can try you wherever they want to. That was his assumption of the treaty.

Q. And were there any other reasons that you recall putting down on this list why you shouldn't plead guilty?

A. Well, I think he was telling me some time why he thought possibly they would let me plead guilty on that. It would more or less be a favor to me, and it would be to my financial interest.

Of course, that was after I had signed all the money over to him.

Q. He thought it would be in your financial interest to plead guilty?

A. Well, uh -- that's what he told me, yes, sir, but I didn't consider that too strongly at the time.

Q. What happened when this list of reasons you wrote out for him -- what happened to that?

A. Well, I don't know. My understanding is he took it to St. Louis and discussed it with family members.

Q. Did you give it to him?

A. Yes.

Q. When did you give it to him?

A. I apparently gave it to him around February 17th or 18th, 1969.

Q. Did you indicate on it whether you shouldn't plead guilty because you weren't guilty?

A. Yes. I wrote quite a bit on there. I don't remember everything I wrote. It may have been a couple of pages, but I was signing it -- really, I didn't think there should be any plea.

Q. All right. I want to show you Exhibit 41. Can you identify that?

A. Yes. This is February 18, 1969.

Q. And what is that?

A. Do you want me to read this document?

Q. Yes. Would you read it?

A. (Reading) "Shelby County Jail, Memphis, Tennessee,
February 18, 1969.

"Percy Foreman, Esquire

"Attorney at Law

"Memphis, Tennessee

"Dear Mr. Foreman:

"You have asked me to put in writing my authorization to you to negotiate a plea of guilty in the murder case pending in Shelby County, Tennessee (Memphis), in which I am indicted for the murder of Martin Luther King. That is the purpose of this letter.

"I appreciate the fact that you stated you are willing to contest this case to the trial court and the appellate courts of Tennessee; and, if necessary, to the Supreme Court of the United States. But you have told me that an appeal is not necessarily synonymous with a reversal, and I already knew that.

"We have, together, analyzed the evidence

against me and both of us have concluded that it is impossible to controvert certain incriminating fingerprints, identification, and other circumstances. We both believe that, ultimately, the trial or trials will result in a final conviction and that the ultimate punishment will be either life, ninety-nine years in the penitentiary, or death in the electric chair.

"Therefore, this is my authority to you to negotiate a plea of guilty on my behalf for any term of years, but with a waiver of the death penalty. If you are successful in doing so, I will enter such a plea at the convenience of the court and all concerned. You have guaranteed me that if I do enter such a plea, that the death penalty must be waived, and that I will not be sentenced to death.

"Sincerely,

"James Earl Ray."

Q. All right. Now, did you discuss this letter with Mr. Foreman?

A. Well, this -- we exchanged letters. He gave me this letter and I gave him the one where I stated I shouldn't enter a plea of guilty.

Q. You exchanged letters. The list of reasons you gave

him why you should not plead guilty?

A. Yes.

Q. And he gave you this?

A. Yes.

Q. Would the date on that be the same as this letter?

A. It wouldn't be over a day's difference, because I am positive it was in that area.

Q. Did you discuss this letter with him?

A. This letter?

Q. Yes.

A. No, I didn't write this letter. He brought this in to have me sign it.

Q. This is on his typewriter?

A. I suppose it is. It appears here I wrote it to him.

Q. It is a letter from you to him which he wrote for you?

A. Well, he wrote without consulting me about it.

Q. Now, he says down here, "We have, together, analyzed the evidence against me and both of us have concluded ~~that~~ it is impossible to controvert certain incriminating fingerprints, identification, and other circumstances." Did you agree with that?

A. No, I didn't agree with it. And I didn't think he agreed with it up until February 13th.

Q. All right. Now, this was -- was there any prior verbal authorization by you for Mr. Foreman to negotiate a

a plea of guilty prior to this letter?

A. There was no mention of a guilty plea until February 13th.

Q. And you didn't verbally agree to it before that time?

A. No. There was no type of verbal agreements.

Q. Now, Mr. Foreman made a visit to your family in St. Louis. Did he report back to you on that visit?

A. Some time later. I am not positive of the date.

Q. Well, what did he say?

A. He said they were all advising me to enter a plea, and follow his advice, and I should go ahead and enter a plea.

Q. What was your response to that?

A. Well, I didn't make no response to him. I just listened to what he said. I found out later on a visit from my brother that was incorrect. I think one said I could do what I wanted to, and I think the other one told me he thought I should stand trial, or something.

I did find out his message was incorrect.

Q. Did you regard this letter as a firm commitment to plead guilty?

A. No. I looked on these documents as sort of -- well, at the time I was trying to find out some other method where I could either talk him into trial or something of that nature.

Q. How did you go about that?

A. I wrote these letters about why I shouldn't enter a plea, and things of that nature, and, of course, we had some arguments back and forth.

Q. What were you arguing about? You were arguing with him over whether to enter a plea?

A. Yes, that's correct.

Q. And these arguments are taking place when in relation to the February 18th letter?

A. Well, I would say we were arguing on the plea, and I was trying to find out a method to stand trial up to March 7th or 8th.

Q. From February 18th to March 7th or 8th?

A. Yes. I would say February 13th we started having these back and forth deals.

He was telling me why I should enter a plea, and I was telling him why I should not.

Q. You are negotiating with your own lawyer?

A. I suppose.

MR. HAILE: I object to the leading questions and suggestions of the answers.

THE COURT: That is leading.

BY MR. LESAR:

Q. You said you regarded this as a holding action. What were you going to do? Was it your intention at this time not to plead guilty?

MR. HAILE: I object to his statements,
Your Honor.

MR. LESAR: It seems that is the essence of
the matter.

THE COURT: I overrule the objection.

THE WITNESS: Would you restate the question?

BY MR. LESAR:

Q. What was your intention at this time with respect to
a guilty plea, and with respect to Percy Foreman's attempt
to negotiate a guilty plea?

A. My biggest problem then was how to get him -- change
him over to stand trial.

And barring that, what would my alternatives be if I
got rid of him, if I would have to stand trial with the
public defender. I was looking for alternatives.

Q. What were the alternatives as you saw them?

A. At that time?

Q. Yes.

A. I didn't give these alternatives any hard thought
until some time in early March.

And we had been arguing about stipulations before we
got to this early March.

Q. Let's go into the stipulations.

Do you recall when he first brought the question of
stipulations up?

A. This would be some time after this February 18th letter, I imagine, some time along the end of February, between the 23rd and the 29th, somewhere in there.

He brought these stipulations up, and I don't know if he told me where he got them or not. I suppose he got them from the prosecutor, and he wanted me to sign them. And we went over these stipulations and I objected to quite a number of them.

Q. Were those stipulations all brought to you on one certain date, or were there a series of dates?

A. These stipulations were argued over for, I would say, ten days or maybe ten or twelve days, whether I would sign them, and what stipulations would be in after I signed them.

Q. Now, he would bring you the stipulations, and do you recall whether he brought you an original typed copy of or Xerox copy?

A. I had no idea.

I think the first ones were longer. They were fifty-six, and I recall fifty-six, and I later saw them in the civil case, and I think John J. Hooker mailed me an exhibit in the civil case. I am positive there was fifty-six.

Q. Now, did that number decrease, or what happened to the stipulations?

A. Well, we went over them. I am not positive just how he marked them. He would read them and we would discuss them

one by one. I objected to several of them.

I don't know if he made a checkmark on the stipulations or on another paper, but I suppose he was checking them off with and was going to take them back to the prosecutor/the ones I objected to.

Q. Do you recall any/particular that you objected to?

A. Well, at first, when there were numerous ones objected to, but the only two clear ones were the one where the petitioner -- I think maybe March 30th and April 3rd, because the state -- the stipulations on there were false, and of course we could prove it false.

And the other one had some allegation that I had been taking people back and forth between -- registering them for George Wallace, and he gave the impression I was out there soliciting, and that was a half-truth, and I thought that was extraneous, the whole thing.

At that time there was a lot of politics going on, and I objected to that.

He mentioned something about Bradford Huie and I got the impression Huie had something to do with getting this stipulation entered.

That's the stipulation I remember, but there were other ones. I don't recall all of them. I could probably read them and tell you.

Q. Now, what -- did Percy Foreman tell you what the

purpose of these stipulations was?

A. Yes. Of course, I know the difference now, but I didn't at that time. I thought they would be sort of a voir dire where the judge or someone would read them and I would agree to them in open court.

Q. Did a copy of such stipulations get entered in evidence in this case? What was the final status of those stipulations? Were the ones you objected to taken out?

A. Yes. Later on he came over there with another set of them, and I think this time he had fifty-four or fifty-five, and we started arguing again about these erroneous stipulations.

It was our agreement, I thought, that they were going to enter with a technical plea of guilty so they could get me out of town and up the country. He said he was taking them to the attorney general, and I don't have independent knowledge of where he was taking them.

I think this went on three or four times. I think he brought about three sets of stipulations over there, and I think the last one was the voir dire, and I had the impression that was going to be what the state was going to rely on.

Q. What do you mean by the voir dire?

A. What the judge was going to read in open court.

Q. The questions and answers that you would exchange with

him at the time of the guilty plea proceeding?

A. That's correct.

Q. Now, were there any actions that Percy Foreman took, or any statements that he made, that convinced you that he wasn't ready and willing to go to trial with you?

MR. HAILE: Your Honor, I don't suppose it would do any good to object again, but this seems to call for an uncommunicated mental impression.

MR. LESAR: No, sir, I don't think it does.

MR. HAILE: If I could just make my objection.

THE COURT: Go ahead and make your objection.

MR. HAILE: He is calling again for an uncommunicated mental impression.

THE COURT: Well, he asked if there were any actions.

MR. HAILE: Well, he asked it in the reverse form. He usually asks what did you think when Mr. Foreman did this, and it is a conclusion what did he think when he did this.

THE COURT: I overrule the objection, but I think we will take a recess now of about fifteen minutes.

(Recess.)

THE COURT: All right, Mr. Lesar.

BY MR. LESAR:

Q. Mr. Ray, I wanted to return just one moment to the period when Mr. Hanes represented you.

Did you -- did Mr. ~~Hanes~~ ever ask you whether or not you were guilty of having shot Dr. Martin Luther King?

A. Yes. We discussed that.

Q. What did you tell him?

A. I just told him no.

Q. Did Percy Foreman ever ask you if you killed Dr. Martin Luther King?

A. He didn't ask me directly, but some time in the early part of February he asked me to write out all the details of what I did, and where I had been from, I believe, the time I escaped from the state penitentiary in Missouri until the time that I was arrested.

First he was going to write this up, and I think he was preparing for trial then, and I wrote about one-fifth of where I had been in that fourteen-month period, and I got a cramp in my hand, or something, and he asked me to write everything out just like it happened. And he said delete the Bessie Brewer rooming house window, I think.

Then I wrote out everything that happened from April 4th up until the time I got arrested in England.

Q. He didn't ask you directly whether or not you were guilty --

MR. HAILE: Your Honor, he is leading him

again or arguing with his own witness, or something.

THE COURT: General Haile, you haven't made up your mind what your grounds are?

MR. HAILE: I couldn't tell.

THE COURT: I sustain the objection. I think it is leading.

BY MR. LESAR:

Q. When you were discussing this guilty plea with him, did that ever come up at that time?

A. No. I had written this, all these details, where I was April 4th, and more or less the minutes of where I had visited and everything, and I just assumed he read from that and concluded if I wasn't in this area I was somewhere else and was not guilty.

But I think reference is made to this -- but when he first came in to see me, when he started representing me, he told me he ever asked a client anything until he thoroughly investigated the prosecution side of the case, and then he came up and asked me to write out everything that I just now described.

Q. Now, I want to show you -- I want to show you a set of proposed stipulations. I am showing you Exhibit 117-A. Is this a copy of one of the sets of stipulations that was brought to you?

A. This appears to be the first set.

Q. I am sorry. I didn't understand.

A. This apparently is the first set that he presented to me.

Q. Now, do you recall any of these stipulations in particular that you objected to, any of them that you discussed with him?

A. On the first list?

Q. You mentioned --

A. Well --

Q. Here, let me give you Exhibit 117, which is the original typed copy. Does that appear to you to be the original that was brought in to you?

A. Well, this was the -- I don't know if this was the original. It apparently is.

Q. Did you discuss it -- what date do you think that was brought in to you, about?

A. I have no -- I would say it was some time late February. I guess somewhere between the 23rd and 28th, something in that area.

Q. And you have mentioned a couple of stipulations that you discussed with Mr. Foreman? Do you recall any others that you recall in particular?

A. Yes. We discussed several of them.

No. 17, that's where I'm supposed to be --

Q. No. 17 says that, "That in December, 1967, defendant

drove to New Orleans with Charlie Stein and brought Rita Stein's children back to Los Angeles. After having taken Charles Stein, Rita Stein and Marie Martin to George Wallace headquarters in Los Angeles for the purpose of registering for Wallace."

A. Yes, we discussed that one, and I think it was No. 31.

I have a distinct recollection of discussing those two.

Q. No. 31 says, "That on April 1, 1968 defendant left laundry at Piedmont Laundry in Atlanta."

A. Yes, that's correct.

Q. And you objected to those?

A. Yes, I objected to those two, plus many more, but those two stand out in my mind, because, first, the 31st one was erroneous and, of course, No. 17 was half erroneous, but those two are the two that I recall.

Q. How about No. 38? Do you recall any discussions on that one?

A. I don't recall specific discussions on any of them except those two on this first visit, but I know I objected to numerous of them, and ^{he} made certain marks on them.

I just recall discussing those two with him to some extent, because I got the impression Huie was involved in No. 17, and No. 31 he mentioned something about the government wanting that in, or something.

I think No. 31 concerned where I was between March 30 and April 3rd.

I believe the government was contending that I went back to Atlanta, or something, on April 1st, and went into some laundry, but of course that's erroneous, because when I left Atlanta I never went anywhere. I went into Memphis, and I think they had me somewhere else on April 2nd, and actually I think I was in a motel in Mississippi; I can't think of it now.

Anyway, this motel, the attorneys couldn't find it. Mr. Hanes couldn't, and Foreman wasn't interested in finding it, and I asked one of the guards guarding me and he said it was DeSoto Motel.

That was part of the conversation referred to that on that 31st stipulation.

Q. Now, I believe you said that when you got through with all of these discussions over a period of time on these stipulations that you thought that the voir dire is what remained, is that correct?

A. Well, I assumed that. I never had any experience with a stipulation. Usually when you enter a guilty plea you just tell the judge you are guilty, and that's it. But this was a rather complicated thing.

I assumed this was something the judge was going to read in court. I got that impression.

Q. Do you recall after the guilty plea the next time that you saw a copy of these stipulations?

A. Well, I saw -- the next time I saw this particular stipulation was in November of 1969 when it was in the civil suit in the instant court, and I think the attorneys came down there to take a deposition from the petitioner, and during the proceedings I think on cross examination -- at first the civil suit involved a suit I filed against Bradford Huie and Percy Foreman to nullify the contracts.

And his attorney, John J. Hooker, Sr., asked me a few questions about these stipulations, and presented them to me.

Q. And what was your reaction to seeing them at that time?

A. I can't recall my testimony in the case, but I was rather surprised.

And then later when we got into this habeas corpus a little more, I wrote to Clerk Blackwell to try and find out the details of all these stipulations, and I think Mr. Blackwell wrote back and said he didn't know anything about them, and they was probably in the attorney general's office.

Q. Would this be a copy of the letter Mr. Blackwell wrote you?

A. I believe this is the last letter Mr. Blackwell wrote

me, yes.

Q. Would you give the date on that?

A. October 18, 1971.

Q. Now, do you recall the date which you agreed to the voir dire?

A. I don't recall, but that was some time very late in the proceeding. I couldn't say. I guess it was March 8th, 9th or 10th, somewhere in there.

Q. All right. Now, let's^{go}/back a little bit.

When you were discussing with Mr. Foreman the reasons why you should or should not negotiate a guilty plea, were there any reasons that he gave you that made you suspicious of his motivation?

A. Yes. I became concerned some time late in the proceeding. I guess it would be some time in early March, that he might in some manner fake the case, not go to trial.

I know most of the time most of these conversations would end inconclusively.

I couldn't get him to agree to not plead guilty, but usually the conversation would drift off on some collateral issue.

I know later in March we got to discussing co-counsel, and I changed over and was going to get some local lawyer, ex-judge Ben Hooks, I think he said his name was, and he didn't say it in a manner to assist me. He said if we go to

trial I will get Ben Hooks.

Q. He didn't say it in a manner which would assist you. What do you mean by that?

A. Well, I considered it probably as a threat. I didn't know Ben Hooks, and I think I asked some of the guards, and he was an ex-judge, and he also belonged to the SCLC, and I discussed this with Foreman and said there would probably be a conflict of interest to get him to defend me. And he said I am first counsel; I will decide who co-counsel will be.

I think about this time I decided that if I had in some manner forced him to go to trial he may have faked the case, or something like that.

I think that would be easy to do. He just wouldn't make certain objections and things like that.

Q. Okay. Now, when you agreed to enter the guilty plea, was that the last attempt you made to force Mr. Foreman to go to trial?

A. No. I think the last attempt I believe was -- I complained somewhat. I might have complained in the microphone up there, but I complained I was going to try to make some different arrangement and get some way where I could stand trial.

And he came up, and somewhere about the 7th or 8th of March someone apparently told him I intended to fire him, I guess.

Q. Hold it a second.

Did you tell anyone that you might fire him?

A. There was some -- I -- I may have told the guards, or I may have told one of my brothers, or something, but somewhere they found out and somebody contacted Percy Foreman.

Q. And what happened then?

A. He came up there quite agitated and asked what was wrong. And I had another paper wrote out for him on what I wanted, or would like for him to do.

Q. Okay. Now, at this time -- and what date is this, about?

A. This is shortly before the plea. I would just guess -- maybe the 6th or 7th or 8th of March, in that area.

Q. At this time what did you see as your options in this case?

MR. HAILE: Your Honor, note our continued objection to Mr. Ray's mental processes at the time.

THE COURT: All right. I overrule the objection.

THE WITNESS: Well, I apparently thought I had to dismiss Foreman and go to trial with the public defender, and I was worried about that.

It wasn't the matter whether Mr. Foreman was

competent or not. I assumed he was competent. But first I had compromised the case somewhat to get outside counsel, at least I thought I had compromised it with these big contracts, and with that in mind I didn't think it was necessary for me to go to trial with the public defender.

Also, the public defender's office, I know from reading, they are underfunded, and I don't think they are capable of carrying on an investigation in a major case with the funds they receive.

BY MR. LESAR:

Q. So you didn't want to go on with the public defender, and what about going ahead with Mr. Foreman?

A. Well, as I testified, I was concerned at that time that he may in some manner fake the case.

I have since read material which led me to believe I was correct in believing that.

The only other possibility was in some manner defend myself, but that's a pretty bad thing to defend yourself under the conditions I was living under; even a lawyer couldn't operate under those conditions.

Q. What about firing about Mr. Foreman?

A. Well, I don't believe I could have. I am not positive, but when I appeared in front of the judge after we

fired Mr. Hanes, he made it plainly clear that he didn't want any more attorneys fired.

And I didn't want to drag out the case any more either, because I felt at that time my health was deteriorating to some extent.

If I could have fired Foreman and if I could have got another attorney without any money, that would have been another six or eight months stalling around.

Q. You say you are not certain whether you talked with anybody about firing Foreman. Did you talk with your brothers John or Jerry about firing Foreman?

A. I am not sure who I talked to. I may have talked to the guard, and those microphones they can overhear everything you say, and I just assumed that I told someone and they contacted Foreman and he came up here.

Q. What happened at that meeting?

A. As I testified, I had another paper for him, and it was suggesting what he could do. I was trying to get him to withdraw.

Q. You were trying to get him to withdraw?

A. Yes. I tried to get him to withdraw without --

Q. And how did he agree with that?

A. I think the best recollection of what I wrote on the paper -- he made several statements he was concerned about people thinking he was a Judas for defending me.

And I said if you have social or political reasons that he wanted to withdraw from the case it would be all right with me. I also told him if he would withdraw I would give him a hundred and fifty thousand dollars and sign that over to him and any other part of the contract I would give to an attorney for taking me to trial.

I also asked him to give my brother, Jerry Ray, five hundred dollars, and he could use it to find another attorney to take the case to trial.

And he wouldn't withdraw, but he would agree to these various requests or demands, whatever you call them, if I entered a plea. He said he would reduce his fee to a hundred and fifty thousand dollars and would give my brother five hundred dollars and all of that, and he wouldn't withdraw from the case.

Q. Okay. Now, did you mention anything to him about you going to Judge Battle or notifying or writing Judge Battle about anything?

A. That was early in the proceedings. I told him one time if he didn't -- I said something that I was going to discuss the contracts with the judge, and I think he promised the judge he wasn't going to get involved in that thing. I think that was more or less -- I think the judge was -- I think the judge raised the question of the contracts once and it was discussed in the court room.

Besides that, I think Sheriff Nixon had signed one ~~of the contracts~~ of the contracts, so I was pretty sure the judge was familiar to a certain extent with these contracts.

That was a more or less bluff on my part.

Q. Then did Foreman agree to this deal whereby you were going to assign him the first hundred and fifty thousand dollars?

A. Yes. We later agreed to that in a formal contract, but he wanted more than a hundred and fifty thousand. I think he had fifteen or sixteen thousand on which he said he had to have that for an expense or something. That was on a Sunday, and these contracts I believe we signed on Sunday.

Q. I want to show you Exhibit 11-A and 11-B.

A. Those appear to be the contracts.

Q. You can identify those as the letter agreements or contracts that he brought to you -- is the date on there correct? Did he bring them on that date?

A. Yes. It was Sunday, March 9th, 1969.

Q. All right. Would you read each of those?

A. The first one says:

"Law Offices of Percy Foreman, Houston, Texas,
March 9, 1969

"Mr. James Earl Ray

"Shelby County Jail

"Memphis, Tennessee

"Dear James Earl:

"You have heretofore assigned to me all of your royalties for magazine articles, books, motion picture or other revenue to be derived from the writings of William Bradford Huie. These are my own property unconditionally.

"However, you have heretofore authorized and requested me to negotiate a plea of guilty if the State of Tennessee through its district attorney general and with the approval of the trial judge would waive the death penalty. You agreed to accept a sentence of ninety-nine years.

"It is contemplated that your case will be disposed of tomorrow, March 10th, by the above plea and sentence. This will shorten the trial considerably. In consideration of the time it will save me, I am willing to make the following adjustment of my fee arrangement with you:

"If the plea is entered and the sentence accepted and no embarrassing circumstances take place in the court room, I am willing to assign to any bank, trust or individual selected by you all my receipts under the above assignment in excess of a hundred and sixty-five thousand dollars. These funds over and above the first hundred and

sixty-five thousand will be held by such bank, trust company or individual subject to your order.

"I have either spent or obligated myself to spend in excess of fourteen thousand dollars, and I think these expenses should be paid in addition to a hundred and fifty thousand dollar fee. I am sure the expenses will exceed fifteen thousand dollars, but I am willing to rest on that figure." Do you want me to read the other one?

Q. Yes. Identify it and read it.

A. It says:

"Law Offices of Percy Foreman, Houston, Texas,

March 9, 1969

"Mr. James Earl Ray

"Shelby County Jail

"Memphis, Texas

"Dear James Earl:

"You have asked that I advance to Jerry Ray five hundred dollars of the five thousand dollars, referring to the first five thousand dollars paid by William Bradford Huie. On January 29th Mr. Huie advanced an additional five thousand dollars. At that time I had spent in excess of nine thousand five hundred dollars on your case. Since then, I have spent in excess of four thousand dollars

additional.

"But I am willing to advance Jerry five hundred dollars and add it to the hundred and sixty-five thousand mentioned in my other letter to you today. In other words, I would receive the first one hundred and sixty-five thousand five hundred dollars. But I would not make any other advances -- just this one five hundred dollars.

"And this advance, also, is contingent upon the plea of guilty and sentence going through on March 10th, 1969, without any unseemly conduct on your part in court.

"Yours truly,

"Percy Foreman."

Then there is a P.S. that says, "The rifle and the white Mustang are tied up in the suit filed by Renfro Hayes. Court costs and attorney fees will be necessary, perhaps to get them released. I will credit the hundred and sixty-five thousand five hundred dollars with whatever they bring over the cost of obtaining them, if any."

And that is signed "Percy Foreman."

Q. Now, in Exhibit 11-A it says, "It is contemplated that your case will be disposed of tomorrow, March 10th, by the above plea and sentence. This will shorten the trial considerably. In consideration of the time it will

save me, I am willing to make the following adjustment of my fee arrangement with you."

Did Mr. Foreman ever complain to you about the amount of time that the trial would take?

A. I don't recall his ever complaining to me about the time the trial would take.

Q. Now, it says, "If the plea is entered and the sentence accepted and no embarrassing circumstances take place in the court room."

Did he discuss with you what he meant by embarrassing circumstances?

A. No. I just had to assume that from his demeanor. He didn't discuss that close with me.

Q. Do you have any idea what he was arriving at?

A. I assumed from the letter I wrote to him the day before asking him to withdraw, I assumed it had some relation to that.

Q. Now, Friday I showed you a copy of Exhibit 8, and I believe you stated that you had not seen a copy of that until a few weeks ago, is that correct?

A. Yes, this is correct.

Q. Now, I note that this contract which reads, "Amendment to Agreement of October 7, 1968, (Agreement) between William Bradford Huie (author) and Cowles Communications, Inc.

(Cowles), made this 17th day of March, 1969.

"Whereas, the 'final article' contemplated by the parties pursuant to their agreement cannot presently be completed by author, and

"Whereas, James Earl Ray (Ray) is expected to plead guilty, on or about March 10, 1969, to the charge of murdering Dr. Martin Luther King, and has already signed statements presented to him through his attorney stipulating to the state's case against him, and

"Whereas, Arthur L. Hanes, Sr. was replaced by Percy Foreman as attorney for Ray on or about November 12, 1968,

"Now, therefore, author and Cowles amend their agreement as follows:

"1. Author is preparing a six-thousand word article dealing essentially with how, and in his opinion, why, Ray murdered Dr. King. Additionally, author has asked Messrs. Hanes and Foreman each to prepare one thousand word articles, to be published simultaneously with his own, outlining their respective judgments on the reasons why Ray murdered King and their opinions as to whether Ray acted alone or was aided by, and conspired with, others."

You were not familiar with these provisions at the time you pleaded guilty?

A. No, sir, I had no knowledge of them.

Q. And there are paragraphs on page 3 of this contract

setting forth payments to the author who had signed this contract.

MR. HAILE: Your Honor, I think the thing speaks for itself. This contract says it was made March 17, 1969.

MR. LESAR: Yes, I noted that. I think the context indicates it had to have been drafted before then because it refers to a guilty plea coming up on March 10th. And then there is a paragraph shortly that says that the undertaking shall be conditional upon Ray's plea of guilty and various other things.

Q. At the time you were entering the plea of guilty did you know that your attorneys and Mr. Huie were to receive money by this contract contingent upon your plea of guilty during the week of March 10th?

A. No, I had no knowledge of that arrangement.

Q. Now, on March 10th you did enter a plea of guilty?

A. That's correct.

Q. And can you describe the plea proceeding? What sort of exchange was there between you and the court?

A. The voir dire?

Q. Yes.

A. What was the procedure?

Q. Yes.

A. Well, the judge -- I think Foreman advised him earlier what they were going to do. I think he advised him the day we signed the contracts, March 9th.

There was three or four copies of the voir dire that Foreman was going to read and I was to follow over his shoulder and see if he followed the transcript. And it was all arranged what I was to say and no more and no less.

Q. Did there come a point in the proceedings when you departed from the script?

A. I departed from the script, I think, some time after it was read. I thought he was expanding on the voir dire, or something, on the stipulations in his remarks to the judge.

Q. In what way was he expanding --

A. Well, it was my distinct impression from talking to him that the plea was by some kind of guilty, just a technical plea to get me more or less out of town.

And I think his remarks to the judge were beyond what the statements contained.

He was agreeing with the attorney general's information, and Mr. Ramsey Clark and Mr. Hoover and all of that.

Q. What did their investigation say?

A. I can recall what the newspapers said. I think Mr. Clark said I was some kind of lone nut.

Q. They were contending you were the assassin of Dr. King, that you shot Dr. King?

A. From what I read in the newspaper articles, as I say, I don't know what assistance they had, but it seemed that maybe they had a reason for that to keep violence down, but they was saying I was the one person. That's considerably before they found out what my name was.

Q. But when Percy Foreman began to indicate his agreement with him you said that was a violation of your agreement with him?

A. At first I thought -- when I was first maneuvered into it, I thought it was more or less a financial operation. It was some sort of deal where he would meet me and go off on his own and I would go off in another direction, and later on I would try to engage other counsel and open the case up on exculpatory evidence.

But in his talk to the judge the problem was I didn't have the foresight to see in order to get the money from the contracts -- he would have to do everything possible -- I guess make that speech to the jury, in order to make the guilty plea stick, more or less.

And when he gave the speech to the jury I thought he was -- there was more to it than just the financial angle.

Q. Okay. Now, after the guilty plea you were transferred to Nashville, Tennessee, is that correct?

A. Yes.

Q. Did you see Mr. Foreman after the guilty plea?

A. Well, the first time I saw him after the guilty plea was on the t.v. news that night, at 6:00 o'clock that night, and he was going into some type of dissertation; I think some reporter asked him how come my background and prior crimes wasn't indicated, and he went into this long story about every five years all cells in the human body change, and you are talking to a different person.

Of course, that seemed rather devious. A prosecuting attorney could be a prosecutor for five years and then the next five years he could be a burglar maybe.

Q. And after you saw Percy Foreman on t.v. expanding on philosophy, what did you decide to do then?

A. Well, I didn't decide to do anything at that time. I didn't have any opportunity.

Later, when I got to the penitentiary; they dressed me in a guard's uniform and took me to the penitentiary late that night.

Of course, the next day Foreman was still talking, actually this same thing, I think.

Well, the conversation I knew then I was going to have to do something fairly quick and not wait around. That's when I wrote the letter to Judge Battle and one to Senator Eastland, and I think I wrote one to William Bradford Huie, I believe.

Q. Yes. I show you a copy of that letter to William

Bradford Huie dated March 12, 1969.

MR. HAILE: Is that an exhibit?

MR. LESAR: I don't think it is. I would like to introduce it.

THE COURT: Are you familiar with it?

MR. HAILE: No, sir, I have never seen it.

THE COURT: All right. Let's let him see it.

That's customary.

MR. LESAR: Yes, sir.

(Document passed to opposing counsel.)

MR. HAILE: We have no objection.

THE COURT: All right. The clerk advises me the next number is 131.

(The document above referred to was marked Exhibit 131, and same will be found among the exhibits hereto.)

BY MR. LESAR:

Q. All right, Mr. Ray, I would like you to read that letter.

A. (Reading)

"March 12, 1969"

"Dear Mr. Huie:

"I am writing to let you know that I have dismissed Mr. Foreman as my attorney. As you could probably gather, I have also wrote to the Shelby

County Bar Association asking it to investigate charges I am filing against him. Do not give him any more money, and change it to me, as I am filing a suit against him in the near future, against him on the contract matter. I will have the attorney that I employ write you. I have about decided that maybe this book contract was a mistake, and just a device for scavengers like Foreman to get rich at the expense of my life. So far I have signed two hundred dollars over to Hanes and Foreman and they would not even put out two hundred dollars to buy the English transcript to help at the trial or give me the money to buy it. But all of this will come out in the suit.

"Some attorneys have contacted me offering to get this case re-opened and make a public appeal to finance the trial. As soon as things are settled, I will notify you of further legal action."

And then there is a postscript that says, "I am also writing to some congressmen asking an investigation, as most of these books coming out are for the purpose of making money, not finding fact."

Q. Now, you also wrote Senator Eastland. I show you a copy of a letter dated March 14, 1969.

THE COURT: Have you seen this?

MR. HAILE: Yes, sir. We have no objection.

THE COURT: Is this the letter to Senator Eastland?

MR. LESAR: Yes, sir.

Q. Can you identify this as your letter?

A. Yes.

MR. LESAR: I would like this made an exhibit.

MR. HAILE: Let me see if that's the copy I have.

(Document passed to opposing counsel.)

MR. HAILE: I believe that's the one where he says "I believe I am partly responsible for Dr. King's death."

MR. LESAR: Yes. Would you mark it?

MR. HAYNES: Might as well just read that one.

THE COURT: All right. Let's do.

MR. LESAR: I need to read it.

THE CLERK: That is Hearing Exhibit 132.

(The document above referred to was marked Exhibit 132, and same will be found among the exhibits hereto.)

MR. LESAR: This letter begins, "Dear Senator Eastland:

"I read in the local newspaper where your committee is considering investigating the Dr. King

case. I would like to inform you and the committee that I would cooperate in any such hearing. However, at the time I am going to attempt to get the guilty plea set aside. I know that the odds against having it done are greatly against me. But I think due to the unusual circumstances in the guilty plea it might be possible. I personally did not shoot Dr. King, but I believe I am partly responsible for his death."

Now, let me pause there a minute, and,

Q. What do you mean when you say "I believe I am partly responsible for Dr. King's death"?

A. Well, I wasn't talking in a legal manner. I assume you could have been involved in some type crime and not have direct knowledge of it.

Q. Not have any prior knowledge of that crime?

A. Something to that effect.

Q. But still be involved in it in some manner?

A. Yes. I expect as a matter of fact --

Q. Did you know -- you say I believe. Did you know whether you were partly responsible?

A. I didn't have no direct knowledge, but I -- from conversations and attorneys and newspapers I assumed --

Q. Did you assume that the rifle that was found on South ⁴¹ain Street was used to shoot Dr. King?

A. I didn't make no strong assumption in that area. I

was --

Q. But you didn't know one way or the other?

A. No.

MR. HAILE: Your Honor, he is leading him again.

THE COURT: Mr. Lesar, you are leading him. And this is a significant part of his testimony. You shouldn't lead him.

MR. LESAR: I am sorry.

Q. You go on to state that, "At the time Mr. Percy Foreman agreed to take over the defense from Mr. Arthur Hanes, we had a verbal agreement that there would be no guilty pleas as I wanted to try the case in court. I had every reason to believe during the first two months Mr. Foreman was on the case there would be a trial, during that period Mr. Foreman had me sign a new contract with him and Mr. Huie giving Mr. Foreman all the money from any of Mr. Huie's moneymaking ventures."

And then over here on page 2 --

MR. HAILE: Your Honor, I don't think we ought to leave out anything.

THE COURT: Just go ahead.

MR. LESAR: I will continue with the entire letter.

Q. And in after that, "I had signed another contract with Mr. Huie and Mr. Hanes."

And then after parenthesis, it says, "Shortly after this Mr. Foreman came to visit me and he had a picture for me to look at. This picture was about eight by ten inches. Mr. Foreman said Mr. Huie had given him the picture and that Mr. Huie had got the picture from someone in the federal government. The picture contains two or three men followed by two or three policemen. Mr. Foreman described one of the men in the picture as an anti-communist Cuban refugee who was arrested at the time President Kennedy was shot. The arrest took place in Dallas I was told. I was told if I would identify the man if he was brought to Memphis. I said no, although he did look similar to the person I was involved with.

"After I wouldn't identify the man, about all I was told was that I would go to the electric chair if I went to trial. I was even told my family wanted me to plead guilty, but I found out this was not so.

"But I did not plead guilty for the above reasons. I did so because I did not want to go to trial with the lawyer who thought he was going to lose. I believe if you think you will lose you probably will.

"On the day before I pled guilty I signed another contract with Mr. Foreman. And in this one I agreed to give him a hundred and sixty-five thousand dollars. He agreed to give my brother five hundred dollars in the event I wanted

to hire another lawyer to re-open the case. Mr. Foreman wrote into the contract that if I embarrassed him (disagreed) in the court room he could withdraw, the old contract would go into effect and I would be without funds to hire another attorney.

"Getting back to Mr. Huie for a minute, while Mr. Hanes was my attorney, Mr. Huie asked me through him about public figures and various organizations. I got the impression that he thought there was a conspiracy, but he wanted to name the conspirators. And I sometimes felt that my attorneys were working for him instead of for me.

"In closing I would like to say if I can't get the case re-opened there should be an investigation as I have signed over two hundred thousand dollars to attorneys and not one-twentieth of the witnesses have been interviewed. No one went to Los Angeles or New Orleans where I think most of the evidence lies.

"Mr. Foreman said in open court that he didn't trust investigators, and the one Mr. Hanes hired never left Memphis

"I would also like to say that despite what the papers and book writers quote me as saying, I have no intention of discussing this case with anyone verbally until it is closed. If I have anything to say I will say it in court or to lawyers, or in letter form like this letter.

"Sincerely, James Earl Ray."

Q. Is that a letter which you wrote Senator Eastland?

A. I don't recall everything, but I recall the last part. That's what I was more concerned about.

Q. Now, you wrote Mr. Richard Ryan, also?

A. I wrote two or three attorneys. I think I wrote Richard Ryan and Robert Hill. I think one contacted the other. I probably did write Richard Ryan.

Q. And do you recall what you wrote Mr. Ryan?

A. I think the first -- I think the first reason we contacted Mr. Ryan, I guess, was a double reason. Hugh Stanton, Jr. was representing me on some type of suit against Renfro Hayes, and I wanted --

Q. Go ahead.

A. As I mentioned, Hugh Stanton, Jr. was representing me on some type of suit. He had been then sued in Chancery Court, and I wanted to get someone that wasn't too close to Percy Foreman.

I think I wrote Judge Nearn in Chancery Court. In other words, I know Mr. Ryan became attorney of record in that case.

Q. Did Mr. Ryan attempt to visit you --

First, let me see if you can identify this as that letter you wrote Mr. Ryan.

MR. FENSTERWALD: That's Exhibit 60.

Your Honor.

THE COURT: All right. What is the date of it?

MR. LESAR: March 12th, 1969.

THE COURT: All right.

THE WITNESS: I recall specifically the part about asking him to represent me in Judge Nearn's court, plus this fee matter and all of that.

Q. Now, did Mr. Ryan subsequently attempt to visit you in the penitentiary in Nashville?

A. I think he did visit me once and -- I believe an order was issued by the corrections commissioner not to let attorneys in any more.

Q. The prison officials wouldn't let your lawyers in?

A. One of these attorneys, I believe Mr. Ryan or Mr. J. B. Stoner -- they came in there once and then the warden, Mr. Lake Russell, asked me to give him a list of the attorneys I wanted to see who represented me. And I put Richard Ryan of the Memphis Bar and J. B. Stoner of the Alabama Bar and Robert Hill of the Chattanooga Bar.

This was around March 16th.

Q. All right. I want to show you a letter dated March 27, 1969. Can you identify that as a letter you received from Mr. Ryan?

A. Yes. I recall reading a letter substantially the same as what he says in here.

Q. And he indicates here in the first paragraph and says,

"Dear Mr. Ray:

"Please be advised that I was at the penitentiary the other day, and Mr. Avery through the warden refused to let me see you."

Now, in what connection were Mr. Ryan and Mr. Stoner and Mr. Hill there to see you?

A. They had come February 26th.

MR. LESAR: Excuse me. Could I get this in evidence?

THE COURT: That will be Exhibit 133.

(The document above referred to was marked Exhibit 133, to the testimony of the witness, and same will be found among the exhibits hereto.)

MR. HAYNES: We have no objection. I do wonder what the relevance of this is. I don't know if he is claiming this retroactively influenced or weighed on the guilty plea.

MR. LESAR: We have alleged that all this involved improprieties on a vast scale, and all of this has to be considered in trying to understand the voluntariness of the plea and the petitioner's mind.

This is just one more factor which shows he did not receive effective assistance of counsel for a number of reasons.

THE COURT: Now, is the point you want to make from this letter that Mr. Ryan in a letter says to Mr. Ray that Mr. Avery, the commissioner, would never let Ryan in?

MR. LESAR: Yes. He wouldn't let Ryan into the prison. And I think we can show --

THE COURT: Don't we have a problem about hearsay on that?

Mr. Avery might have thought Mr. Ryan was violating the articles and soliciting business.

Mr. Ray said not a minute ago in his letter to Senator Eastland that he had been contacted by a number of lawyers, and that's very unethical.

I don't know who these lawyers are, but maybe Mr. Avery thought Mr. Ryan was soliciting business.

BY MR. LESAR:

Q. Did Mr. Ryan contact you or you him?

A. I had my brother contact Mr. Ryan. I don't know how he came in contact with Mr. Ryan, but I told him to take some of the five hundred dollars and contact an attorney.

I think he sent a hundred dollars to J. B. Stoner.

I don't know if he gave Mr. Ryan any money or not.

When they did try to get it, I had done give Mr. Lake-Russell a list of attorneys I would like to see, and they came down the 26th.

Q. And that included Mr. Ryan?

A. I am not positive at the time I didn't know he come down. The deputy warden brought --

MR. HAILE: I object.

THE COURT: I sustain the objection and direct that hearing exhibit 133 be marked for identification so it will not be part of the evidence. It raises another collateral issue that we could spend another two days on.

Mr. Ray is not sure he had put Mr. Ryan on the list.

That's my ruling on that. It is to be considered a tender of proof, but not part of the record.

(Hearing Exhibit 133 marked for identification only.)

MR. LESAR: I want to confer a minute if I may.

THE COURT: All right.

Mr. Lesar, it is 12:25. I don't know what you are conferring about, but maybe it is whether that is all the questions that you are going --

MR. LESAR: I think it would be convenient if we could break.

THE COURT: All right. Let's do that. And come back at 1:45.

Do you think you are close to the end?

MR. LESAR: I think I am very close.

THE COURT: Have you notified General Haile or any of the other attorneys about any other proof?

MR. LESAR: There will be no more witnesses for petitioner.

THE COURT: Now, you are close to the end, so some calculation based on cross examination will be a determining factor on how soon you have to go forward with your proof.

Mrs. LaFon indicated to me that Mr. Hayes came in during the morning.

MR. HAILE: Yes, he did.

THE COURT: I don't know whether you will get with him today, but is there an attorney with him or any representative?

MR. HAILE: I just said hello to him. I thought I would talk to him at lunch.

THE COURT: Is there anything else to take up?

MR. FENSTERWALD: One question is that the deposition of George King, I am available at Mr. Haile's suggestion, but I would like to know when we will do it.

MR. HAILE: I haven't had a chance to talk to

Mr. Fensterwald about it. He caught me on the way to the bathroom and I told him I would be right back.

THE COURT: Well, you give some thought to that and before we open maybe you can have a discussion on that to see when that is likely, and talk about how long it will be.

I don't know the -- I don't know George King. You lawyers will have to address the court on that.

We want to still try to finish this hearing this week based on the estimate of counsel, but we are going to handle each problem on a day-to-day basis.

During the morning one of the t.v. people handed me a note saying the Supreme Court had upheld this court's ruling on presumably the discovery. I don't know what that means. It was a sort of cryptic note, but apparently the Supreme Court did something on it this morning.

I don't think it makes any particular difference in the hearing, but I just mention that.

All right. Let's adjourn until 1:45.

(Noon Adjournment.)

They have pretty well finished with their proof, and you and your associates should be pretty well advised who they will have.

I need to know from a standpoint of time that the court is likely to be tied up.

In the morning I will ask you to have a list of people you have under subpoena or intend to put under subpoena, and when will you be ready to discuss this possible deposition, because it is very hard for us all to be in court taking deposition also.

MR. HAILE: I will try to get in touch with Mr. Fensterwald about it after supper tonight.

THE COURT: I assume you gentlemen know where each other is staying?

MR. FENSTERWALD: We are in the same motel, Your Honor.

THE COURT: Well, that's nice. I trust you are getting along well.

All right. Now, is there anything else you need to take up with the court?

MR. FENSTERWALD: Not on our side, Your Honor.

MR. HAILE: No, sir.

THE COURT: All right. We will resume this hearing at 9:30 in the morning.

Mrs. LaFon, you may adjourn court.

(Adjournment.)

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>R/D</u>	<u>R/C</u>
James Earl Ray (resumed)	884	891		

EXHIBITS

<u>NUMBER</u>	<u>IDENTIFICATION</u>	<u>EVIDENCE</u>
134		924
135		932
136		939
137		940
138		953

TUESDAY AFTERNOON

OCTOBER 29, 1974

The trial of the case was resumed on this date, Tuesday, October 29, 1974, beginning at 1:45 o'clock p.m., when and where evidence was introduced and proceedings had as follows:

THE COURT: All right. Mr. Ray, will you come back around?

Whenever you are ready, Mr. Lesar.

MR. LESAR: Yes, Your Honor. I have just a very few questions.

THE COURT: That's all right.

DIRECT EXAMINATION
BY MR. LESAR (RESUMED):

- Q. I would like to hand you Exhibit 38-A and -B and ask if you can identify those?
- A. Yes, I can identify both of them.
- Q. Who wrote them?
- A. William Bradford Huie.
- Q. And what is the date on 38-B?
- A. September 3, 1968.
- Q. And what is the date on 38-A?
- A. February 11, 1969.

Q. Do you know whether you received those letters at about the time of those dates?

A. I couldn't be positive about the September 3rd, but February 11th it would be approximately February 11th, maybe a few days later.

Q. How would that letter have reached you?

A. Well, these would have been delivered to me by Percy Foreman from Bradford Huie.

Q. And would you --

MR. HAILE: We object to them. They are not signed and on Mr. Huie's stationery, and we think they are forged.

MR. LESAR: You think they are forged?

MR. HAILE: That's what I said.

MR. LESAR: Who forged them?

MR. HAILE: Maybe you did, Mr. Lesar.

THE COURT: You can object them, but we can admit them for the purpose of other letters.

MR. LESAR: The witness already identified what he received at the time.

MR. HAILE: Your Honor, he didn't. He didn't get any such letter from Mr. Huie not signed and not on Mr. Huie's stationery.

THE COURT: Let me see the exhibits, please.

(Documents passed to the court.)

MR. HAILE: I might add they could have come down and asked Mr. Huie about these if they had any questions about these, but they didn't. They just brought them up at the last minute.

MR. LESAR: They were filed with this petition on December 4, 1972.

THE COURT: Well, they are admitted for identification. They say no more or no less than their contents. They are not signed. The witness can testify where he got them or saw them.

This doesn't establish that Mr. Huie wrote them necessarily.

Will you give them back to the witness, please, Mrs. LaFon.

(Documents passed to the witness.)

THE COURT: Let me be sure that the record reflects what the witness knows about them.

He has identified them as letters from Huie, but he also said they were delivered by Mr. Foreman.

MR. LESAR: I believe he said the February 11th, 1969.

THE COURT: Let's just ask him to be sure when he first saw them and things of that sort.

BY MR. LESAR:

Q. Mr. Ray, could you state when you think you first saw

the letter from Mr. William Bradford Huie, purportedly from Mr. William Bradford Huie, dated February 11, 1969?

A. I recall receiving this letter somewhere within this date, maybe a couple of days later, because there was some conversation -- he mentioned Bevel. This is Reverend Bevel, and he mentions this -- Foreman was agitated because Bevel was up there talking, and I think Huie got a little agitated about this too.

I do recall we discussed this several times.

Q. Did Foreman discuss the letter with you?

A. I don't believe he discussed the contents, no. He just delivered it. And I think I made an answer to it. It is in the papers I wrote to Huie somewhere. There may be an answer to this letter.

Q. I want to show you Exhibit 12. Is that letter to you from Mr. William Bradford Huie?

A. Yes, that's correct.

Q. And would you like to read the content of that letter and give the date of it?

A. From William Bradford Huie and the date is March 7, 1969.

(Reading)

"Dear James Ray:

"Enclosed you will find:

"1. The original agreement signed by you,

Mr. Hanes and me.

"2. The letter attached to that agreement by which I agreed to advance \$35,000.00 in anticipation of earnings from this project.

"3. Receipts from your attorneys for the \$40,000.00 which I have advanced to date. (\$30,000.00 to Mr. Hanes and \$10,000.00 to Mr. Foreman.)

"I am also having sent to you, from my attorneys, the supplementary agreement which was signed by Mr. Foreman, Mr. Hanes and you and me. I suggest you sign another copy of this for Mr. Foreman, so that he can have two copies bearing all four original signatures.

"This gives you copies of all agreements existing between you and me; and you will note that I have followed them to the letter. I will continue to do so.

"To this date this project has earned \$30,000.00. Additional earnings will shortly be received from Look Magazine, from foreign magazines, and from Dell Publishing Company, which will publish the book in May.

"Look Magazine will publish my next article on April 15th. The book, titled "He Slew the Dreamer" will be published about May 15th.

"I am currently negotiating with Carlo Ponti, the film producer, over picture rights. I will keep you informed of developments.

"As soon as you are moved to Nashville I will attempt to see you -- or rather we will attempt to get permission for you to see me. We need a picture of you to use on the front cover of the book.

"Jerry keeps in touch with me; and if it is your desire you can count on me to keep in touch with you indefinitely. I will help you in any way I can.

"And, of course, I will keep both you and Mr. Foreman informed as to earnings."

And that is signed, "Best wishes, Bill Huie."

Q. Now, at the time Mr. Foreman reached this agreement with you whereby he assigned to you all of the revenue to be derived from the contracts in excess of a hundred and sixty-five thousand dollars, did you anticipate that there would be revenue coming in under that contract which would be revenue for you?

A. No. Actually that request I made to have that contract that way was something to promise another attorney. I didn't have no idea what type revenue would come in.

Q. Did Foreman give you any estimate of how much revenue would come in?

A. No. The only thing I recall is what he said in the document; he would get the first hundred and sixty-five thousand and the rest would go to someone else.

Q. Now, I wanted to ask you just a few questions about your conditions of confinement, and your health, while you were -- first, while you were here in the Shelby County jail.

Did you have any health problems while you were there?

A. Well, as I mentioned, I did have -- started toward the last month or two I did have trouble with these nosebleeds, and there was some trouble with headaches.

You usually get headaches in jail because it is the ventilation system, and things like that, and I guess it is a psychological factor too.

Q. But you say the last month or two you had nosebleeds?

A. Yes. I don't know what started that. I never had problems like that previously.

Q. Previously when you were in other jails had you ever had these problems?

A. No, just the Shelby County jail. That's the first time I had any problem.

Q. And when you got -- were transferred out of the Shelby County jail and reached Nashville were you given a medical examination there?

A. It was a cursory one, I suppose you would say.

It was about ^a/jailhouse examination. They take your

blood pressure and take a blood test, and that's it.

Q. Did you have the problem of nosebleeds, or did they recur in Nashville?

A. Yes. They got more severe down there. Twice it was necessary to have the doctor treat me.

They gave some type of coagulant shots, or something like that, that thickens the blood or something.

This condition continued for quite a while and finally the district judge down there ordered them to modify the confinement, and later on I was turned out in the population, and this thing cured up.

I think the doctor said it was something like no fresh air, that the membranes dried up.

Q. He had attributed it to the conditions here or in Nashville?

A. It started here and continued down there. I was put in solitary confinement down there thirteen months, and some time during that period the district court ordered modification of it, and then it gradually cleared up after this.

MR. LESAR: Your Honor, that's all.

THE COURT: All right. Counsel for the respondent may cross examination.

CROSS EXAMINATION
BY MR. HAILE:

Q. Just to clear up one thing first, did M. ...

sign his letters to you?

A. Sometimes it would just be notes and sometimes it would be letters. I have no recollection whether he signed them all or not.

If Percy Foreman delivered a letter and said it was from Bradford Huie, I just assumed it was from Bradford Huie.

Q. But these aren't really the ones you got, are they?

A. I have no way of knowing.

Q. Why don't you have any way of knowing? You didn't save copies of the letters you got from Mr. Huie?

A. Uh -- no. I believe these -- I received a lot of letters from Mr. Huie to begin with, but Foreman -- he wanted these back when he took over the case, when he had to go to court to break the contracts.

Q. <Foreman got all the letters from Huie?

A. Yes.

Q. And all your notes?

A. He got practically everything. Notes and letters from himself and things like that.

Q. How did he get them? Did he call up Mr. Huie and take them away from him?

A. No. I had them.

Q. You had him do it?

A. He got these letters Huie sent me by Hanes, and he wanted correspondence I had with Arthur Hanes and Bradford

Huie.

Q. But he went and got this stuff from Huie, too, didn't he?

A. I couldn't say. He says in the book he flew down there --

Q. Forget what he said in the book. He told you he went down there and got all his stuff, and you testified he brought an inch and a half thick stack of stuff into the jail?

A. He brought that in February 6th or 7th.

Q. And you said he got it from Huie? Didn't he tell you that?

A. I am not sure whether he got it from Huie or --

Q. You were worried about the grand jury subpoena, weren't you?

A. Yes, sir.

Q. And he told you not to worry about that?

A. Yes, that's his advice.

Q. And he told you the reason was that he had taken all this stuff away from Huie, and Huie couldn't give it to the prosecutor if he wanted to?

A. No, he didn't say that.

Q. Didn't you say I have been writing Mr. Huie all these notes; if they tried to get that, they were trying to get these, weren't they?

A. I have no idea. I just remember in the paper I asked Foreman about what we had, and he said --

Q. Huie hadn't seen anything?

A. I think he said nothing, or something like that.

Q. You didn't ask about the notes you had written to Mr. Huie?

A. No, I don't think --

Q. There was a lot in the paper about those notes?

A. He was passing those around to the FBI and everything.

Q. You didn't want the prosecution to get hold of those, did you?

A. I don't think it is a good idea to tell the prosecution in advance what your defense is.

Q. And you mentioned that to Mr. Foreman?

A. Yes. He knew I had been sending inside information.

Q. And he continued some steps to do something about it, didn't he?

A. All I know is I read where the first time he got the case --

Q. Most of what you know about this case is what you read?

A. Well, I read Bradford Huie's book, and he says not one word of his book has ever been challenged, so I assume everything in it is correct.

Q. Here is a letter of September 3rd. I think Mr. Lesar

said September 30th, and this letter is not signed by

~~Mr. Huie.~~
Mr. Huie.

Now, this March 7th letter was signed, wasn't it?

A. That's correct. It was signed.

Q. But now this letter is not signed, and you saw that it wasn't signed?

A. I think there is a difference in the two letters. The last letter is more like the contract.

Q. It ends up "Best wishes." Did he send his letters unsigned?

A. He sent his letters --

Q. You don't even remember that letter. Look at it close.

A. I have looked at it several times.

Q. You have looked at it about a hundred times since they tacked it on to that petition?

A. I don't recall everything in here, but there are certain things in here --

Q. That you do remember?

A. That I do remember.

Do you want me to read this?

Q. No, I don't want you to read it. All right. You remember because of these letters, I guess. This one is not signed either. It says, "Sincerely," blank, and it is on legal size paper. Did he usually write his letters on

legal size paper?

A. The March 7th, I believe, was on legal size paper.

He wrote notes and everything in there. A lot of times when he wrote about public figures he didn't put his name on it; he just sent a note in.

Q. Speaking of remembering all these books, there have been a lot of books about this. Have you read most of them?

A. I read all of them, and read excerpts of one for legal reasons.

Q. You read "He Slew the Dreamer"?

A. Yes, I have read that.

Q. What about "Frame-UP"?

A. I have read parts of that.

Q. You wrote part of this book, didn't you?

A. No. I wrote him a letter -- no, I didn't write part of it. I believe the book was written before I knew anything about it.

Q. Well, it says on the front, "With a postscript by James Earl Ray and an appendix of new and suppressed evidence

A. They wrote the book and asked if I had any comment on it, and I wrote the letter, and that was it.

Q. It says, "Dear Mr. Weisberg, I recently read with interest a book -- " Who recommended it to you?

A. I am not positive who recommended it. I am positive one of the attorneys recommended it.

Q. Mr. Fensterwald?

A. I don't have any recollection. I think I was in contact with Weisberg before Fensterwald.

Q. Fensterwald then came to see you, didn't he?

A. Yes, he came down in March of 1970, I believe it was.

Q. And he brought his tape recorder, didn't he?

A. He usually does. I don't believe he did that time, because I believe that was the first instance, and I think he had to find the judge to get in to see me.

Q. What about this book "The Strange Case of James Earl Ray"? Did you read that one?

A. I haven't read any of those paperbacks.

Q. That was a paperback book, wasn't it?

A. I don't believe I have read that. I don't recall.

Q. What about Gerold Frank's book?

A. I believe I read the book. We was contemplating some type of suit against Frank, and I believe I read the last two-thirds of the book.

Q. You sued him for libel? You wouldn't sue a man for libel without reading the book, would you?

A. Well, the first part I skipped. That was just about melodramatics.

Q. What about this one, "The King God Didn't"? Did you read that?

A. I didn't read part of it. I think it was

in the newspaper.

Q. Somebody in Germany -- did he ever send you a copy of the book?

A. No, I believe he sent the judge a copy, but --

Q. You never read that?

A. No.

Q. You sued Frank and somebody else for libel, didn't you?

A. Well, I think it was Gerold Frank, but the suit wasn't prosecuted.

Q. It was dismissed, wasn't it?

A. No, he got out on a jurisdictional dispute.

Q. Did Mr. Ryan represent you on that?

A. Mr. Ryan, he was going to try to get other counsel, but he didn't have time to fully represent me on it.

Q. He filed the complaint though, didn't he?

A. No. I filed it.

Q. He signed some of it, didn't he?

A. I think he made a court appearance, but I couldn't prosecute it because at that time I was in solitary and ^{have} didn't/access to a law library, as you know.

Q. You sued Foreman, Huie and Hanes?

A. That's correct.

Q. Mr. Ryan worked on that?

A. He was one of the attorneys.

Q. Mr. Stoner and Mr. Hill were the others?

A. That's correct.

Q. What happened to that?

A. The ultimate result?

Q. Yes.

A. I believe it was dismissed in district court. The appeals court ruled two to one against us, and certiorari was denied.

Q. What happened to Stoner, Hill and Ryan? They worked on post-conviction in state court, didn't they?

A. Mr. Hill got involved with Gerold Frank, and Frank had the -- I am not saying Frank was involved with Life, but there was some ridiculous thing about me saying things to embarrass politicians and that sort of thing.

Q. Pardon?

A. It was similar to ^{what} Foreman proposed. In other words, I was supposed to say certain things.

Q. That you didn't really say?

A. No, I was supposed to say them on tape for Frank.

Q. Hill was going to tape you and then give it to Frank?

A. First I told Hill to stay away from Frank, but the proposition he brought in had something to do with me saying certain things to embarrass politicians in Louisiana, and in turn I would get some kind of relief.

Q. So you fired him?

A. Well, no, I don't believe you could fire him. I recall somebody had his house under surveillance, or something, and they came and told me Mr. Frank was his house-
guest.

Q. Who had his house under surveillance, Mr. Stoner?

A. He may have.

Q. Who told you?

A. I am not sure whether it was Mr. Stoner, Mr. Ryan
or my brother.

Q. One of them had Mr. Hill's house watched?

A. I assumed that from the conversation, and I was concerned at that time about Frank's activities in the case.

Q. So you fired Mr. Hill?

A. No, I just -- he just faded away or something.

Q. You had to file a motion to get the materials back from him, didn't you?

A. I filed a writ, I believe it was, but it was nothing hostile, and I think they agreed out of court that it was a private agreement.

Q. Mr. Hill would turn over all his stuff?

A. Well, we were trying to get the Huie papers at that time.

Q. Mr. Hill had them?

A. He had those particular papers.

Q. Why did you have to hire Jerry Summers then?

A. I didn't. I believe the Chancery Court in Chattanooga appointed him.

Q. So what happened to Mr. Stoner and Mr. Ryan? Did you fire them too?

A. No. It was agreed when the present attorneys came in the case they would handle the civil suit, and the present attorneys would handle the criminal case.

Q. They started out handling the criminal court, didn't they, when you started to try to get your plea overturned?

A. Yes, they started originally to handle both civil and the criminal case.

Q. And then they got kind of eased out, is that right?

A. No, they didn't get eased out. It was too much.

Mr. Ryan said he couldn't handle all this work, and he and Mr. Stoner decided they would carry out the civil appeal and the present attorneys would handle the criminal case.

Q. Well, then, you sued Warden Neal, didn't you?

A. That's correct, yes.

Q. And Mr. Hill represented you on that?

A. That's correct.

Q. You even sued me one time, didn't you?

A. I believe that concerned solitary confinement, wasn't it?

Q. You sued me for half a million dollars. I remember being pretty flattered.

A. Well, for the record, I believe you are general counsel for the warden.

Q. But you did sue me, didn't you?

A. Yes, I think there was some charge of collusion between you and the commissioner, and there was a suit.

Q. ...And then you tried to interfere in the Crafton case, didn't you?

A. I believe Mr. Lacey tried to.

Q. Did he ask you about that before he did it?

A. Yes. I think he went and seen Judge Morton, and he denied the request.

Q. Now, when you got down there on this case when it was reversed in Cincinnati, you tried to get out of what you claimed was solitary confinement. They had a hearing down there in March, didn't they? Do you remember that?

A. Yes. I recall the details of it.

Q. And who represented you in that?

A. The present criminal counsel.

Q. You fired them after that was over, didn't you?

A. No, I didn't fire them.

Well, I think after the hearing was over that the attorney general's office -- you filed a motion to have a mental examination of me, and that would cause the attorneys to have to come down and spend considerable funds, which I didn't think they could do, and I asked the court to let me

handle the case.

Q. So you signed a paper in the court to dismiss your attorneys. That made big headlines in Nashville. The newspaper reporters thought you fired them for good, and you just fired them for that purpose?

A. I do not go by what the newspapers say.

Q. But you saw it?

A. I may have saw it.

Q. You did dismiss them for that hearing?

A. Yes; I thought it was just an attempt to harass the attorneys on the part of the attorney general's office.

Q. You thought what was an attempt to harass the attorneys?

A. To file a motion out of order. The hearings were held -- start filing post-trial motions, and I thought most motions were supposedly filed pretrial.

Of course, we also had information this mental information was to be for another book writer, George McMillan. I think I have an affidavit to that effect from my brother.

Q. Have you got it with you?

A. I can get hold of it, I believe. He called me up and said McMillan called him and said he could get certain things from the attorney general's office, and I just had him make an affidavit to the effect.

Q. You have been a defendant in a case in connection with

this case? Renfro Hayes sued you?

A. Yes, that's correct.

Q. What did he sue you for?

A. I think eleven or twelve thousand dollar investigative fees.

Q. He got a judgment, too, didn't he?

A. About half of that.

Q. Got about six thousand dollars, is that your memory?

A. Yes.

Q. Do you remember Mr. Ryan defended you in that?

A. Yes, he defended me in that.

Q. And then Mr. -- in connection with that suit, you admitted you owned the rifle and the car?

A. No, I didn't make no admission like that. I think I have the suit over there.

Q. Pardon?

A. I have the transcript of the suit myself.

Q. I believe I have got one here too.

Mr. Hanes was a defendant in that too?

A. Mr. Hanes?

Q. Yes, Mr. Hayes sued you and Mr. Hanes?

A. I don't believe he ever sued Mr. Hanes.

Q. You fired Schreiber, or something like that, in Missouri?

A. I fired him?

Q. Yes.

A. I asked the court to dismiss him, but that was overruled.

Q. That was in the middle of a trial, wasn't it?

A. I believe it was the end of the trial.

Q. And then you fired Mr. Hanes, Sr. and Jr.?

A. On advice of counsel.

Q. And then you fired Mr. Hugh Stanton, Jr. when he went over there to defend you in the civil action?

A. I never did consider Mr. Stanton an attorney.

Q. Just in case, you fired him just to make sure, didn't you?

A. I sent Mr. Ryan up there and had him made attorney of record.

Q. And then you fired Mr. Foreman, no doubt about that, is there?

A. No doubt about that.

Q. And you fired Mr. Hill?

A. No, there was some disagreement between Mr. Hill and Mr. Stoner, but there was no letter firing anyone.

Mr. Hill was brought into the case by Judge Schoolfield in Chattanooga.

Q. Judge Ralston Schoolfield?

A. That's correct.

Q. He recommended Mr. Hill to you?

A. I think to Mr. Stoner.

Q. How did you hear about Schoolfield? How did he get in the case? Did he just write you a letter?

A. I believe he counselled with Mr. Stoner, or Mr. Stoner with him, and they wanted to find Tennessee counsel, and so Mr. Schoolfield recommended Robert Hill.

Q. Is Mr. Schoolfield a lawyer?

A. Well, he is a general sessions judge. I understand he lost his license or something.

Q. Used to be a lawyer?

A. I believe so.

Q. And there has been a lot of litigation here, and I suppose you are familiar with Mr. Foreman's depositions? Have you read them?

A. That's correct.

Q. You read the one they took in 1969?

A. Yes, sir.

Q. And in April of this year?

A. Yes, that's correct.

Q. What about Mr. Huie's depositions? Have you read both of them?

A. I haven't read the last one. The first one I haven't read for four or five years.

Q. And you read Mr. Hanes deposition?

A. I read it four or five years ago.

Q. And did you look at the exhibits in this case? Most of them were attached to the petition, weren't they?

A. No; a lot of those exhibits I never saw before, like the contracts. Some of the exhibits I had saw and some I hadn't.

Q. What about the logs of the jail over there? You had looked at them before today, hadn't you?

A. Yes; I looked at those a few days ago.

Q. Somebody brought them to the jail?

A. Yes.

Q. And you went over them with your attorneys?

A. I looked at certain things.

Q. You went over all those visitation logs?

A. Yes; I have looked at all of them.

Q. Went over them date by date, didn't you?

A. Not all of them, but certain things.

Did

Q. Mr. Wayne Chastain ever come to interview you in the state penitentiary?

A. Yes, sir, four or five months ago.

Q. Do you know who he is?

A. He is a reporter for the Memphis Press Scimitar.

Q. Who did he tell the prison people he was?

A. I don't know.

Q. Nobody ever told you that he told them he was an investigator on this case?

A. I don't know if he was an investigator. I heard from recollection he had investigated similar cases to that.

Q. He brought his tape recorder?

A. There was no tape recorder, I am sure.

Q. Do you know he is writing a book with the title "Who Really Killed Dr. King and the Kennedys?"

A. I remember some of those articles.

Q. Did they come out of a magazine or something?

A. I believe a magazine.

Q. What is the name of it?

A. I believe "Computers."

Q. "Computers and Organization"?

A. Yes, I believe that's it.

Q. Would it surprise you to find out that Mr. Livingston asked Mr. Russell Thompson to show his file to Mr. Chastain?

A. I have some recollection of this Thompson file. I believe he wrote me a letter and asked what I wanted to do with the file, and I believe I told him to check with Mr. Fensterwald and whatever he wanted to do would be all right with me.

Q. Did you tell Mr. Livingston it was all right for Mr. Chastain to see it?

A. No; I don't have any recollection of telling him it was all right for Mr. Chastain to see it, but I could be in error.

Q. Do you remember when we were going through all this discovery up there, I was pretty excited about it, and I sent you a lot of stuff about a committee called the Group Committee to investigate assassinations?

A. Yes; I remember something.

Q. Did you read that and did you know that before about Mr. Fensterwald being the chairman of the committee, or executive director?

A. Yes, I knew he was connected some way, or I thought he was, with this committee to investigate assassinations.

Q. What about Mr. Lesar? He is general counsel for the committee to investigate assassinations, isn't he?

A. Most of the information I had was on Mr. Fensterwald. I didn't know too much about Mr. Lesar. He brought Mr. Lesar in as co-counsel.

Q. Would you think that was a conflict of interest?

A. As long as he wasn't working for the prosecution or some paperback novel.

Q. Who did you think they were working for?

A. They were working for me, I assume. I was satisfied with their work. Their work was above average, so I had no complaints. I have never been asked to sign no contracts.

Q. As long as they were doing satisfactory work it didn't matter if they had a conflict of interest or not?

A. It has been my experience if you have a conflict of

interest you don't have satisfactory work.

Q. What is the committee to investigate assassinations supposed to do?

A. I think Mr. Fensterwald would be better on that. I have never been too concerned about the assassination matters.

Q. You don't know anything about them?

A. About assassinations or committee?

Q. About the committee.

A. I don't know much about it except what you read.

Q. If you knew that the purpose of the committee to investigate assassinations was to check out and find and prosecute the people that killed all these folks, would that change your opinion about it?

A. Well, what do you mean? I am just concerned now about this charge I am on. I don't care what they do on no other cases. So I would rather stay on the King matter.

Q. You don't see any conflict of interest there?

A. In this one case?

Q. Yes.

A. No, I have never seen any conflict of interest.

Q. What about Mr. Weisberg? When did you first meet him?

A. I met him some time, I believe -- he came up and brought a tape recorder; he always brings his tape recorder.

Q. Have you read all these books he has written?

A. I haven't read any of them he has written. I have read excerpts from the one you mentioned.

Q. You haven't read "Whitewash"?

A. No.

Q. Or "Whitewash II"?

A. No.

Q. Or "Photographic Whitewash: Suppressed Kennedy Pictures"?

A. No.

Q. Or "Oswald in New Orleans"?

A. No, I have never read that.

Q. How about "Post-Mortem: Suppressed Kennedy Autopsy"?

Or "Post-Mortem III: Secrets of the Kennedy Autopsy"?

A. I have never read any of those books.

Q. Did he ever send them to you?

A. No, he has never sent them to me.

Q. Mr. Fensterwald told you Mr. Weisberg was his investigator?

A. I think he said Weisberg is going to investigate the case, and I gave him information to investigate.

Q. Did it ever occur to you that Mr. Weisberg was in this case just to write a book about it?

A. I think he had already wrote a book. I didn't assume he would write another one.

- Q. He wrote five or six about the Kennedy thing?
- A. I guess so.
- Q. I don't guess you have any deal with him if he writes another one? Did you get part of that?
- A. No; I don't want part of it.
- Q. You didn't want part of it before?
- A. No; I have been offered money several times.
- Q. You just wanted to hire attorneys?
- A. I just wanted somebody to present the case.
- Q. You don't want the money?
- A. I don't oppose the money. I think it would probably be inappropriate.
- Q. Do you remember we had a little disagreement when this petition was first filed in Nashville because it wasn't signed. Now, had you read it before it was filed?
- A. He was always sending me a duplicate copy of everything they filed.
- Q. That's what they did that time -- they sent you a duplicate copy, but they forgot to get a signature on it, so you hadn't read it before they filed it?
- A. The habeas corpus?
- Q. Right.
- A. If they forgot to have me to sign it, I suppose --
- Q. You hadn't seen it, had you?
- A. I have read so many papers lately I can't remember

all of them exactly.

Q. You do remember Steve Small had to come out there and give you a copy and get it signed?

A. That could be correct. I believe Attorney Small was out there on a matter, but I don't know what he was out there for.

Q. And you didn't write these affidavits either, did you? Do you remember all these affidavits that were attached?

A. The one I signed?

Q. The one to the habeas corpus petition.

Q. Well, I signed an affidavit in 1970, and there are a lot of things in there that shouldn't have been in the affidavit.

Q. That shouldn't have been in the affidavit, or should have been?

A. I think it should not have been in the affidavit I filed in 1970 in state court, Judge Williams.

Q. That's the one in the Gerold Frank book?

A. Yes. The attorneys made an affidavit from that, and I read it, and it was substantially the same thing, so I signed it.

Q. Now, those other affidavits, they are kind of a rerun of that one, I guess, isn't it?

A. Substantially it was the same as the one I had written. I think I put some personal opinion in there, and

I think they left that out.

Q. Something caught my eye about that affidavit. And I wanted to ask you about it.

Talking about the cameras in Exhibit 3 it says -- Paragraph 3 of Exhibit 14, it says, "A closed circuit television camera affixed to the wall photographed the length of the cell. Another camera, directed on or about the toilet, photographed the breadth of the cell."

Now, you didn't write that, did you?

A. No; I gave a lot of this information on tape, and I think that was reproducing tape.

Q. Gave it to Mr. Weisberg?

A. Him or Mr. Fensterwald or Mr. Lesar.

Q. The reason you didn't write that was because there were five or six toilets in that group of cells that you were in, is that right?

A. They kept the other cell doors closed. The only door that was open was the one I was in.

Q. You didn't stay in the same one all the time, did you?

A. Two or three weeks they would open one and put me in and close the other.

Q. The camera didn't move, did it?

A. No, but it would cover probably a space of two or three cells.

Q. But there were six cells up there, weren't there?

- A. I think there were five or six.
- Q. Then there was a little runway in front of that?
- A. That's correct.
- Q. And you sometimes walked up and down that runway on your hands, didn't you?
- A. Me and the guards up there used to exercise.
- Q. You did sit-ups and push-ups?
- A. I did everything just to keep my health from deteriorating.
- Q. You could walk from one end of the thing there to the other end, and come back, on your hands, couldn't you?
- A. Yes, I probably could.
- Q. And you did sit-ups too?
- A. I don't recall the various exercises. I know me and the guards used to do them together.
- Q. Do you remember sitting on the bench and hooking your legs around the bars and touching your head on the floor?
- A. I think that was sit-ups.
- Q. That is not an ordinary sit-up?
- A. It might have been a different angle to it.
- Q. That is pretty hard, isn't it?
- A. I don't know.
- Q. I can't do it. Nobody else up there could do it?
- A. I believe all the guards could do it.
- Q. You all did it every day?

- A. I don't know if it was every day or not.
- Q. You have been in jail off and on a long time, haven't you?
- A. Off and on, yes.
- Q. Mostly on. Did you ever plead guilty before this?
- A. Have I? Yes.
- Q. Pled guilty to forging money orders one time, didn't you?
- A. I think that was transporting forged documents over state lines.
- Q. Pled guilty to that, didn't you?
- A. Yes, that was a guilty plea.
- Q. And another time you pled guilty to an armed robbery of a cabdriver, I believe, wasn't it?
- A. I think you are reading the FBI report. A lot of those are modified.
- But it was strong-armed robbery, or something, but that's correct.
- Q. You pled guilty?
- A. Yes; I did two years and eighteen months in Illinois.
- Q. You did a little time in the Army?
- A. Yes, two years and ten months.
- Q. And you did a little time in the stockade too, didn't you?
- A. Six weeks, I believe.

Q. Tried to escape from that, didn't you?

A. I don't remember escaping.

Q. Then you got -- right after you got out of the Army you got convicted for burglary in Los Angeles?

A. Yes, that's right.

Q. And you pleaded guilty to that robbery?

A. Yes, sir.

Q. And you got one to two years on that?

A. That's correct.

Q. And then you got arrested in East Alton, Illinois, for burglary?

A. That was never prosecuted.

Q. That was because you skipped bond, wasn't it?

A. I was on bond, but that was never brought up.

Q. You went to jail on something before that could be gotten around to?

A. I think I went to Leavenworth.

Q. Then you got indicted for holding up a Kroger Store in Alton, didn't you?

A. I have no recollection of ever being indicted.

Q. Got charged with it or something? You specialized in Kroger Stores in those days, didn't you?

A. I don't specialized in any particular thing.

Q. You got twenty years for robbing a Kroger Store?

A. Yes. I don't know if we should go into this.

Q. If it is not true, just tell me.

A. I got a letter from the Missouri Supreme Court saying the case was still open, and it is still on appeal, and it hasn't been to federal court.

Q. It might get overturned in federal court?

A. It is not out of state court yet.

Q. That's the reason you are not out of state court, you escaped from the Missouri state penitentiary two days before it was to be heard, isn't that correct?

A. I believe that's correct. That was on a separate conviction. It wasn't on direct appeal.

Q. It already went all the way up there on direct appeal, didn't it?

A. I believe so, yes.

Q. Well, you gained weight when you were in the jail, didn't you?

A. I think it was like one of the attorneys said, a hog can gain weight from eating slop, but I lived on candy bars and things like that.

Q. Just living on candy bars?

A. Mostly candy bars.

Q. You didn't get so fat you couldn't walk on your hands?

A. I believe I got that heavy.

Q. The guards ate the same things you did?

A. No. My recollection is that we didn't. They sent

the three trays up in a locker and sometimes in the morning the guards would give me their trays.

Q. They didn't want to eat?

A. No. They would give it to me before the politicians come in. But at the noon and dinner meal, I would eat the same as the other prisoners eat, which was different from what the guards eat.

Q. The guards didn't eat with you?

A. They ate about the same time. Most of the time it was different, but sometimes it was the same food.

Q. It all came up at the same time?

A. Yes, sir.

Q. In the same container?

A. Yes, sir.

Q. But it was different?

A. What we were getting was referred to as soul food, I think, and the other comes out of another kitchen, or something.

Q. Now, when you were in Nashville things aren't so nice down there, are they, as they were in the Shelby County jail?

A. Well, if you are in population they are. Of course, I was put in solitary confinement as soon as I got there.

Q. Your cell you live in now is nine feet by six feet, is that right?

A. I guess it is about that.

Q. On March 5, 1972 you decided you would lock yourself up, didn't you?

A. When is that?

Q. December 5, 1972.

A. Well, let's see. I think we came back from Brushy Mountain August 1st, and I was called in off the yard four days later.

Q. They gave you a job, didn't they?

A. They offered me a job.

Q. You decided not to take it, didn't you?

A. Well, they made certain promises, and after they made those promises I did take it.

Q. You took it for a little while?

A. I took it until --

Q. Until December 5th?

A. Until they renigged on the agreement.

Q. And then you decided you wouldn't work anymore, right?

A. Well, I think you have to understand the promises and all that.

Yes, after the agreement wasn't kept, then I decided I would try to get out through the district court.

Q. You wouldn't work anymore and you would stay in your cell and try to get Judge Morton to do something about it?

A. Yes, sir. There was some type of class action going on.

Q. Was that on advice of attorneys?

A. No. That was on my own.

Q. You stayed in that cell without working for some time, didn't you?

A. I think we moved out of that building February of '73, and I think I stayed there until that time.

Q. You didn't come out when you moved over to Unit 1, did you?

A. We filed a petition to get out.

Q. All you had to do was walk out and take that job?

A. It was some type of Mickey Mouse job.

Q. You didn't like this job, isn't that right?

A. It was in segregation.

Q. You had to work in a building that you didn't like to work in?

A. The only people that work in this building are what is referred to as chickens. They are state witnesses and deviates, and they work in there for a short period, and the job was offered to me as permanent.

Q. Whatever your motivations were, you refused to do it and filed a petition with Judge Morton?

A. That's correct.

Q. And then you even stopped taking your exercises?

You had been getting to go to the exercise yard and exercise, hadn't you?

A. Well, I had been able to go with the other convicts.

I was barred then from one yard and put on a small enclosure.

Q. Out in the exercise yard?

A. Well, it is not a yard. It is just --

Q. An enclosure?

A. Yes; a sort of a bunker. There is two exercise yards in the segregation.

Q. You quit doing that in June, didn't you?

A. I didn't consider the yard much bigger than the cell.

Q. You and some other fellows decided^{not}/to exercise at all if you couldn't do it your way?

A. I don't know about them, but that's what I decided.

Q. Then you didn't take your job and do any exercise, and you stayed in the cell until about six weeks ago?

A. Yes, sir.

Q. And didn't come out?

A. Well, I think there --

Q. Came out for about four days one time, didn't you?

A. It was a petition filed then and you made certain promises in the petition if Judge Morton wouldn't let me out. But those agreements weren't kept, so I went back in.

But on your previous question, about six weeks ago I think there was something -- there was some concern down here about the administration didn't want people coming down here looking too bad, half-dead, in court, and make a poor impression, and they made an agreement with me that I

could go to the main yard. So the last six weeks I have been going in the main yard.

Q. It is funny that happened three or four days after Judge McRae ruled he wasn't going to inquire into your conditions in Nashville.

A. I think it happened before that.

Q. It didn't happen after that hearing down here?

A. I have a letter Warden Rose wrote, and I guess he talked to you, and he sent the sergeant over there and said they would make further modifications.

Q. Why did you stay down there without working from December of '72 to August of '74, and without taking any outside exercise from June of '73 until August of '74? Why did you do that?

A. Well, I have always considered these job offers was to keep me permanent in solitary confinement, and I don't think it is much doubt if I would take some job like that I would never get any relief from a court or jury.

Q. You didn't get any relief anyway, did you?

A. Well, there is appellate courts; Judge McRae isn't the final word.

MR. HAILE: He said you had elected to forego your employment, and this opportunity for exercise as well. That's a certified copy of the memorandum and we want to put that in.

MR. FENSTERWALD: No objection.

(The document above referred to was marked Exhibit 134, to the testimony of the witness, and ~~the same will be found among the exhibits hereto.~~ same will be found among the exhibits hereto.)

BY MR. HAILE:

Q. What happened to your mental condition while you were down there in solitary confinement? Did you get sick?

A. Well, I don't know about sick. You become debilitated mentally and physically.

Do you mean some type of specific ailment?

Q. Yes. What about the food down there? You complained about that, too, didn't you?

A. Well, they gave me a small tray full of food, and threw it at you under the door, and usually insects in it before you could get it. That's more or less the conditions.

Q. Was that about the same as you got down here in the jail?

A. Well, it is just jailhouse food. There is no difference, really. It is hard to differentiate.

Q. What about the air conditioning in Unit 1? Was that air conditioned?

A. I think about a year ago they knocked a hole in the wall and put a fan in there.

Q. It is pretty warm?

A. Yes, sir.

Q. It was warmer than the Shelby County jail?

A. Well, the Shelby County jail has some kind of blower, and it is cold year-round. In the penitentiary it was with the seasons.

Q. You didn't have anybody there to talk to you in Nashville, did you?

A. In segregation?

Q. Yes.

A. Well, the walls are thick. It is difficult unless you want to holler.

Q. You didn't have anybody in there to play cards or exercise with you, did you?

A. No. There is no one in the cell. You are in the cell alone.

Q. There was no way you could run up and down the walkway or walk on your hands, is there?

A. No. You are just locked in the cell twenty-four hours a day.

Q. So you decided rather than take that job they offered you you would just stay in the cell twenty-four hours a day?

A. Yes; due to their motivations.

Q. You have been in the solitary confinement before like in Missouri?

A. I was in there twice. They have a sixty-day limit.

Q. In Nashville they have thirty days limit on solitary

confinement?

A. No; you are talking about the hole.

Q. You were in the hole for six months in Missouri, weren't you?

A. No; I was in the hole ten days.

Q. Did things change from September of '68 up and until March of '69 when you were in the Shelby County jail? Did conditions change up there much?

A. I don't believe they changed a bit.

Q. Everything was about the same?

A. Just the same.

Q. You remember there was a hearing held in Judge Battle's court in September of '68?

A. Yes.

Q. And they talked about the conditions up there in the jail?

A. There was a broad discussion of the conditions and surveillance.

Q. And did you ask Mr. Hanes to file that?

A. I think I discussed it with Hanes, and I think he was concerned about the microphones and everything.

Q. He wasn't concerned about your health or anything?

A. I suppose he was concerned about my health, but he was more concerned about the case.

Q. Were you concerned about it?

A. Yes; I have been always concerned about health.

Q. You didn't testify, did you?

A. No, I didn't testify.

Q. Well, there has been a lot of talk about Mr. Hanes
in this case.

As soon as you fired Mr. Foreman, though, you wrote
Mr. Hanes, didn't you?

A. I have wrote him two or three letters subsequent to
his representation, but I don't know just what the details
were.

I think Percy Foreman had me dictate him a letter to
get the results of his investigation.

I think there had been reports Mr. Hanes was going
to sell it to Life Magazine.

Q. I am talking about the time in March after you pleaded
guilty.

A. I think I remember something in the newspaper about
he was going to represent me, and I think I wrote him a
letter, but I don't recall the contents.

Q. Well, you never have felt too mad at Mr. Hanes,
you?

A. No; I just consider Mr. Hanes made a mistake
involved with Bradford Huie. I didn't think he
with the prosecuting attorney.

Q. You don't think he had a conflict of interest

- A. I am sure Mr. Hanes had a conflict of interest.
- Q. He did a pretty good job, didn't he?
- A. I don't know. I never did see the reports of his investigation, but I do think he made an investigation. I can't answer that.
- Q. Well, Mr. Foreman told you Mr. Hanes was working for Mr. Huie, right?
- A. Yes, that's correct.
- Q. You thought or now think that is a lot of hot air, don't you?
- A. No; I think that is more or less correct, because Foreman promised me he wouldn't get involved in that type operation.
- I am inclined to think Hanes was.
- Q. That Foreman was right about that?
- A. Well, not exactly. In the fashion Foreman put it, he said they were old friends. I don't know if they were or not. But I was concerned about getting legal matters wrapped up with trial.
- Q. You wrote him a letter on March 16th, didn't you?
- A. I have some recollection I wrote him two letters. I am not sure what the date was.
- Q. You asked for Renfro Hayes' address in one letter, didn't you?
- A. I think I inquired of somebody about Renfro Hayes.

Q. Do you know what Renfro Hayes' address was?

A. I don't know if I ever got Renfro Hayes' address.
To my recollection Renfro Hayes never had a permanent address.

Q. He just kind of was floating around?

A. Something like that.

Q. He was floating through Mr. Livingston's office at that time?

A. I believe a gentleman named Pat Murphy.

Q. The address was 940 Commerce Title Building, wasn't it?

A. I don't know. But I think Mr. Livingston was associated with Mr. Hayes. I think Renfro Hayes was arrested for contempt of court, and Mr. Livingston represented him.

Q. How did you get Mr. Livingston on this case?

A. I think I discussed it with Mr. Fensterwald.

Q. How did Mr. Fensterwald get on the case?

A. I remembered Mr. Livingston from the Renfro Hayes case, and I believe he mentioned to Mr. Fensterwald; I don't think he knew a Memphis attorney. I said probably you can talk to Mr. Robert Livingston; he represented Renfro Hayes.

Q. Isn't it true Mr. Fensterwald wrote you a letter and offered to represent you?

A. No. I think I contacted Mr. Fensterwald. My brother

was talking to Weisberg some way, and my brother said it might have been a good thing to contact Mr. Fensterwald.

Q. Kind of the same thing he said about Mr. Foreman, wasn't it?

A. I don't know that it was the same thing, but that's how I contacted Fensterwald.

Q. You never have let your feelings about Mr. Hanes conflict of interest interfere with your personal regard for him, have you?

A. I have never felt hostile toward him.

Unlike Percy Foreman I don't think he was conniving with the prosecution, but I just think there was a mistake made when he collaborated with Huie.

Q. You don't think he did it deliberately, got involved with Mr. Huie deliberately, but he didn't mean you any harm?

A. I don't know what his motives were.

Q. What did you think -- he worked pretty hard on the case, didn't he?

A. Well, considering human nature.

Q. Well, he came to see you all the time, didn't he?

MR. FENSTERWALD: Your Honor, I think he should let him answer.

THE COURT: All right. I think you are asking questions before he finishes.

THE WITNESS: Considering human nature, I assume

there was a lot of money, and I suppose that would attract anyone.

BY MR. HAILE:

Q. You don't think he sold you out, do you?

A. I don't think he was collaborating with the prosecution, but I thought it was going to him through Huie.

Q. You thought he was representing Huie?

A. I thought he had two clients.

Q. Kind of like Mr. Fensterwald and the CTIA?

A. There isn't any money there.

Q. You don't know that?

A. Well, the way Mr. Lesar tells me.

Q. Well, here is a letter I wish you would identify.

That's a letter to Mr. Hanes while he was in the hospital, is that correct?

A. That's correct.

Q. Do you remember the letter?

A. Yes, I do.

MR. LESAR: Could we see that?

(Document passed to counsel.)

MR. LESAR: I would like to read it. It says,

"Dear Arthur:

"I have read in the paper where you have been a little under the weather. I trust those young nurses will have you back in action before

you receive this letter.

"Sincerely, Jim."

And then there is a P.S. that says, "At least you don't have Percy Foreman for a doctor."

MR. HAILE: It says "nurses," I think.

THE COURT: All right. Does it have a date on it?

MR. HAILE: Your Honor, I wish you would instruct anyone in the court room that is signaling to the witness, or doing anything that might be interpreted as that, to refrain from doing so.

THE COURT: All right. That is Hearing Exhibit 135.

Well, I haven't noticed it, but I certainly don't expect anything like that to be going on, so please refrain if you are doing so.

(The document above referred to was marked Exhibit 135, to the testimony of the witness, and same will be found among the exhibits hereto.)

BY MR. HAILE:

Q. Where did you hear of Mr. Hanes the first time?

A. His name?

Q. Yes.

A. I don't have any specific recollection. I probably read it in the Birmingham newspaper when I was living

there in 1968.

Q. You might have heard of it before that, couldn't you?

Didn't you tell someone once you saw him on t.v.?

A. I think Hanes discussed it one time. You are talking about the case where some matter come up -- I think Hanes discussed that with me once. He got some --

Q. Let me see if I can refresh your memory.

I believe you wrote Mr. Huie and said in watching t.v. that's where I think I first saw Arthur Hanes. Do you remember seeing Arthur Hanes on t.v.?

A. In prison?

Q. Yes, when you were in Missouri, I suppose.

A. No, they didn't have t.v. in the Missouri prison.

Once in a while on Saturday and Sunday they put one up there to watch baseball games. Radios weren't even allowed in the Missouri penitentiary until a year or so before I left.

Q. Well, you were in prison from about 1960 until April of '67, weren't you?

A. That's correct.

Q. So if you saw Mr. Hanes during that time it would have been on t.v., wouldn't it? If you saw him on t.v. it would have been in prison?

A. I wasn't ever out except a few court appearances.

Q. You are not ready to deny you saw him on t.v., are you?

A. I think I discussed this with Hanes. I know the case you are talking about. We discussed it. He got some files out of a police department or something, and we discussed that for a few minutes.

Q. That was the Luiaso case?

A. Is that the case where he got the police department files?

Q. I don't know. Did you ever hear of the Luiaso case before you met Mr. Hanes?

A. That was the case where some woman got shot?

Q. Yes; she was involved in some civil rights things in Alabama.

A. I might have, but I don't have any knowledge of the particular case.

Q. That certainly wasn't why you hired Mr. Hanes?

A. No. It didn't have anything to do with hiring Hanes.

Q. Well, now, is it not clear to me when you --

A. Hanes wasn't the only attorney that I wrote to.

Q. Who else?

A. I believe F. Lee Bailey, and he replied some type of conflict of interest. The fact is, I believe I wrote to him first.

Q. F. Lee Bailey said he had a conflict of interest?

A. He didn't tell me, but I understand he told the English solicitor he had some type of conflict of interest.

Q. Let me see if you recognize this letter.

MR. HAILE: Mr. Lesar, I haven't forgotten about you. I just want to see if he can recognize it.

Q. That's the first letter you ever wrote to Mr. Hanes, wasn't it?

A. Yes, this is -- do you want me to read both of these letters?

Q. Is that two or one?

A. It is one, but this is a continuation.

Q. That was your first letter to Mr. Hanes, wasn't it? See if it is.

A. Yes; I believe I wrote this to the bar association.

Q. Sent that to the bar association in Birmingham?

A. Yes, sir, Birmingham bar association. Yes, that's correct. On the third page is the envelope.

Q. Don't you ask Mr. Hanes to represent you in that letter?

A. Well, I think -- I don't think that's a hundred percent request. On the first page it says, "For these reasons and others which I won't go into, I think it is important that I have an attorney upon arrival in Tennessee or I will be convicted of whatever charge they file on me before I arrive there."

I was concerned about this thing that I would have

counsel upon arrival in Memphis.

Q. What does it say --

MR. LESAR: I believe you said you hadn't forgotten me.

MR. HAILE: I don't see how I could.

I suppose you will want to read that one.

You can go on, Mr. Lesar.

THE COURT: I think we will take a break here, Mr. Haile. We will take between ten and fifteen minutes.

(Recess.)

THE COURT: I guess during the morning this order for a bench warrant for Renfro Hayes was prepared and sent to me. I haven't signed it.

MR. HAILE: There is no need to sign it. He turned up during the morning.

THE COURT: I will just turn it over to the clerk unsigned, and hopefully we won't need it.

All right. You may proceed.

BY MR. HAILE:

Q. The reason I wanted to ask you about this letter -- you said you didn't hire Mr. Hanes, and said a couple of things. It says, "I will probably be returned to the United States about June 17th and would like to know if you would consider appearing in my behalf."

And then it goes on and says, "Naturally I would want you to investigate this nonsense before committing yourself. For these reasons and others which I won't go into I think it is important that I have an attorney upon arrival in Tennessee or I will be convicted of whatever charge they file on me before I arrive there."

Then it says, "The reason I wrote you is I read once where you handled a case similar to what I think may be filed on me."

What kind of case was that?

A. It is a possibility I read something from Birmingham because of recollection.

Q. What case was that?

A. I don't know at the time, but it very well could have been that case, but I had a recollection of reading some where he was in Birmingham.

Q. He was mayor of Birmingham at one time, wasn't he?

A. I believe so.

Q. He was mayor of Birmingham at the time that they were having the civil rights demonstrations there, wasn't he?

A. I am pretty sure he was the mayor some time. I am not exact on the time.

Q. He had been mayor when Mr. Eugene "Bull" Connor was police commissioner? You remember that, don't you?

A. I don't remember that.

Q. You don't know what case you are talking about here?

A. If I read it in the newspaper I probably wouldn't know this case.

Q. And you knew it had something in common with the King case?

A. I don't recall just why I did write him. The only thing I do recall specifically is that I read something in the paper where he had defended a case.

Q. It said handled a case similar to what I think may be filed on me.

A. That may very well have been the case.

Q. Then you testified that Mr. Hanes -- you never would have waived extradition if it weren't Mr. Hanes, that he advised you to waive extradition?

A. It wasn't his advice alone. If the English government hadn't refused to finance an appeal, but they both were against me.

Q. But he didn't really advise you to fight extradition, did he?

A. He advised me to drop the extradition appeal and come on back to the United States.

Q. You are sure about that?

A. Yes, I am fairly sure.

Q. You never did see him until July 5, as I recall your testimony?

A. Yes. I think that's probably the first time I saw him.

Q. Here is a letter on June 29th which you wrote, which says, "It might have been a mistake to contest extradition. I won't go into details, as you probably have read the details in the paper."

Look at this letter. Do you remember writing that?

MR. HAILE: The first letter from Ray to Hanes of June 10th, 1968 I would like to have introduced.

THE CLERK: Hearing Exhibit 136.

THE COURT: All right.

(The document above referred to was marked Exhibit 136, to the testimony of the witness, and same will be found among the exhibits hereto.)

BY MR. HAILE:

Q. You don't have to read the whole thing unless you want to. I was just concerned --

A. That's right.

MR. FENSTERWALD: We would like to see the letter.

MR. HAILE: You have already seen it, and was told there was no objection to it, but it's welcome to see it again.

THE COURT: Has that been marked?

MR. HAILE: No. I thought we would read it while they read it.

Q. You identified that as your letter?

A. That is correct.

MR. FENSTERWALD: No objection.

THE COURT: Is that 140?

THE CLERK: This will be Hearing Exhibit

137.

(The document above referred to was marked Exhibit 137, to the testimony of the witness, and same will be found among the exhibits hereto.)

BY MR. HAILE:

Q. Mr. Hanes wrote Mr. Eugene and inquired about a fee, is that right?

A. I don't know for certain. That's what Mr. Eugene told me.

Q. And you told Mr. Eugene there would be plenty of money for a fee?

A. No, I didn't.

Q. What did you tell Mr. Eugene?

A. Before we got to this fee, I received a direct letter from Mr. Hanes stating he would take the case.

Q. Wait a minute. Mr. Hanes wrote Mr. Eugene and inquired about the fee, and Mr. Eugene told you that, and you don't remember what you told him about the fee?

A. I do remember. I didn't tell him there would be plenty of money from other sources.

Q. What did you tell him?

A. I don't remember. There probably wouldn't be any significance. I probably said I would discuss it with Mr. Hanes.

Q. You said you didn't invite Mr. Hanes to come to London?

A. I don't believe the letter would be asking for a specific commitment. I didn't know Mr. Hanes, and that was more or less an exploratory letter, and I was pressed for time.

Q. You didn't want him to come to London? You didn't invite him, is that what you are saying?

A. No; I didn't ask him to come to London.

Q. Why did you write your brother John, and maybe I am mistaken, but enough money to meet him in Memphis?

A. That's so if Hanes met me in Memphis I wanted my brother to give him enough fee to get familiar with the case.

Q. So you still didn't think you had hired him, though?

A. Well, I don't consider that letter to be a firm commitment. There is some exploratory preparation. I probably said more than I should.

Q. No question about that.

What was your connection with Michael Eugene? He was the barrister?

A. He was the solicitor.

Q. What is the difference?

A. The solicitor is an investigator, sort of, and the barrister argues in court.

Q. He was the one that did most of the talking for you?

A. He is a mouthpiece for the barrister.

Q. It is the other way around -- the barrister is the one that talks to the judge?

A. Yes, the barrister does the talking in court.

Q. Didn't Mr. Eugene come to Memphis one time?

A. I believe he came to Memphis about the time the original trial was supposed to start. I saw him there some time in November.

Q. Isn't it true Mr. Hanes told you he had invited Mr. Eugene over and he was going to pay his way, and he would testify in your behalf if necessary and bring all that English record?

A. No. The first time I saw Eugene was in court.

Q. But he was there?

A. Yes. But I don't recall the date or circumstances, but he was there.

Q. Are you talking about how Mr. Hanes came in on July 5th and handed you all these contracts? I believe the power of attorney was the main one. Mr. Eugene was there then, wasn't he?

A. I believe he signed these contracts as a witness.

Q. Did you talk to him about these contracts?

A. No. He was just a witness.

Q. Isn't it true Mr. Hanes gave you that contract, told you to think about it, and then you and Mr. Eugene took it and you signed it later?

A. No; I don't have no recollection of that. I think we discussed that briefly there in the visiting room.

Q. You and Mr. Eugene?

A. No; me and Mr. Hanes.

Q. You and Mr. Eugene never talked about it?

A. I don't have any recollection about ever talking to Mr. Eugene about contracts.

Q. But you wouldn't deny it?

A. Yes; I think I would deny it. I am positive I never discussed contracts with Mr. Eugene.

Q. You never discussed anything about the fee or the contracts with Mr. Eugene?

A. No; I just recall that Mr. Eugene did say something about where Hanes asked about a fee or something. But there was no discussion about where I would get a fee or anything of that nature. I think what probably happened is I think Mr. Eugene mentioned this and shortly thereafter I got a letter from Art Hanes saying he would take the case.

That's my best recollection of that.

Q. The extradition decision was not final on July 5th,

was it?

A. No.

Q. Mr. Hanes went back to the United States?

A. I assume he went back, yes, sir.

Q. And he was not in London again until after you had made the decision some week or ten days later to waive extradition?

A. No. He was in London before the decision was made.

Q. He was in London on July 5th?

A. Yes.

Q. And then came back after he was assured you were going to waive extradition because he wanted to ride back on the plane, isn't that correct?

A. Yes, he came back.

Q. He came back for the express purpose of riding on the plane, didn't he?

A. That was what was one of his reasons.

Q. There wasn't any other business transacted, was there?

A. I don't believe there were any more contracts.

Q. And you asked him to come back? You were afraid of what they might say on the plane?

A. I wasn't afraid.

Q. And they wouldn't let him ride with you on the plane?

A. Right.

Q. He told you not to open your mouth?

A. He didn't have to tell me that.

Q. You knew that?

A. That was his advice.

Q. Did you ever see in the paper over there where he said on July 5th or 6th -- a newspaper article -- I think I may have it somewhere here. It says all of his plans for representing you were contingent, and he was going to represent you only if you were extradited, and he was not sure that you would be. Do you remember that?

A. I remember some article -- well, the first few days I was not permitted to read papers, but I believe he came in after that.

And he was -- I do recall some information which was sort of misleading. I believe he was giving that misleading information because he didn't even admit my name was Ray. He called me Sneyd, and he wouldn't give out too much information. That was a defense tactic.

Q. And his agreement was clearly contingent on whether you came back to stand trial?

A. At that time I didn't know. I didn't see these contracts until after I arrived back in the United States.

Q. But at that time you and Mr. Eugene were struggling with the extradition matter and not Mr. Hanes?

A. Mr. Eugene was in charge of the extradition, yes, sir. Did

Q. Mr. Eugene advise you to waive extradition?

A. He didn't advise me on it. He said there was some committee, and they had to approve all the appeals, and they didn't approve my appeal.

Q. They had not approved it?

A. That's correct.

Q. What he meant was they wouldn't agree to pay for it because you were a pauper, isn't that what it meant?

A. That's correct.

Q. And that's the real reason you waived extradition?

A. That's one of them. And the other was the advice of Hanes.

Q. Where was John going to get this money you instructed him to give Hanes?

A. It wouldn't have took much -- a bus ticket to Memphis and back.

Q. Did he have a savings account for you or something?

A. I imagine he would borrow it if he didn't have it.

Q. Did Carol have any money for you?

A. She didn't have any for me, but they were all working. I assumed they could raise thirty or forty dollars. If they hadn't, I could always send them that much. I think I had it.

Q. That contract was -- was that thirty percent, thirty percent and forty percent, in which you got thirty percent and Mr. Hanes got thirty percent, and Mr. Huie got forty

back to the Shelby County jail?

A. Yes, that's correct.

Q. And he left it there with you, I believe you testified?

A. Yes.

Q. You thought about that one for about two weeks?

A. Yes. He advised me to sign it.

Q. And he told you to think it over?

A. Yes.

Q. He told you that you didn't have to do it?

A. I got the term -- that was the only alternative of getting the fee. There was only two alternatives of raising fees. Some people had been writing in wanting to raise it through public appeal, and the other was Hanes suggestion, and he left me with the impression that was the only way to raise the type funds we needed.

Q. And you thought about it about two weeks, is that right?

A. I don't know if it was quite two weeks. It was a few days I thought it over.

Q. Well, it says in your affidavit, "I suggested instead that public contributions might finance the trial. But Hanes told me that these contracts were the only method to finance the trial, so I deferred to the advice of counsel and signed these contracts about two weeks later."

A. It could be two weeks or ten days. I am not positive.

Q. You had them all signed and ready to go when he came back, didn't you?

A. I don't know when he came back the next time -- I know I signed them.

Q. You gave them back to him all signed and everything?

A. That's correct.

Q. And now later your brothers kind of wanted Mr. Hanes to get them a job, didn't they?

A. I think I discussed my brothers. They was being harassed by the FBI, and I think I mentioned it to Hanes. I wanted to get them out of St. Louis or somewhere.

Q. So the FBI wouldn't bother them?

A. Yes.

Q. They asked Mr. Hanes for a job, didn't they, several times?

A. I don't think they had any contact with him. I think I mentioned it to Hanes at one time.

My brother, I think, was in some type of business then. I was concerned about Jerry.

Q. John had a tavern and Jerry didn't have any kind of job?

A. I think that's correct.

Q. Here is the letter from Jerry that possibly substantiates that. It says, "Dear Jimmy:

"Just a few lines to say hello and to let you know everything is okay.

"Imagine by the time you get this you will have already talked with Mr. Hanes. I talked to him over the phone the 27th and he said he was planning on paying you a visit within two days. Our conversation was brief. He just asked me how John and I were doing, plus he said after he visited you he would contact us if anything of importance came out of the visit. He didn't say much about a job. The only thing he said was that you were worried about us being up here and maybe he could get us a job in Mississippi or Alabama."

Do you remember that letter?

A. Yes, sir. I think he mentioned getting a job in Birmingham or something.

Q. It is hard to remember these things that far back, I guess?

MR. LESAR: I would like to see a copy of that.

BY MR. HAILE:

Q. Do you remember that letter?

A. This letter Jerry wrote to me?

Q. Yes.

A. I don't recall all the letters, but I do have some recollection.

Q. That is his handwriting, isn't it?

A. Yes, it appears to be.

MR. HAILE: We would like to offer this as an exhibit.

(Document passed to counsel.)

Q. Well, some time along in there you all changed this contract. I remember Mr. Lesar asked you about it. It was originally thirty-thirty-forty contract?

MR. LESAR: General Haile, could you tell him where this letter came from?

MR. HAILE: I think I got it from you.

Do I have to answer this cross examination from counsel, Your Honor?

THE COURT: I don't the witness has fully identified it. If he doesn't, then we need to have that information if it will be offered.

MR. LESAR: First, it seems to have come from the prosecution, and it has an initial which they have had on letters which they take from their file, but I don't recall this one having been made available to us.

THE COURT: Are you offering it in evidence?

MR. HAILE: Yes, sir. It does have the "C" up there. I guess that is Mr. Carlisle get him back over here if necessary.

THE COURT: Any objection?

MR. LESAR: I assume if there are a

letters that we haven't seen --

THE COURT: Do you want to mark it?

MR. HAILE: Yes, sir.

MR. LESAR: Could I look at it just a minute, just a little longer?

THE COURT: All right.

MR. HAILE: You can look at it all day if you like.

Q. Well, you remember the change in this contract, and do you remember when that was?

A. It was some time in September.

Q. What was the reason for that?

A. It was an article in the paper quoting Arthur Hanes, Sr. saying he couldn't represent me in Tennessee more than one time. He referred to it as a one-shot deal.

Q. You read the papers every day, didn't you?

A. Yes, sir, usually every day.

Q. Got the Commercial Appeal and the Press Scimitar I believe is the other one?

A. I got one of them.

Q. One in the morning and one at night?

A. Yes; usually I got both papers.

Q. How did you get the Reader's Digest article?

A. One of the guards brought it up there.

Q. They brought you other things too?

- A. They brought these two books.
- Q. They brought Mr. Huie's books to you?

THE COURT: Just a minute.

MR. FENSTERWALD: Your Honor, at some convenient time I would like to have this put in the record as an exhibit, but this is one more example of the sheriff not only opening the petitioner's mail, but handing it to the prosecution.

I don't know where these were.

MR. HAILE: We have shown these two letters not only once but twice. If they don't remember every one, I can't be responsible for that.

MR. FENSTERWALD: We got a copy of every one, but we don't have that one.

MR. HAILE: We will be glad to show them to you again.

We made the copies free, I might add.

THE COURT: All right. Let me see the letter.

(Document passed to the court.)

THE COURT: All right. I prefer not to stop this hearing and conduct a hearing on what was shown.

As I understand, there is no objection to the contents of the exhibit?

MR. HAILE: Your Honor, if I might say, these letters were not covered by any discovery order;

these were voluntarily given to these folks, and it will never happen again, I assure you of that; that I go beyond a discovery order in giving somebody something. But we have had nothing but confusion since I gave them something that we were not ordered to. We gave them everything twice, and we dragged the whole file up here and brought it before Your Honor. I think there should have been --

MR. FENSTERWALD: Your Honor, I won't continue with this. I don't want a hearing, and these were -- must have been in General Canale's files.

MR. HAILE: No, they were not.

THE COURT: Give it the next number.

(The document above referred to was marked Exhibit 138, to the testimony of the witness, and same will be found among the exhibits hereto.)

THE COURT: All right. Go ahead.

BY MR. HAILE:

Q. Okay. It says in here, "I called that other guy also. After making about four calls I finally caught him in his office. I told him everything you asked me to, and he said he would be down to see you around September 10. He wrote everything down I told him. He is probably smart, as I talked to him four minutes over the phone and he didn't say over twenty words."

Now, who was that?

A. I can't think of anybody smart. I can't think who that would be.

Q. You don't have any idea?

A. No idea.

Q. Do you think it might be a lawyer?

A. What was the date of that letter again?

Q. August 29, 1968.

A. I don't think I would be writing any letters about my attorney at that date.

It is a possibility, but I can't think of who he could be referring to.

Q. Well, it couldn't be ~~Mr. Stoner~~, because you wrote him about the 7th or 8th of August, and ~~Mr. Stoner~~ had answered your letter on the inquiry. He wrote you a letter and said your brother had gotten in touch with him, so it wasn't ~~Mr. Stoner~~, was it?

A. It probably could have been something about the pre-trial publicity thing is the only thing I can think of.

Q. Could have been Mr. Huie?

A. Well, Huie wouldn't say twenty words in twenty minutes.

Q. He would have talked, is that what you mean?

A. Yes.

Q. How do you know? You have never talked to him, did you?

A. I have seen in on t.v. I talked to him once, I believe..

Q. Pardon?

A. I say I did talk to him about two minutes when he promised me he would be down at this hearing.

Q. You talked to him on a t.v. also, didn't you?

A. I believe it was Channel 5. No, I believe that was a later on.

Q. That's an interesting story. I suppose it is not really relevant.

Why did you change that from the twenty thousand dollar fee from the thirty thousand dollars?

A. I think he testified there was an article in the paper saying he would be able to defend me once.

Q. Oh, I got you.

A. I was concerned in case I should be convicted or something about the appeal in the other courts.

Mr. Hanes got more or less what money there was, and got out of the case.

Q. What were you all doing with your thirty percent before that?

A. There was an agreement that I would use a power of attorney.

Q. He was going to put ^{it} in a bank for you?

A. No; he was going to use it for the defense. I think

he was getting all the fee, and he was just using my power of attorney to sign the checks, I assume.

Q. Then you decided -- after you decided to limit his fee to twenty thousand dollars, you decided to just let him take his twenty thousand dollars first, is that right?

A. Yes, that's right.

Q. So his fee was the twenty thousand dollars, plus expenses?

A. Yes. Well, that's kind of an ambiguous term, that "plus."

Q. He eventually got about thirty-one thousand dollars in all, is that your recollection?

A. That's what I read in his document. I assume that's what he got.

Q. Did that seem reasonable?

A. For his representation?

Q. Right.

A. Well, I had no quarrel with giving him the money.

Fact is --

Q. That's the purpose of it, was it not?

A. Yes; that's the purpose of the contract, to finance the trial.

Q. But Jerry wanted a power of attorney, didn't he?

A. ~~That's another matter.~~
That's another matter.

I wanted him a power of attorney. I did make a

request for one. I think it was -- I made the request of Hanes, and also wrote Huie about it.

Q. You wanted your brother to have power of attorney, didn't you?

A. Yes.

Q. What did you want him to have that for?

A. So he could use my name, and also for mail.

Q. For what?

A. For mail and signing my name to anything.

Q. To handle this money, though, wasn't it?

A. Yes; if he got money he could put it in an account.

We wanted this money at this time to get a private investigator to go to Louisiana, and I didn't want Huie investigating.

Q. But you never did tell Hanes about wanting a private investigator?

A. I probably mentioned it to him, but I am sure he always read all the mail I sent out to Huie, and I gave him the letter to Huie.

Q. That's really the only way he would have known it?

A. I probably mentioned it to him.

Q. You don't have any memory of ever mentioning to Mr. Hanes that you wanted to hire a private investigator?

A. Correct. There was a presumption that everything I told Huie Hanes would know. I don't think there is much question if I sent word to Huie then Hanes would know about it.

Q. You are talking about the October 10th letter you wrote to Hule?

A. I assume it is.

MR. HAILE: This is Exhibit 126, I think.

Q. Well, Mr. Hanes already had an investigator, didn't he?

A. He didn't tell me. I read it in the paper. Renfro Hayes -- I think he was arrested for contempt or something. There wasn't any secret about it.

Q. You thought Renfro Hayes -- or you told Mr. Foreman you didn't even know Mr. Hayes was working on your case, didn't you?

A. No; I am positive I didn't tell him that, because I read in the paper that Renfro Hayes was involved in the case some way and had been arrested for contempt for giving a story to the newspaper, or something.

I think giving a story to a reporter named Charles Edmondston.

Q. Well, now, why didn't you tell Mr. Hanes about Mr. Hayes? You say you wanted this twelve hundred and fifty dollars to hire an investigator?

A. Yes, that's correct.

Q. And you didn't tell Mr. Hanes?

A. No.

Q. And something else about co-counsel -- you didn't

tell Mr. Hanes about that, did you?

A. No. I just read in the paper that Mr. Hanes said he was limited in representation in Tennessee.

Q. But you never did mention that to Mr. Hanes, did you?

A. Yes; I think Mr. Hanes and me referred to Tennessee counsel, and I referred to Russell Thompson two or three times, but I thought it was just an on and off thing. There was nothing definite about it.

Q. Well, you had a lot of interviews with Mr. Hanes, Jr. and Sr., didn't you?

A. Yes.

Q. They would come to the jail to see you?

A. Yes.

Q. Together sometimes?

A. Yes, sir.

Q. And separately sometimes?

A. That is correct.

Q. What did you tell them about your involvement in the crime? Did you withhold any information from them?

A. Yes; I withheld certain information.

Q. Did you tell them any lies about your involvement?

A. No. If I didn't want to tell them something, I didn't tell them things.

Q. You didn't tell them any lies?

A. No, I didn't mislead them in any way.

Q. Do you think you cooperated with them pretty well?

A. I think under the circumstances, with Huie in the case, I did.

Q. What was it you didn't tell them?

MR. FENSTERWALD: Your Honor, may we approach the bench?

THE COURT: All right.

(Whereupon the following proceedings were had at the bench:)

MR. FENSTERWALD: I have no objection whatsoever of him going into his involvement in the case. However, I am not sure this court has jurisdiction. But what I am really worried about is whether we are protecting his rights if he gets a new trial. This is certainly evidence with respect to an alibi which can certainly evaporate if brought out here.

I will leave it to Your Honor's judgment.

THE COURT: Who is this he didn't tell?

MR. HAILE: Mr. Hanes, his first attorney.

THE COURT: Just Hanes?

MR. HAILE: Yes, sir.

He has accused him of all this conflict of interests, and inadequate representation, have had these things for four or five years when I get ready to go into the merits trial.

a little nervous.

MR. FENSTERWALD: I think the reason he didn't tell them --

MR. HAILE: I don't want you testifying.

MR. FENSTERWALD: I am speaking to the court.

THE COURT: I am inclined to agree that what he didn't tell them is not appropriate. What he did tell them, or why he didn't tell them something, but all of these issues in this case pertain to the relationship between him and his attorney.

Now, I haven't been persuaded that it is opened up what he refused to tell them, the fact that he didn't tell them everything.

But the context of what he didn't tell them I don't think is appropriate.

MR. FENSTERWALD: That's the only question we had.

THE COURT: All right. That will be my ruling.

(The following proceedings were had in open court:)

BY MR. HAILE:

Q. All right, sir. Did you give Mr. Hanes some variation or version of your involvement in Memphis on April 4th?

A. That's correct.

Q. Was that the true one?

- A. Yes, that's the true one up to the extent --
- Q. You told Mr. Hanes what happened on April 4th right up to the --
- A. Yes, that's correct.
- Q. You told him you bought the gun?
- A. Yes, that's correct.
- Q. You told him that was your car recovered in Atlanta?
- A. Yes, that's correct.
- Q. You told him that you escaped from the Missouri state pen?
- A. Yes, that's correct.
- Q. You told him you went to Chicago and worked in a restaurant?
- A. That's correct.
- Q. And went to Montreal?
- A. That's correct.
- Q. And went to Birmingham?
- A. That's right.
- Q. And then you went to Mexico?
- A. That's correct.
- Q. Told him you were in the drug-smuggling business in Mexico and Canada, right?
- A. I told him I may have been.
- Q. You were bringing something across the border? You didn't think you were importing wheat, did you?

- A. I didn't think so.
- Q. Then you went to California?
- A. That's correct.
- Q. Then you told him you had plastic surgery out there, didn't you?
- A. I think I told Mr. Huie that.
- Q. You never did tell Mr. Hanes that you had plastic surgery in California?
- A. Yes. This was information that went to both parties.
- Q. Didn't you all ever discuss about why you had plastic surgery?
- A. Well, I was trying to get some false merchant marine papers. Yes, we discussed it.
- Q. You told him you had to have plastic surgery in order to get false merchant marine papers or identification?
- A. I think you have to have a picture on it. I contacted the coast guard in California and they gave me a brief description of what I had to have.
- Q. They didn't tell you that you had to have plastic surgery?
- A. No, but I was trying to alter my features. I think they keep an original picture on the FBI file somewhere.
- Q. Then what did you tell them happened after you had plastic surgery?
- A. Well, after I had it, I believe the last checkout was

some time in March, and I can't think of anything significant except I left Los Angeles some time, I believe, in March of 1968.

Q. Where did you tell him you went to?

A. New Orleans.

Q. And where did you tell him you went then? How long did you stay in New Orleans?

A. I just --

Q. Passing through?

A. No, I stopped there for maybe an hour or so, and then I left New Orleans.

Q. Then you told him you went to Atlanta?

A. No, I went to Birmingham.

Q. What did you tell him you did in Birmingham?

A. I was supposed to meet a party in New Orleans, but they went to Birmingham.

Q. Did he ask you how you wound up in Selma?

THE COURT: I didn't hear the latter part.

MR. HAILE: I asked him if he asked how he wound up in Selma.

THE WITNESS: Selma is somewhere between New Orleans and Birmingham.

BY MR. HAILE:

Q. It is down around Montgomery, isn't it?

A. I couldn't say. I know it is between New Orleans and

Birmingham.

Q. Well, he asked you how come you were in Selma, Alabama, didn't he?

A. I think Huie asked me.

Q. What did you tell him?

A. He asked why I was in that particular spot on that particular road, and I told him I probably got off of the main road on to a side road.

Q. You told him you got lost going to Birmingham and wound up in Montgomery?

A. No, I told him I got on the wrong road.

Q. And wound up in Selma?

A. Yes, sir.

Q. That just happened to have been the same day Dr. King was supposed to be there?

A. I have no idea except what I read.

Q. You then wound up in Birmingham eventually?

A. The next day.

Q. What did you tell him you did then?

A. I told him me and another party went to Atlanta.

Q. Did he ask you about renting an apartment at Jimmy Garner's rooming house?

A. Yes, we discussed that.

Q. And you did rent one?

A. Yes.

Q. Did he ask you about a map they found in there?

A. They didn't find no map.

Q. Didn't find any map at Jimmy Garner's?

A. I think you are speaking of the map how Dr. King supposed to went to church. But there was a map but no places marked out like that. I think what I had was the street I was living on marked, and the street I came in marked.

Q. And they published in the paper that you had Dr. King's house and church marked off, but that's not correct?

A. No, that's false.

Q. But that is what was in the paper, right?

A. Well, various people like Gerold Frank published things like the prosecution have in this.

Q. But Mr. Hanes did ask you about that?

A. I don't think that story was --

Q. He never asked you about the map?

A. He probably did, but if he did I just told him.

Q. What you told him, it was a circle around your rooming house?

A. Yes. If he asked about it, and I don't have no clear recollection it was what I told him. It wasn't no circle around a rooming house. I think it was a long line around Peachtree Street, and another one around the street I was living on

I think I came in on Peachtree Street, and it was more or less a direction-finding map.

Q. To show you how to get back where you were going?

A. I had never been in the city before.

Q. Did you tell him about going to Birmingham after you rented the apartment?

A. Yes, we discussed that.

Q. Did you talk about buying a gun in Birmingham?

A. Yes, we discussed that.

Q. You told him you did buy the gun?

A. I told him I purchased the gun, but it wasn't my money.

Q. You purchased two guns, didn't you?

A. Well, I understand the first one was the wrong type, or something, and it was necessary to make another trip back to get another one.

Q. You told him the first gun was the wrong type and you took it back and got another one, right?

A. That's my recollection, yes.

Q. You didn't tell him the reason you had to take the gun back was you couldn't get a shell in the chamber of the first one?

A. I don't think that had anything to do with it.

Q. Well, you knew you couldn't get a shell in it, didn't you?

A. I never examined it.

- Q. Never tried to put a shell in the chamber?
- A. No, I never did.
- Q. You took it home. You had it there, and you had the shells?
- A. Yes; I suppose the shells was got that first time, yes.
- Q. And they wouldn't go in there, would they?
- A. I don't know. I never did try to put them in.
- Q. Did you ever try to put any shells in the second one?
- A. No, I never did.
- I had another one. I wasn't concerned too much about these.
- Q. What kind did you have?
- A. A small one.
- Q. A .38-Liberty Chief revolver?
- A. That's correct.
- Q. Where did you get that?
- A. Birmingham.
- Q. You told Mr. Hanes you got it from a friend in Alton, Illinois?
- A. Well, I had to.
- Q. You did one from someone in Alton or Quincy?
- A. Yes; it was East St. Louis.
- Q. You never did practice firing that 30.06?
- A. No, I didn't.
- Q. Did you ever tell Mr. Hanes you did?

A. No, I never did.

Q. And did Mr. Hanes ever ask you how your fingerprints managed to get on that gun that was found at 422½ South Main?

A. Well, it was not too much question. Yes, sir, they was on there.

Q. It was your gun, right?

A. Well, I had purchased it, yes. But I think there was some question of how come that was still on there, or something like that.

Q. How did the gun come to be found down there?

A. I don't know. That's what we was discussing in the talk session we had yesterday.

Q. Pardon?

A. I think that's the thing we was talking about in the talk we had yesterday.

Q. You said that was the hypothesis, right?

A. It was a discussion of how the gun got there.

Q. And you all ran through several hypotheses on that, didn't you?

A. I think we did. I think there was two or three.

Q. Did Mr. Hanes ever rehearse your testimony? Did he ever ask did you practice, and you say this, and I will be Bussie Dwyer?

A. No. It was my impression I wouldn't take the witness stand.

Q. You all never did rehearse your testimony?

A. No. We never did discuss the testimony.

Q. Never did talk about what you would say if you got on the witness stand?

A. No. There wasn't any discussion on what I would say or wouldn't say.

Of course, I had written all this stuff out.

Q. For Mr. Huie?

A. Yes, Huie and Hanes. This was a cooperative thing.

Q. You and Huie had a contract that he wouldn't publish anything that happened on the day of the shooting until after the trial?

A. It was an oral agreement, I thought.

Q. It was a written agreement. He just wrote and said it was part of the agreement?

A. Well, he wrote that, but I don't think he was following his own commitments.

Q. Well, he never did do anything different, did he?

A. Well, I -- you are talking about publishing anything on the day of the crime. I don't think he got that far with his publishing. I think that was set to come out November 12th.

Q. That didn't tell you anything about what happened the day of the crime, did it?

A. I don't know what he published on November 12th.

Q. He published two Look articles on November 12th, and one on the 31st of October, and one that came out November 12th, right?

A. I think November 12th, what you are talking about -- the publishing date, and I am talking about the other date.

MR. FENSTERWALD: Your Honor, both of these have been agreed to. I think it might help if he shows him the articles to refresh his memory.

MR. HAILE: I don't think he is trying to --

Q. Before your trial?

A. Yes.

Q. And one was about October 30th or 31st?

A. It was before the November 12th trial.

Q. Both of them were, right?

A. Yes. They came out about a month apart.

Q. Came out two weeks apart?

A. Two weeks apart. Well --

Q. There wasn't anything in those that told what happened on the day of the crime?

A. No, there was no reference to the crime.

Q. But you had already told Mr. Huie what happened?

A. I told Mr. Hanes.

Q. Was what you told Mr. Hanes the truth?

A. I am positive it was the truth as far as I was concerned.

Q. And you told him you were up there and rented a room, right?

A. Well, I don't know how far the court wants to go on this. There was some discussion --

THE COURT: Let me say that the court ruled that discussions between the attorneys and Mr. Ray are relevant. I ruled that what was not said hasn't been shown to be relevant, or that it should be admitted. That's my ruling on the objection.

If there is any specific matters counsel will have to raise those.

BY MR. HAILE:

Q. Well, you know you told him you were up there and rented a room?

A. I told him that the room -- me and another party discussed this the previous evening.

Q. But you did tell him you went up there and rented a room?

A. Yes, I told him I rented a room.

Q. And that's correct?

A. Yes, that's correct.

Q. And then you told him that you took all that stuff up from the car? You took all sorts of stuff, the bedspread and the shaving kit and the gun?

A. No. I didn't tell him that. In fact, at that time

I didn't have the weapon. There was some kind of meeting between me and another party in that area.

Q. Well, you took all your personal stuff up there except the gun?

A. No, not then. I parked the car two or three miles -- I got lost in Memphis and walked up there from some parking lot.

Q. And rented the room on foot?

A. Yes.

Q. And went back and got your car some time later on?

A. Yes, that's right.

Q. And some time in there you told him you went to York Arms and bought a set of binoculars?

A. I think I told him I was sent for something else. I don't recall the technical name, but you can see in the dark with it.

Q. I think you told somebody it was infrared binoculars, but they didn't have any of them, right?

A. Yes, that's correct.

Q. But you did buy a pair of binoculars, right?

A. Yes, that's correct.

Q. Did Mr. Hanes ask you how come those binoculars were found there on the sidewalk at 422½ Main, and how that binocular strap happened to be found in the room you rented?

A. He asked me generally if I had any ideas on it. That's

when we begin going into these hypotheses.

Q. Did you tell him the truth?

A. I told him the truth.

Q. The hypothesis is not necessarily the truth, is it?

A. Well, I suppose if I told him I didn't dump it down there he would try to figure out who did and why.

Q. And you told him you did dump it down there?

A. That's correct.

Q. You told him you were sitting in the car about 6:00 o'clock and someone came running out and went down and jumped in the back seat, right?

A. No. I believe that's what I told Mr. Huie about three or four months later.

He was pressing me for some information, and he was on this Ku Klux Klan hangup, sort of, and I said well just tell him anything. He wanted more details, or something, where I was at, when I left the crime in the first place, and I think I had to tell Huie someone just jumped in the car with a sheet on or something, and it was more or less a joke.

And the next day Art Hanes, Jr. came back and said he didn't want no lies, or something.

Q. Art Hanes came back and said Huie didn't want any lines?

A. Yes; said he couldn't write anything.

Q. You testified when I first started talking to you

about this that you didn't tell Mr. Hanes the whole truth?

A. That's correct.

Q. You didn't -- you told him, for Mr. Huie, the story about some character jumping in the back seat and throwing a bundle down, and then you told him another story, but you never did tell him the truth, did you?

A. No; I think Mr. Huie wanted to find out, and what I later gave past attorneys was where I was at probably ten minutes of six or something like that.

And I was concerned, and I have eyewitnesses on this if the FBI or something should find out that witness could be of assistance to me there would be some type harassment.

When I told Mr. Hanes the first testimony I just left this part out.

And then later on Huie was pressing me on something, more details on just where I was at April 4th right at this time between 5:00 and 6:30.

Q. Well, did you ever tell Mr. Hanes the truth about your defense?

A. I told Hanes the truth on everything except where I left out.

Q. You left out that part about where you were at 6:01 p.m., right?

A. The only part I left out that time was where I was at at approximately, I would say, ten minutes until 6:00.

I told him all the other places I had been up until that time.

Q. Well, you told Mr. Foreman the whole truth, didn't you?

A. Uh -- I can't think of anything that I didn't tell Mr. Foreman except one piece of information.

And, of course, I would have told him that, but he didn't follow up two or three other similar pieces of information.

Q. What was it you held out on him?

MR. LESAR: Objection on that.

THE COURT: I sustain the objection.

Mr. Haile, do you have an estimate of how long you think it will be?

MR. HAILE: Yes, sir. I have another hour's far worth and maybe two. It depends on how/the court lets me go.

I don't want you to make any advance ruling.

THE COURT: No, I don't rule on the basis of the length of time it will take. I try to rule on the rules of evidence, but it is now 4:30, and I am wondering if it was realistic to think you could finish today, and I am about convinced you can't.

MR. HAILE: No, sir, I don't think so.

THE COURT: All right. I think we had better

stop here. This is about as far as we ought to go.

MR. FENSTERWALD: Your Honor, may I ask if it will be proper to find out at this time a list of witnesses General Haile plans on calling?

THE COURT: ~~Mr. Ray,~~ you may step down and have a seat. There are two or three matters I need to take up.

I don't know that counsel exchanged lists of witnesses. I didn't participate in that phase of the pretrial.

MR. FENSTERWALD: Your Honor, we gave him our list almost at the very beginning, and we asked for his, and haven't received it.

MR. HAILE: Your Honor, they gave me a list of people they have subpoenaed.

MR. FENSTERWALD: There is no one we called that wasn't on that list. You can check.

MR. HAILE: I don't believe Mr. MacDonell was on that list.

MR. LESAR: You were aware of it long before then.

THE COURT: Gentlemen, it is awfully hard for me to rule on who was aware of what.

Is there any objection to giving him a list

of the people you have under subpoena?

MR. HAILE: Yes; everytime I give him something I get slapped in the back, and I don't want to give him another thing.

THE COURT: He gave you a list of people he had under subpoena, did he not?

MR. HAILE: Yes, sir; only after we had been to the clerk's office three or four days.

THE COURT: All right. I think in the morning you should be prepared to give them a list of people you have under subpoena, and that's as far as I will go.

I want to know about this possible deposition, did you gentlemen discuss that?

MR. HAILE: We have not discussed that yet.

THE COURT: Do you intend to take the man's deposition?

MR. HAILE: I need to talk to co-counsel about that, and we need to talk about our witness list.

As you might imagine, the list of witnesses we intend to present depends a lot on what has been presented already.

THE COURT: I realize that. And some of it is rebuttal, and you can't tell until the other proof is in.

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>R/D</u>	<u>R/C</u>
Joe A. Moore	992	1007		
James Earl Ray (resumed)		1027	1053	1064

EXHIBITS

<u>NUMBER</u>	<u>IDENTIFICATION</u>	<u>EVIDENCE</u>
Collective No. 139	988	
140		989
141		990
142		990
143		995
144		996
145		1003
146		1041
147		1063
148		1073
Collective No. 149		1077

WEDNESDAY MORNING

OCTOBER 30, 1974

The trial of the case was resumed on this date, Wednesday, October 30, 1974, at 9:30 o'clock a.m., when and where evidence was introduced and proceedings had as follows:

MR. HAILE: Your Honor, we have a stipulation I think that Mr. Lesar is going to state.

THE COURT: I can't hear you.

MR. HAILE: We have conferred about several matters. One is we have a witness that we have agreed to put on out of turn, and we have our subpoenaed witness list here as ordered.

THE COURT: What about the deposition?

MR. HAILE: We have agreed to take that tomorrow night.

THE COURT: Tomorrow night?

MR. HAILE: Yes, sir.

THE COURT: When is it going to be available?

MR. HAILE: I don't have an agreement with the court reporter to have it available at any particular time. It may not have to be -- we may not have to take it, Your Honor.

THE COURT: Has some thought been given to

terminating this hearing?

MR. HAILE: Yes, sir. We have given that considerable thought.

I think we will be able to finish, depending on if whoever may read these depositions it will be awful hard to finish by Friday afternoon.

I think my estimate of a half a day for reading the depositions will be awfully difficult.

The taking of the Foreman deposition took seven hours.

THE COURT: How many pages?

MR. LESAR: Two hundred and eight pages, I believe.

MR. HAILE: The Huie deposition is not nearly that long, Your Honor.

THE COURT: All right.

Well, if my rule of thumb is correct, it would three and a half hours to read the Foreman deposition.

MR. HAILE: And I wouldn't dispute that at all.

THE COURT: That's an average.

Sometimes lawyers make up time on it. Also, it depends on how much of what I call lawyer talk went on during the deposition. Sometimes there is an objection, and then you say no I don't object,

and then you have about three pages of really nothing, and the witness resumes.

All right. Do you want to put on a witness out of turn now?

MR. HAILE: Yes, sir; we have a stipulation.

I think Mr. Lesar has a statement on that.

MR. FENSTERWALD: Your Honor, we have stipulated that four depositions in previous civil cases, one by Hanes, one by Huie, one by Mr. Foreman, and two by Mr. Ray, should be made a part of the record.

THE COURT: Now, wait a minute. What civil cases?

MR. LESAR: Do you have the number?

MR. HAILE: It is on that material.

MR. LESAR: C-69-199.

THE CLERK: Yes.

THE COURT: That is the depositions of --

MR. FENSTERWALD: Mr. Hanes, Mr. Huie, Mr. Foreman and two depositions by Mr. Ray.

MR. HAILE: That, I might add, would shorten considerably my cross examination of Mr. Ray.

THE COURT: Now, is this for all purposes?

MR. HAILE: Yes, sir.

THE COURT: Are they admitted for proof?

MR. HAILE: Yes, sir.

THE COURT: Now, how does counsel intend to convey to this trier of fact the contents of those depositions?

MR. HAILE: We were sort of hoping you would read them.

THE COURT: On my own time?

MR. HAILE: Yes, sir.

THE COURT: I heard one of the t.v. commentators say the other night the lawyers had agreed that it would take me three months to decide this case, and maybe it will.

MR. HAILE: As Mr. Ray said, not everything you read in the paper is accurate.

THE COURT: That is the case this court heretofore tried?

MR. HAILE: Yes, sir. There are a few other matters I think we will stipulate. We hadn't spent as much before Your Honor came in as we should have.

As Your Honor knows, I had an exhibit put in on the collateral estoppel, and I assume we have a stipulation. This is not a certified copy, but I am sure I could get one if necessary. But what I have is the original petition, the pretrial order of the previous suit that I would like to put in

the record for the sole purpose of perfecting the defense of collateral estoppel.

THE COURT: It was a complaint, wasn't it?

MR. HAILE: It was, but it is a petition.

THE COURT: Complaint and pretrial order and what?

MR. HAILE: And the order of dismissal -- final order, it is entitled, of December 18, 1969.

MR. FENSTERWALD: Your Honor, before we stipulate to that, could we have a chance to study it and maybe stipulate on it later?

THE COURT: All right. Well, suppose we do this: Let's give it a number for identification and then it is not in for all purposes.

MR. HAILE: All right.

THE COURT: What is the next number?

THE CLERK: 139.

(These documents above referred to were marked Collective Exhibit 139, for identification, and same will be found among the exhibits hereto.)

THE COURT: What is the number of the case?

MR. HAILE: C-69-199.

THE COURT: That is Ray vs. Foreman, et al?

MR. HAILE: Yes, sir.

Now, we also have this morning the November

12th transcript which Mr. Lesar and I had previously agreed would be an exhibit. This is an attested copy.

THE COURT: November 12, 1968?

MR. HAILE: Yes. That is the day that Mr. Foreman replaced Mr. Hanes as counsel. And I have here a note which Mr. Livingston has agreed is accurate, which is note from him to Russell X. Thompson dated July 8th, 1974, which says, "Dear Russ:

"I have no objection to Wayne Chastain, Jr., reporter, looking through your files on the King-Ray case.

"Wayne is now and has been assisting us in this matter for five years, and I trust him explicitly.

"Yours very truly, Bob."

I don't think there is any objection. There is certainly no objection by Mr. Livingston to the authenticity of this, and we would like to submit that as an exhibit.

THE COURT: All right. That is 140.

THE CLERK: The transcript would be 140.

(The document above referred to was marked Exhibit 140, and same will be found among the exhibits hereto.)

THE CLERK: And the note would be Exhibit 141.

(The document above referred to was marked Exhibit 141, and same will be found among the exhibits hereto.)

THE COURT: All right.

MR. HAILE: We have got a copy of an affidavit which Mr. Ray typed out himself and filed in the post-conviction hearing over in the state court concerning these matters, and we would like to put this in for impeachment purposes.

I guess the most significant thing about it is even though it was after all the depositions had been taken in the Ray vs. Foreman case there is no reference in here to any headaches and nose-bleeds, I don't believe.

I am sure adversary counsel can correct me if that is not correct.

MR. FENSTERWALD: We have no objection to that going in, Your Honor.

THE CLERK: That will be Trial Exhibit 142.

(The document above referred to was marked Exhibit 142 and same will be found among the exhibits hereto.)

THE COURT: All right.

MR. HAILE: Now, in the interest of time,

Your Honor, I would like to see if we can arrange stipulations on some of the other documents too, but I thought we ought to go on and see if we can get our out-of-town witness on so he can get out of here.

THE COURT: Well, I don't know where you gentlemen spent the evening, but it seems you accomplished something last night. Maybe that's the best time for you to function.

MR. HAILE: Yes, sir. There isn't much to do down here, and we just work all the time.

THE COURT: Who is the witness, please?

MR. HAYNES: Professor Joe Moore, Your Honor.

JOE A. MOORE

The said witness, having been first duly sworn,
testified as follows:

DIRECT EXAMINATION
BY MR. HAYNES:

- Q. Would you state your name and address?
- A. Joe A. Moore, 4067 Southern, Memphis.
- Q. What is your occupation, Mr. Moore?
- A. Law professor at Memphis State University.
- Q. How long have you taught at Memphis State?
- A. Since 1963.
- Q. Which courses do you teach?
- A. Evidence procedure and trial tactics.
- Q. How long have you practiced criminal law, Mr. Moore?
- A. Since 1949.
- Q. Where did you practice?
- A. I was in practice in the state of Oklahoma from 1949 to 1962.
- Q. How many felony cases would you estimate you have tried?
- A. Seventy-five or eighty.
- Q. What is your longest string of acquittals following in a jury/felony cases?
- A. Fifteen, I believe.

Q. Have you tried any criminal cases recently?

A. Yes, sir.

Q. What was the nature of those?

A. I tried two murder cases and one armed robbery in Oklahoma and Arizona last year.

Q. I believe you have written a treatise on Tennessee criminal law and practice, have you not?

A. Not particularly a treatise. It is a procedure. It was done for law courses.

Q. Are you a member of any legal societies?

A. Yes. I am a member of the Oklahoma Bar Association, the Oklahoma Trial Lawyers, the Tennessee Trial Lawyers, the Criminal Defense Lawyers Association.

Q. Did you do any work with the committee on federal evidence and procedures?

A. Yes, I am a member of the committee on federal evidence and procedures, and was counsel to that committee in 1973.

Q. Have you ever spoken at any criminal law seminars?

A. Yes.

Q. Did you have an occasion to see Percy Foreman prior to his becoming counsel for James Earl Ray?

A. Yes, sir.

Q. Where was that and when?

A. I met Mr. Foreman in Miami, Florida in 1966.

Q. I believe you had dinner with him?

A. That is correct.

Q. Did you see Mr. Foreman try a case other than the case in Miami?

A. Yes, sir.

Q. Where was that?

A. Oklahoma City.

Q. After Percy Foreman became James Earl Ray's attorney you invited him to your law school to speak, did you not?

A. I did.

Q. Did Mr. Foreman speak?

A. Yes.

Q. What was the subject of his talk?

A. As I recall, he was speaking generally of the criminal practice, and as such he was not speaking of any specific cases at that time.

Q. Did Percy Foreman discuss the James Earl Ray case with you?

A. Yes.

Q. Did you and Mr. Foreman discuss any particular questions of Tennessee criminal law?

A. Yes.

Q. I will hand you a document, Mr. Moore, and ask you if you can identify it?

A. Oh, that's sort of dim. Yes, I can.

Q. What is that -- is that -- what is it?

A. It is a copy of a letter from me to Mr. Foreman, and enclosed a short memorandum of law dealing with the ability to take depositions in criminal cases.

Q. Is that a true copy of your letter?

A. It appears to be.

MR. HAYNES: Your Honor, I would like to make that an exhibit to his testimony, please.

THE COURT: Has opposing counsel seen it?

MR. HAYNES: No, Your Honor.

(Document passed to opposing counsel.)

BY MR. HAYNES:

Q. Mr. Moore, I would like --

THE COURT: Wait a minute.

MR. FENSTERWALD: Hold up until we have a chance to look at this, please.

We have no objection, Your Honor.

THE COURT: What is the next number?

THE CLERK: 143.

(The document above referred to was marked Exhibit 143, to the testimony of the witness, and same will be found among the exhibits hereto.)

BY MR. HAYNES:

Q. Mr. Moore, I am going to hand you another document and ask you if you can identify it, please, sir?

A. Yes. This is a letter that I wrote, appears to be a

copy of a letter I wrote to Mr. Foreman on December 4, 1968.

Attached to it is a rough draft of some materials that I sent with the letter.

This draft is not what I sent, I don't believe, but is my notes in preparing what I did send.

It doesn't appear to be a copy of the finished product.

MR. HAYNES: Your Honor, I would like to introduce it.

(Document passed to opposing counsel.)

MR. HAILE: Your Honor, maybe if they have any objection as to the authenticity, they ought to state that now and then study it for context on their own time.

MR. FENSTERWALD: We have no objection to admitting it.

THE COURT: All right.

(The document above referred to was marked Exhibit 144 to the testimony of the witness, and same will be found among the exhibits hereto.)

THE COURT: May I see it, please?

(Exhibit passed to the court.)

THE COURT: All right. Go ahead.

BY MR. HAYNES:

Q. Mr. Moore, did you and Mr. Foreman discuss any other subjects of criminal law together if you had occasion to be

with him?

A. Yes.

Q. What kind of subjects did you talk about, sir?

A. It would be difficult to say.

I discussed with him in Miami when I first met him. He was at that time in the Moessler trial, and we talked about that some.

We had some discussion during the latter part of 1968, and I believe the early part of 1969, about the Ray case.

Q. Did Mr. Foreman discuss the evidence in the Ray case with you?

A. Yes.

Q. Did he discuss -- what evidence did he mention to you?

A. I can't recall the specific details of what he said.

At one point he, as I recall, when he was here in Memphis, was going over something, I believe at the house or the Sheraton -- I don't recall which, and he mentioned he had seen some or all of the state's physical evidence, and mentioned some to me.

I believe he mentioned some fingerprint evidence on the rifle, some hair comparison at the scene, an eyewitness identification, I believe, and I am sure there were others. I simply can't remember.

Q. Mr. Moore, do you have knowledge of a relationship between some ~~Memphis State University~~ law students and Mr. Percy Foreman?

A. I know that law students offered to assist Mr. Foreman in the investigation phase of the Ray trial, and wrote him, and he wrote them and sent me a copy of the letter, I believe.

I think he met with them.

Q. Mr. Moore, I will hand you a document and ask you if you can identify it, please?

A. This appears to be the letter that I received a copy of from Mr. Foreman.

MR. HAYNES: Your Honor, I would like to make that an exhibit to his testimony. I will show it to counsel.

(Document passed to opposing counsel.)

MR. HAILE: Your Honor, maybe we can put it into evidence and they could read it later.

THE COURT: Mr. Haile, these are documents that are going to be part of the record, and if they haven't been shown prior to the hearing they ought to be allowed to look at them. I regret the delay, too, but they are entitled to read them.

MR. FENSTERWALD: Your Honor, I think the court will be interested in this letter, and he should read it.

MR. HAILE: Your Honor, we think the court can read it. We are not here to read things every time they suggest we read them.

THE COURT: If it is going to be made part of the record it is going to have to be brought to the knowledge of the court. With the evidence that has gone into this hearing it should be read. Is there any objection to introducing it?

MR. FENSTERWALD: No, sir.

THE COURT: All I know is that it is a letter.

MR. HAILE: Our objection is to reading it ourselves. Mr. Lesar could read it on cross examination.

THE COURT: Do you think I should read it?

MR. HAILE: Your Honor can read it faster than we can.

THE COURT: I think we better read it in open court. Go ahead.

MR. HAYNES: This is a letter from Percy Foreman dated November 25, 1968, and addressed to Mr. Bob Rasor and Mr. Tom Smith, and says:

"Dear Bob and Tom:

"Your letter of November 19th is acknowledged.

"I appreciate your offer of assistance, as well as that of the three other law students

at Memphis State University, to assist in the investigation and preparation for trial of the case wherein James Earl Ray is charged with the offense of murder. Certainly this is a case that could use the efforts of all well intentioned people. I would welcome all the help I can get. And I will consult further personally with the both of you.

"However, I have not been paid a fee in this case. I have not contracted to be paid a fee. I have no idea at the present time that a fee will ever be available and I would not want to accept the help of either of you or of any other of your friends with the idea that you or they will ever be paid anything whatever for devoting a portion of your time and efforts to help in the taking of statements, affidavits, et cetera.

"About the best I can promise you at this time is that I will have prepared on vellum a certificate of appreciation for your work in such preparation of the James Earl Ray case. This would be suitable for framing and exhibition at your respective offices. As time passes and memory recedes, your clients and the community in which you will then reside will probably

believe you were lead counsel in the case of
the State of Tennessee vs. James Earl Ray.

"There is one additional reward that you might receive. You may remember not to discuss a 'client's' business, nor any work you may contemplate doing or may have done in his behalf. If you do learn this, as a law student, it can be of incalculable value to you in your profession as a lawyer. This means that you should not discuss it with: (1.) each other; (2.) your best girlfriend; (3.) your mother, father, brother, sister or any other relative; (4.) any other law student; (5.) any other person whomsoever or whatsoever. Failure to learn this lesson has cost many young lawyers a successful career in the law. Many an otherwise promising lawyer, wanting to brag to his wife about what he has done during the day, has wound up jerking sodas or selling shoes. "If I accept the offer of your group to work on this case, I would want each of you to swear to an oath that you would not divulge to any person that you are working on the case and that you will not divulge to any person whomsoever what you have learned or anything else

that might come to your knowledge incident to your work. I would want this oath to be eternally binding and to extend beyond the trial of this case.

"The danger of using investigators outside of a lawyer's permanent organization is the tendency of such investigators to exercise their ego and self-importance by bragging to their wives, girlfriends or other people of their selection as such investigator, and likewise to make their conversation more interesting by revealing that which they should never have been permitted to learn in the first place.

"If each of you, and the other three you mentioned, are willing to work in this case during a portion of your spare time, and further, if it does not conflict with the rules and regulations and policy of the Memphis State University, I would be happy to meet with you on my next trip to Memphis. But I will probably want your work coordinated and supervised by a lawyer, preferably a faculty member of Memphis State University.

"I shall await your reply stating whether or not the foregoing conditions and stipulations

are acceptable.

"Sincerely yours,

"Percy Foreman."

THE COURT: What is the next number?

THE CLERK: 145.

(The document above referred to was marked Exhibit 145, and same will be found among the exhibits hereto.)

BY MR. HAYNES:

Q. Mr. Moore, in your opinion in a first-degree murder case where the state is asking for the death penalty, if the state's evidence showed that your client was at the scene of the murder, that your client's fingerprints were on the murder weapon, that your client's personal articles, including the murder weapon were found abandoned near the murder scene, that the bullet from the deceased's body was in conformity with the bullets from the murder weapon, that your client's hair fibres were found in a room at the murder scene, that your client purchased the murder weapon with a scope and also purchased binoculars, and that your client was an escaped convict, and that the deceased was shot from a considerable distance, would an attorney's advice to his client to plead guilty to first degree murder in exchange for a lesser sentence than the death penalty be within the range of competence demanded of an attorney in trying first

degree murder cases?

MR. FENSTERWALD: Your Honor, this is calling for expert testimony. Has the court rules this witness is an expert witness?

THE COURT: I don't think I have been called on to rule, but counsel undertook to qualify him, and I assume this is going to the Beasley test of competence that the court will be called on to apply.

MR. HAYNES: Yes, sir, Your Honor.

THE COURT: Wait a minute. Let's see --

MR. FENSTERWALD: I do have some questions on this, Your Honor. I don't know whether you want me to pursue this at this time.

THE COURT: Suppose we do this. We don't have a jury, and Mr. Haynes did not tender him as an expert, but the court is inclined to accept the hypothetical. I believe it included the facts, all of which were admitted by Mr. Ray in his testimony.

MR. LESAR: I believe that is not correct. There is a statement about the murder weapon.

THE COURT: Well, that is true; that is a disputed fact.

MR. HAYNES: Mr. Moore is being called out

of order, and the state has proof in its case.

I attempted to qualify Mr. Moore as an
expert.

THE COURT: All right, Mr. Fensterwald, do
you want to voir dire him on his qualifications
as an expert before he answers the question?

MR. FENSTERWALD: No, sir; on one condition,
and that is I have the record read back on these
hypotheticals, or might be able to see Mr. Moore's
yellow sheet in cross examination.

THE COURT: All right. Mrs. Pellicciotti,
will you mark that hypothetical before we get too
far from it, please.

THE REPORTER: Yes.

MR. HAYNES: Your Honor, I would like to ask
Your Honor if you would accept Professor Moore as
an expert witness, based on the foundation I have
asked.

THE COURT: Well, the court will do that
subject to the right of cross examination by
opposing counsel.

And I would further say, with the right for
a motion to strike if that's the route opposing
counsel wishes to take, we don't have a jury here
so I am not too concerned with this phase of it.

MR. HAYNES: May I ask the court reporter to reread the question?

THE COURT: Yes.

(The reporter, reading:)

"Q. Mr. Moore, in your opinion in a first-degree murder case where the state is asking for the death penalty, if the state's evidence showed your client was at the scene of the murder, that your client's fingerprints were on the murder weapon, that your client's personal articles, including the murder weapon, were found abandoned near the murder scene, that the bullet from the deceased's body was in conformity with the bullets from the murder weapon, that your client's hair fibres were found in a room at the murder scene, that your client purchased the murder weapon with a scope and binoculars, and that your client was an escaped convict, and that the deceased was shot from a considerable distance, would an attorney's advice to his client to plead guilty to first degree murder in exchange for a lesser sentence than the death penalty be within the range of competence demanded of an attorney in trying a first degree murder case?"

A. I believe so.

BY MR. HAYNES:

Q. Mr. Moore, do you have an opinion as to Percy Foreman's competence as a practicing attorney of the criminal bar?

A. Yes.

Q. What is that opinion, Mr. Moore?

A. He is very competent.

MR. HAYNES: I tender the witness, Your Honor.

THE COURT: All right.

MR. FENSTERWALD: When we get to it, I will have the court reporter read the question back.

THE COURT: All right. I asked her to mark it, and I think we can do that.

CROSS EXAMINATION

BY MR. FENSTERWALD:

Q. Mr. Moore, you stated you were a law professor at Memphis University here?

A. Memphis State University, yes.

Q. Have you ever taught criminal law?

A. I believe I taught criminal law one year since I have been here, Mr. Fensterwald.

Q. That is since 1963?

A. Oh, '63, '64, somewhere in that general vicinity.

Q. And could you tell me of which state bars you are a member?

A. Oklahoma.

Q. You are not a member of the bar of the state of Tennessee?

A. That is correct.

MR. FENSTERWALD: Your Honor, I think on that basis, I will ask to strike this witness' testimony.

THE COURT: Well, I don't think the membership in the bar is the sole criteria. He has made studies and other things, and, therefore, I overrule the motion.

MR. FENSTERWALD: I will proceed if it is all right.

THE COURT: All right.

BY MR. FENSTERWALD:

Q. You said, I believe, that you had participated since 1949 in approximately seventy-five felony cases?

A. I would estimate that to be true.

Q. Could you tell me how many first degree murder cases that has included?

A. Five that I can recall.

Q. Could you tell us the results of those cases?

A. We have acquittals in two of the cases, and had convictions of manslaughter, I believe, in one, and a conviction of murder in the first degree in one. I do not recall the result of the other.

- Q. In the murder case what was the sentence that was given?
- A. Life.
- Q. That was in what state?
- A. Oklahoma.
- Q. How many years is that equivalent to?
- A. As I recall, at that time the eligibility for parole -- is that what you are talking about?
- Q. Yes.
- A. The eligibility for parole was seventeen years. I may be in error, but I believe that's the case.
- Q. In any of these first degree murder cases did you discuss guilty pleas with your clients?
- A. I am -- again, my memory may be faulty, but I am sure we did in one or more of them on some basis. We did not enter guilty pleas.
- Q. You took all these cases to trial?
- A. Correct.
- Q. Now, taking you back to Trial Exhibit 143, which is your letter of November of 1968. That letter was concerned entirely with the question of taking depositions, was it not?
- A. Correct.
- Q. Exhibit 144, I will read you the first paragraph. It is a letter of December 1968:
- "Dear Percy:

"Enclosed are materials relevant to the peculiar order of witness statute applicable to criminal cases in Tennessee. This is the matter we discussed briefly while you were last here, and it might be usable as a 'sandbag' operation down the road a piece. While all I have as authority is my own opinion, I don't feel there is much question but that the enforcement of this statute would be held to have infringed the defendant's constitutional rights if properly presented to the federal courts at this point in history."

Q. Could you tell me what ultimately happened to the statute?

A. Yes, sir. It was declared unconstitutional by the Supreme Court of the United States.

Q. On this same question of constitutionality, have you been following the progress of this case in the papers?

A. Generally.

Q. Are you aware of the testimony with respect to the treatment of petitioner's mail while he was in prison here?

A. I read some reports concerning that, yes, sir.

MR. HAILE: I object to any testimony in this case on the basis of what was reported in any of the Memphis newspapers.

MR. FENSTERWALD: I didn't understand the objection.

THE COURT: Well, do you mean you didn't hear it?

MR. FENSTERWALD: I didn't hear it.

THE COURT: The objection was to the testimony that would be based on what was reported in the Memphis newspapers.

MR. FENSTERWALD: I didn't mean to single out the Memphis newspapers. That just happens to be the ones I have been reading.

THE COURT: All right. So there won't be any misunderstanding, perhaps you should refer to what you have reference to; maybe in the form of a hypothetical.

There is always the risk that the witness said something different from what you are talking about, or it was less than what was said in court. It is just not a good practice.

MR. FENSTERWALD: Your Honor, I would prefer then to go back and take a little more time and do this in regular fashion.

MR. HAILE: I would like to make my motion in limine if he is getting ready to ask a series of questions that call for a legal conclusion from

witness.

MR. FENSTERWALD: I observed that this man has been qualified by the state as an expert witness, and I want to ask him on another constitutional right.

MR. HAILE: My objection still stands. This concerns matters that go to the competency of Mr. Foreman, and concerns opinion, not legal conclusions, and Mr. Fensterwald brought out the fact that Mr. Moore -- that Mr. Moore was prolific enough to see the decision of the U. S. Supreme Court, but we did not tender this witness to advise the court on what the law is.

Even if we had, that would have been improper. What the law is is a decision for the court, and we have not put this witness on to advise the court about what the state of the constitution was.

MR. FENSTERWALD: Your Honor, General Haile doesn't even know what I will ask him. I don't know how he can object to it.

MR. HAILE: I did anyhow.

THE COURT: Go on and ask him.

BY MR. FENSTERWALD:

Q. I would like to show you Exhibit 26. This is in evidence. And ask that you take a look at it.

MR. HAILE: Your Honor, I renew my objection. He has apparently shown him Policy Statement No. 11, which is the thing that concerned the mail in the sheriff's office. I suppose he will ask a question about that. I believe that calls for a conclusion that involves the ultimate issue in this case, and I don't believe that is a proper line of questioning.

THE COURT: This is a problem we find where one side puts on an expert and the other side tries to bar him and do a discovery deposition on the witness stand.

I sustain the objection, because it was not gone into on direct examination, and it would only prolong the case for counsel for the petitioner to try to bar this expert for their own purposes.

If they want to put on an expert about that they may do so, but this is so time-consuming, and the rules in federal court are that you do not get to go into on cross examination what was not taken up on direct.

Maybe this witness' efforts on the evidence committee will change that, but it hasn't so far.

So I sustain the objection to this line of questions.

BY MR. FENSTERWALD:

Q. Now, Mr. Moore, you say that you discussed the evidence in the Ray case with Mr. Foreman?

A. Yes.

Q. Could you tell me approximately how long that conversation lasted?

A. Mr. Fensterwald, it was not lengthy. I talked with Mr. Foreman several times when he was in town. As I said a moment ago, I don't recall whether this particular conversation was at my home or at his hotel. I am sure we didn't talk about it over a matter of twenty or thirty minutes at the most, I am sure, on that occasion.

Q. Did he discuss with you any details of the ballistics evidence?

A. As I recall, again I am not trying to avoid a question, Mr. Fensterwald, but my memory is a little vague on this.

As I remember, he said there was no positive ballistics identification as far as the slug.

Q. As an expert what did that mean to you?

A. It would certainly mean from a ballistics standpoint that they would not be able to establish by ballistics expert testimony that slug came from any particular weapon.

Q. As a defense counsel you would think that would think that would be exculpatory?

A. It would certainly be usable in behalf of the defense

as an argument in the case without any question at all.

Q. Mr. Foreman was aware of this?

A. It is my recollection he was.

Q. What about eyewitnesses? What did he tell you about those?

A. He told me, as I recall, that the state had an eyewitness.

Q. Do you remember how many?

A. No, I do not.

Q. Do you remember the names?

A. I do not.

Q. Does the name Charles Stephens refresh your memory?

A. I am not sure Mr. Foreman mentioned that name to me, but I am familiar with the name from newspapers and other sources.

My recollection is that he told me there was an eyewitness available to the state.

Q. Did you see any of the state's evidence?

A. No, sir, I did not.

Q. Did you interview any of the witnesses?

A. I did not.

Q. Did you visit the scene of the crime?

A. No, sir.

Q. I would like to discuss for a moment these student investigators that are discussed in Exhibit 145.

Could you tell me how many such student investigators there were?

A. My knowledge of that is very limited, Mr. Fensterwald.

I received a copy of that letter, as I recall -- two of the students, I believe the two that that letter is addressed, came by my office and mentioned to me that they had received it, and were going to meet with Mr. Foreman, and they indicated they were going to meet with him at the Sheraton Hotel here in Memphis.

That is all I know about it -- what they did in the meeting I do not know.

Q. You know only the names of two of the students?

A. That is correct.

Q. And you don't know if they were paid?

A. I do not.

Q. Do you know if they did any work for Mr. Foreman?

A. I do not.

Q. What do you know about if this is done this is done under a local lawyer or professor?

A. I did not supervise any student work done in the Ray case unless I was asked to do so by Mr. Foreman.

Q. Do you know if anybody else did?

A. I do not.

Q. Do you know what type of work was contemplated by Mr. Foreman in the use of the students?

A. I do not.

Q. Was there any talk about their interviewing witnesses?

A. I don't recall that Mr. Foreman ever discussed that aspect of the matter with me at all.

Q. One point in this letter -- Mr. Foreman speaks, and I am paraphrasing, of the danger of using investigators outside of your own organization.

Could you tell me how many investigators Mr. Foreman had in his own organization?

A. I do not know.

Q. Did you discuss in your conversations with him the fact that he investigated his own cases?

A. I don't recall that we discussed that in connection with this case at all. No, I believe he has made such statements to me, but not in connection with this case.

Q. Do you know of any licensed investigators around in Tennessee or outside that were engaged by Mr. Foreman to investigate this case?

A. I have no knowledge of it.

Q. Were you engaged by Mr. Foreman formally as Tennessee counsel in this case?

A. I was not.

Q. Were you paid anything by Mr. Foreman?

A. No.

Q. You were a free volunteer?

A. Correct.

Q. Would you estimate the number of hours you spent in research for Mr. Foreman?

A. Not a great deal; probably eight or ten total.

Q. And you said you had never visited the scene of the crime?

A. That's correct.

Q. Now, you were asked a hypothetical question by Mr. Haynes, and I would like the reporter to read that back to me.

THE COURT: All right.

THE REPORTER: (Reading)

"Mr. Moore, in your opinion, in a first-degree murder case where the state is asking for the death penalty, if the state's evidence showed your client was at the scene of the murder, that your client's fingerprints were on the murder weapon, that your client's personal articles, including the murder weapon, were found abandoned near the murder scene, that the bullet from the deceased's body was in conformity with the bullets of the murder weapon, that your client's hair fibres were found in a room at the murder scene, that your client purchased the murder weapon and

a scope and binoculars, that the deceased was shot from a considerable distance, and that your client was an escaped convict, would an attorney's advice to his client to plead guilty to first degree murder in exchange for a lesser sentence than the death penalty be within the range of competence demanded of an attorney in trying a first degree murder case?"

BY MR. FENSTERWALD:

Q. Professor Moore, did Mr. Foreman discuss with you the matter of Mr. Ray's presence or non-presence at the scene of the crime at the time of the murder?

A. I do not recall ~~that~~ he did.

Q. Do you know, if fact, Mr. Ray was there at the time of the murder?

A. I do not.

Q. If Mr. Ray purchased this gun would it not be normal that his fingerprints would be on it?

A. It would certainly be possible.

Q. Would this be a matter of great probative value?

A. Yes. I am sorry. Did I misunderstand?

Q. My question was if the fact that he purchased the gun would the fact that his fingerprints were on it be unusual?

A. It would depend on several circumstances how much probative value it would have.

Certainly the fact that a man owned a weapon would not make it unusual that his fingerprints would be on it.

Q. What weight did you give to evidence that the bullet was consistent with the one that might have been fired from the gun?

A. Certainly it would be weaker than a positive ballistics test.

At the same time, it would be stronger than a negative ballistics test, and in my judgment --

Q. What significance would you give to the fact that hair particles or fibres from the defendant were found in a room he rented?

A. The significance would indicate that he at least one time had been there.

Q. What significance would you give to the fact that the murder apparently took place, according to this hypothetical, the shot came from a considerable distance?

A. Taken in conjunction with the fact that the purchased rifle had a scope on it might tie it to the weapon that was used.

Q. Would it make any difference to you if all of the fingerprint evidence in this case was on portable items?

A. It would depend, I think, Mr. Fensterwald, on what those items were.

It certainly would in a sense that if the fingerprints had been in the room from which the shot was fired that would put the individual in that particular place. Whereas, on a portable weapon it would not have that, apparently. Insofar as it was on a weapon that was used, the fact that that would be portable would not be significant in my view.

Q. Do you know if all the fingerprints in this case were on portable items?

A. I do not.

Q. Would you say you know of the totality of the evidence in this case?

A. I would not.

Q. Do you know when the last man was executed for a crime in the state of Tennessee?

A. I don't believe I do.

Q. When you say it is reasonable for a man to take a ninety-nine degree sentence under the circumstances --

MR. HAILE: He never testified to that,
Your Honor.

MR. FENSTERWALD: I thought that was the
last question.

THE COURT: Well, you had an unfortunate slip
of the tongue. You said ninety-nine degree.

MR. FENSTERWALD: I am sorry.

MR. HAILE: He didn't say ninety-nine years either, Your Honor.

THE COURT: I don't believe he did.

MR. HAILE: We don't really object to the question.

THE COURT: I think Mr. Fensterwald is correct, that the witness was offered to say that the advice was consistent, and if you want to rephrase, I think you are certainly entitled to ask this witness, who spoke to the subject, that line of questions, sir.

BY MR. FENSTERWALD:

Q. Professor Moore, it is my understanding you said it is within the range of competence to advise a man to plead guilty and accept ninety-nine years under the circumstances?

A. I would say so.

Q. But you are not aware of when the last man was executed in the state of Tennessee?

A. That is correct.

Q. Would your advice to a defendant to plead guilty or not guilty depend on whether you thought the man was guilty or innocent?

A. No, sir.

Q. It would not.

Have you had any correspondence from anyone among the defense lawyers, or from Mr. Ray?

A. I believe I had a communication from Mr. Lesar.

Q. Do you have that correspondence with you?

A. I believe it is in the witness room.

MR. FENSTERWALD: I wonder if we might have that.

THE COURT: Can you describe it?

THE WITNESS: It is in a manila folder.

THE COURT: Can the marshal get the manila folder?

MR. FENSTERWALD: These are my questions. If there are some redirect maybe we can look at the correspondence for a second time.

THE COURT: All right. Mr. Lesar now has the folder.

MR. FENSTERWALD: I think this will only take a moment, if you want to --

MR. HAILE: Your Honor, I think he ought to give these to the witness rather than them just go through Mr. Moore's file.

THE WITNESS: I don't have any objection to him going through it.

MR. FENSTERWALD: Your Honor, I think we want to put it in.

Q. Mr. Moore, you say you were not aware with respect to the eyewitness in the case?

A. I am sorry. I didn't follow you.

Q. You were not aware of the details of the eyewitness?

A. That is correct.

Q. Let me give you a hypothetical.

Suppose you have a man running away from the scene, and allegedly a man and his wife gave descriptions. The man is an alcoholic. There are many witnesses to come and testify that at the time of the crime he was so drunk that he could not recognize anybody; the wife gives a description which is completely in variance with the defendant. Would you consider that would be usable eyewitness evidence?

A. It might be usable, but it would certainly be open to considerable attack on behalf of the defendant.

Q. You would have considerable exculpatory evidence you say?

A. Certainly.

MR. FENSTERWALD: No further questions.

THE COURT: Mr. Haile, any redirect?

MR. HAILE: No redirect.

THE COURT: Thank you, Mr. Moore.

THE WITNESS: May I be excused?

THE COURT: Certainly; we put you on out of turn so you could be excused, and you are.

(Witness excused.)

THE COURT: Am I correct that we go back

to the cross examination of Mr. Ray?

MR. HAILE: Yes, sir.

Have they had time to see the exhibits on collateral estoppel?

MR. LESAR: I believe we had better wait until the recess until we get some time to read it all.

THE COURT: All right.

MR. FENSTERWALD: I would renew my motion to strike the testimony of the witness as not being expert in Tennessee law.

THE COURT: I will overrule the motion and will not strike any of his testimony, but will let any lack of licensing in this state go to the weight, which counsel can argue.

MR. HAILE: Will the court take judicial notice that all Mr. Moore would have to do is file a motion with the Tennessee Supreme Court and pay \$15.00?

THE COURT: I am not aware of that, but if that is the law I can.

MR. HAILE: It may cost more than that now, but it cost me \$15.00 when I came in.

THE COURT: All right. Any law of the state of Tennessee or established in connection with the admission to practice, the court can take judicial notice of, and I will.

All right. May we ask Mr. Ray to come around and resume the witness stand?

MR. LESAR: Your Honor, it might be more convenient to take a recess before he goes on.

THE COURT: Well, I -- is that so you can read the pleadings?

MR. LESAR: I would like a chance to read that, yes.

MR. HAILE: Your Honor, they can do that tonight and we can do it tomorrow.

THE COURT: The trouble is if we start declaring recesses out of turn we have a crowd to contend with later. I would prefer to wait.

My familiarity with that tendered exhibit is such that I can't believe this will interfere with your examination of Mr. Ray.

All right. Mr. Ray, would you come around, please.

JAMES EARL RAY

The said witness, having been previously duly sworn, resumed the stand and further testified as follows:

CROSS EXAMINATION
BY MR. HAILE: (RESUMED)

THE COURT: Sir, you will recall that yesterday that when we interrupted your testimony the same oath carried over, and that is true today. You understand, I am sure.

THE WITNESS: Yes, sir.

THE COURT: Are you chewing gum?

THE WITNESS: No. The marshal gave me a piece of candy.

THE COURT: I don't mind if the marshal gives you some candy; that's all right with me, I assure you, but sometimes if you have something in your mouth you can't be heard as well.

MR. HAILE: Your Honor, yesterday at the bench conference we had Your Honor made a ruling as I understood it that Mr. Ray does have some Fifth Amendment right not to testify against himself in this hearing on the issue of whether or not he did or did not do certain things, namely, commit this crime. And there has been quite a bit of inquiry

from the press about what the scope of my cross examination was going to be. And within the limits that the court set out I struggled up here for a little while to try to ask him about some of those things, and I wish now if the court would restate that ruling for the benefit of the press. They keep asking why don't you ask him this and that, and I keep saying he won't let me, and they keep saying I didn't hear him say it.

THE COURT: You want a little protection?

MR. HAILE: Yes, sir.

THE COURT: Let me make this observation.

With some apologies to the news media, I have expected since this case came my way that it was going to be disappointing in some respects to the news media.

I don't believe it has been totally disappointing, and I don't mean to say they are not welcome. At the same time the court wishes to observe that a habeas corpus proceeding is not an appeal or a retrial from some conviction in the state court. The only reason this court has jurisdiction is that Congress has seen fit and the Supreme Court to approve proceedings whereby a man may contend his constitutional rights have been violated in state court proceedings; that he

has exhausted his remedies in the state court, and that his body is being held illegally by the warden of the state institution.

This case has been famous because just about anybody who has ever heard of it is an expert on whether a conspiracy exists or not, and this is really not an issue in this case. We cannot speculate on the factual aspects, because Mr. Ray seeks a new trial for violation of his constitutional rights, centered around primarily his right to an attorney and his Fifth Amendment right to due process. That is, that he not be coerced or not be prompted to involuntarily plead guilty.

Now, if he is granted a new trial there are areas that might not be relevant to this that he should not be required to testify against himself concerning possible defenses.

This objection was raised by his attorneys yesterday, and I feel that the law requires that we not let counsel for the state go into specific items that he did not discuss with his lawyer.

Now, there may be areas that that could be covered due to the nature of the questions. And, of course, all the matters that he discussed with his lawyer is relevant, because he is attacking the

competence and the advice he was given. And, therefore, he has raised that.

As I have ruled earlier, he has waived any privilege to the attorney-client basis, and he must answer those questions. But that does not include answers to the question of what did you not tell your lawyer.

The fact of what he did tell his lawyer is relevant, but what he did not tell them is not relevant.

The fact that he did tell them some things, you may ask about that.

MR. HAILE: All right. As I understand, some of these things he didn't tell them are certainly relevant but are privileged?

THE COURT: That's right, and I don't conceive presently of any specific questions I think would be in that, but there could be, and I think you can ask him -- well, he has already testified as to his thoughts about what he did or didn't do.

And he has taken the position, and I believe testified, that he did not shoot Dr. King.

Now, there is a lot of problems about what he did and didn't do, and some that I have to decide how to fit into the issues before the court.

This is not a murder case, and I have told the lawyers privately when we were meeting that I thought it was going to be a disappointing hearing from the standpoint of sensationalism, but maybe it is and maybe it isn't.

I don't mean to be critical of the press, because I appreciate their presence, and this case has attracted a lot of attention, and I apologize that it is not more exciting than it is.

All right. Maybe after the recess you can come back and tell me what they said in the light of that.

That's about as much as I can do for you, sir.

MR. HAILE: Thank you.

Q. Mr. Ray, we were talking about what you did tell Mr. Hanes, and I believe you told me you did tell him nearly everything. You left out maybe one or two things?

A. That's correct.

Q. And at any rate you didn't tell him the full story, is that correct?

A. No, not ~~the~~ -- that's correct.

Q. And then you said well you did/^{tell} Mr. Foreman the full story?

A. No, that isn't correct.

Q. You didn't tell him the full story either?

A. Well, there was a few minor or maybe unimportant details.

I believe you are speaking of what I wrote out for him.

Q. I am talking about whether you wrote it out or talked to him in conversation?

A. At the time I wrote this material out for him I think I testified yesterday he wrote about one-fifth of it and got a cramp in his hand and I wrote the rest of it out and he advised me not to write this out something about the ~~Bessie Brewer~~ rooming house.

Q. He told you to leave out part of it?

A. Yes. He said there was a question of the law on that, and I thought there was a probability he hadn't decided on a defense on that.

I don't know what you mean "Did I leave out."

Q. You didn't really tell him all the details about the crime?

A. I told him all the details of my actions.

I didn't refer to possible other people's actions or phone numbers or addresses.

Q. You knew other people were involved and you had some phone numbers and addresses that you didn't give him, did you?

A. I didn't at that time.

Q. You never did give them to him?

A. I gave him one.

Q. But you never gave him all them?

A. It was my intention when he came in the case that I would give him evidence, but when he did get around to asking for evidence he was pretty well tied up with Mr. Huie, and probably more deeply involved with him than Mr. Hanes was.

Q. You are the one that asked him to go to Mr. Huie?

A. No, I didn't know he went to Mr. Huie until he came to me and brought a contract and I believe a check.

Q. Well, now, that's not what you testified to in 1969, was it?

A. Well, I think I testified to that concept. I think that what Mr. Foreman testified to ^{was} that I sent him to Huie, but I testified just the opposite.

Q. Well, now, this contract was signed -- you are talking about the February 3rd contract, aren't you?

A. Well, the January 29th one --

Q. That didn't tie him up with Mr. Huie?

A. I believe Huie was a witness to it. I assume he was trying to get himself in.

Q. He got you in for sixty percent, wasn't it?

A. I think that was an unseasonal contract.

Q. I am not asking your opinion about it. Mr. Foreman was not a party to that contract? He told you back in November, hadn't he, that he thought that that contract was no good?

A. When he first came on the case he was opposed to the contracts, yes.

Q. And then you got in that contract with Mr. Huie. I believe that was drawn up by someone else, wasn't it?

A. I don't know who it was drawn up by, but it was a clause that said all the money and such things would go to Mr. Foreman at his address in Houston, Texas.

Q. I don't believe it says that. It speaks for itself. Would you say Mr. Foreman got in this contract February 3rd -- that was all his idea, right?

A. I didn't even know the contract was on the way until he presented it to me.

Q. In 1969 you said: "After he had been on the case, I'm not positive now, I will say two or three weeks, he came to me and told me he was going to hire one of the best attorneys in Tennessee, and he talked about several of them, and he mentioned Mr. Hooker, and I thought he was hinting around wanting more money for the contract."

A. There is some question in my mind just when this January contract came in evidence, and when I gave that testimony. I was under the impression this January 29th contract had been presented to me some time before then and since then I have no proof it was.

Q. But you told him to take the money?

A. Yes. He brought a check up there approximately the

the same time he brought the contract, and he said he wanted to use it as a retainer fee for John J. Hooker, and I told him to go ahead. I don't know why he asked me anyway. There was no question that he would get the money.

Q. It was your intent all along some day to sign that contract over to Mr. Foreman, wasn't it?

A. I believe I testified I didn't know the contract would be presented to me until he actually presented it.

The only discussion about this contract business was something prior to January 29th.

Q. You knew Mr. Hanes wasn't working anymore, and you didn't want to keep paying him. You wanted the contract back?

A. I thought the contract would more or less be voided. I didn't know what the status of the contract was.

Q. Well, you testified that you never asked for any money; that you signed all of these contracts in furtherance of your defense?

A. That's correct. That is excepting that twelve hundred and fifty dollars, but I believe we had done went into that.

Q. You testified that when you were talking to Mr. Foreman about the fee you talked about the hundred and fifty thousand dollar fee, and he told you he thought he would wait until the trial was over, and he knew you couldn't pay him any money then?

A. He wanted me to sign the Mustang and the rifle over

to him.

Q. I mean about any book contracts or anything like that. He said he knew you didn't have any money?

A. Yes. He said let him worry about that, and after the trial was over he would make some arrangement with the communications industry.

Q. Well, he said there won't be any books until the trial is over and after it over I will make some arrangements?

A. Yes, that's correct.

Q. And you suggested the hundred and fifty thousand dollar fee yourself?

A. No. He started talking about it when we started discussing it.

Q. You had heard about him from the paper?

A. I had heard about him, but didn't follow him.

Q. You knew about the Candy Moessler case?

A. I had a general recollection of Percy Foreman, but I didn't know about it.

Q. Did you know what his fee was in the Candy Moessler case?

A. He says he takes all the traffic can bear.

Q. All the traffic can bear?

A. I have read some cases where he got a fee.

Q. What about the Moessler case?

A. I don't know what his fee was, and I think he got some

land.

Q. And he got some cash too, didn't he?

A. I believe he got some jewelry.

Q. And how much was his fee?

A. I haven't read the transcript on that case.

Q. He later sued her; he didn't get enough, did he?

A. I believe he sued her in Texas.

Q. What did he sue her for?

A. I don't recall the details. I believe it was a cross action or something.

Q. Quite a lot of money, wasn't it?

Does two hundred thousand dollars sound about right?

A. All the traffic will bear. I don't know how much money she had. I think that's a little conservative.

Q. But now the deal was going to be that he would wait until after the trial to get his fee, if any? That's about what he did too, wasn't it?

A. No. I don't know this for a fact, but I understand.

Q. I just want to know what you know, not what anybody might have told you.

A. He transported the contract to me some time January 29th; I assume that date is correct.

Q. Well, let's go back to this hiring of Mr. Foreman just a minute.

You say you didn't have anything to do with getting him

up there?

A. That's correct.

Q. You might have told the jail guards up there something different, right?

A. No, I don't think I discussed Mr. Foreman with the jail guards or any other attorney.

Q. You testified somewhere that the jail guards were up there when Mr. Foreman was up there, and they were just there while you all were talking?

A. He used them as a witness, I believe, when he discussed Mr. Hanes.

Q. What did you say at that point?

A. To Mr. Hanes or Mr. Foreman?

Q. Yes. Did you ever tell the guards that you contacted Mr. Foreman and he didn't contact you?

A. No. I never told anybody that.

Q. Let me show you this statement here. I will read it to you first.

This is a notation in a log at 3:25 p.m. on November 10th, and it says, "Mr. Foreman asked us to witness a letter that Ray drafted to Mr. Hanes."

A. Yes, that's correct.

Q. (Continuing to read) "The letter stated that Ray was dissatisfied with Mr. Hanes' representation and that he desired a Tennessee lawyer and one other, the one other being Mr. Foreman."

That is right, isn't it?

A. That's right.

Q. And then it continues, "Mr. Foreman also asked us to witness some questions by him of Ray," such as "Did I influence your decision to change lawyers?" "Answer: No."

Is that right?

A. I don't particularly recall that, but it is very possible he was building some type of defense there.

Q. And then it says, "Did I solicit your business or did you come to me?" "Answer: I contacted you."

Now, is that right?

A. No, that's totally false. That's a fabrication.

Q. You never said that?

A. No.

Q. And then it says, "Foreman stated these questions were witnessed by us because he anticipated some sort of repercussion by Hanes. Mr. Foreman stated he was ready to leave and we advised him of the shift change due soon and he stated that was fine."

It gets a little dim, but we will have the originals over here later and you can see that it is really in evidence yet. But they kept these logs all the time and ^{wrote} down just about everything that happened?

A. It usually depended on which guard was on. Some went into some details and the others didn't.

Q. That is pretty detailed there?

A. Well, I guess -- did Mr. Foreman dictate this to the guards or did they remember it? But I can't remember it. Maybe they have a better memory than I do.

Q. You say you never contacted Mr. Foreman, but your brothers did?

A. That's my understanding; that they contracted him.

Q. You never mentioned him or anything; you never wrote any letters that might have mentioned his name or anything like that?

A. Well, I think, yes, I think I did one time. I think my brother John wrote me in England and asked me if I wanted Percy Foreman, and I wrote back a negative reply.

But I don't recall the contents of the letter.

Q. You say here this document, "I might probably have mentioned his name. I think that's Foreman in a letter concerning the witness-stand issue."

A. Is that a letter I wrote to someone?

Q. I believe it is. See if you can identify it. It wasn't any witness-stand issue when you were in England, was it?

A. No. But I discussed this issue with him when he came in in November of '68.

Q. That is what you were concerned with? Mr. Hanes thought it might not be a good idea to take the witness

stand because of your criminal record?

A. Well, I discussed this with him briefly. Most defendants who take the witness stand get convicted, but he wasn't opposed to it.

Q. That is your handwriting? That is correct? That is something you wrote there, isn't it?

A. I haven't read the whole letter, but it appears to be my hand writing.

MR. HAILE: I would like to offer this.

MR. FENSTERWALD: No objection.

THE COURT: All right.

(The document above referred to was marked Exhibit 146, to the testimony of the witness, and same will be found among the exhibits hereto.)

THE COURT: What is it?

MR. HAILE: This is apparently a letter or something dated December 8, 1969, where he talks about a relationship with Mr. Foreman, and the evidence surrounding the guilty plea, and so forth.

It is pretty cumulative, frankly, but we would like to have it in.

THE COURT: Is it a letter by Mr. Ray?

MR. HAILE: It is signed by Mr. Ray.

THE COURT: To whom is it addressed?

MR. HAILE: It is not addressed to anybody.

THE WITNESS: I believe I sent one like that to several attorneys representing me.

MR. HAILE: It starts out: "The following narrative is my version of the business-legal relationship between Mr. Foreman, Texas attorney, and I, while he was representing me in the King case."

THE COURT: Where did you get it?

MR. HAILE: From Mr. Fensterwald.

THE COURT: All right. This is part of your discovery?

MR. HAILE: Yes, sir.

THE COURT: All right.

BY MR. HAILE:

Q. Well, you remember Jerry testified up here, said he went to see Mr. Huie, and Mr. Huie talked about giving twelve thousand dollars to anybody you would designate, is that your recollection of what Jerry told you?

A. I was a little hazy on the money. I thought it was twelve thousand or seven thousand dollars, but I am not positive just what the amount was.

Q. And Jerry said he wasn't going to do it, really wasn't going to try to keep you off the witness stand?

A. No. He just delivered the message to me.

Q. But he didn't try to influence you to stay off the witness stand?

A. He was kind of concerned about me taking the witness stand.

Q. He was in a hurry to get Mr. Foreman in the case? He wanted to keep you off the stand?

A. Well, he thought Hayes was representing Huie or something to that effect.

Q. Then he said he told you about the reason that Mr. Huie didn't want to give that money to you was that Coretta King might sue?

A. No, there was nothing said like that.

Q. You sat right here and heard what he said, didn't you?

A. Restate that.

Q. He said Mr. Huie would give to anybody you designated, including him, I think was the reference, because Huie or somebody was afraid that Mrs. King might file a civil suit and tie up all your money?

A. Mr. Huie might have been afraid, but there was no concern on the petitioner's part.

Q. Jerry didn't ever tell you that? didn't

A. No, he/discuss that part.

Q. He talked to you about Mrs. King might sue you?

A. The only thing I heard about that, I think, was in Percy Foreman's 1969 deposition, and I think the statute of limitations had expired.

Q. What was the statute of limitations?

- A. I think a year on all damage suits.
- Q. If you had your money tied up for a year until April of 1969 you were home free?
- A. I didn't have any concern; I wouldn't have any money.
- Q. You knew about the statute of limitations? You knew about that?
- A. I didn't know at that time; I know it now.
- Q. Didn't you know there was a one-year statute of limitations?
- A. I didn't know about the civil law at that time, but I thought after I read Foreman's testimony it was a little bogus for suggesting that.
- Q. Suggesting what?
- A. I was concerned about a civil suit.
- Q. ~~Jerry was~~ concerned about it and Huie was?
- A. I don't know if Huie was. I think Jerry was.
- Q. He said Huie told him and he passed it on to you?
- A. Those visits up there are pretty short and you can't go into discussing much.
- Q. That's a pretty important part if you get twelve thousand dollars and not Jerry -- Jerry had to have some excuse to say; did he say Jim he wants to pay me twelve thousand dollars?
- A. Yes, he mentioned the fact I would get seven or twelve thousand dollars and I said don't take a cent from

Huie. I didn't think it was my legal interest to take money from Huie, and it would be improper and bad taste for me.

Q. To be profiting from Dr. King's murder?

A. As long as it is -- these charges were pending.

Q. It would be bad taste?

A. Yes, or unwise.

Q. Why was that?

A. If you can't understand it, I can't say, but to be ill-advised to take money under those circumstances.

Q. What was Mr. Foreman's version of it?

A. Just get all you can get.

Q. You admitted in the 1969 deposition -- you told him to take that contract -- you told him that was to get money to hire Mr. Hooker?

A. I think your testimony is a little mixed up.

Q. You heard me read it?

A. Do you want me to read it again?

Q. Yes, I would appreciate it if you would read where he said I wanted/^{him}to get involved in a contract.

A. It says, after he had been on the case, I am not positive how long, he stated he wanted to get one of the best attorneys in Tennessee. He talked to several of them, and he mentioned Mr. Hooker, Sr. and so he told me it was going to take some money to get one. He was hinting around

wanting more money for the contract, and I told him to just take all that contract and when this trial was over and go ahead and hire Mr. Hooker or whoever he wanted to as long as we can get the right kind of trial.

Q. He didn't ask you for that contract? You told him to take it; told him to take the contract, didn't you?

A. He had already brought the contract up.

Q. That's not what it says here?

A. I think you are misinterpreting what it says here.

After he brought the five thousand dollar check and the contract up there, I told him to take it all. There is no arguing about it -- thirty percent.

THE COURT: Do you have another question about this transcript?

MR. HAILE: No, sir, I just wanted him to see what it said. There is no need to read the whole thing. Do you want to keep it up there?

THE WITNESS: No, that's all right.

BY MR. HAILE:

Q. Now, Mr. Huie wrote you and asked you all these questions and everything, didn't he?

A. That's correct. He would send notes and letters.

Q. And was all the time trying to get you to name all these co-conspirators, too, wasn't he?

A. Not right off. He just took a piece at a time of

the information.

Q. But he finally got where he wanted you to come up with the names of the co-conspirators?

A. Yes; the more information I gave him the more he wanted

Q. Do you remember he was making statements in the press about how there was a conspiracy?

A. Yes; he was pressing for names after a couple or three months.

Q. He wanted that pretty bad, didn't he?

A. I would say -- well, he wrote me letters saying he wanted those names.

Q. And you had some addresses and phone numbers?

A. I didn't have any addresses. I had a couple of phone numbers, but the conspirators, I was never associated with more than one person, and I don't think I used the word conspiracy or conspirators.

Q. But he used it a lot?

A. Well, he was trying to sell stories, I assume.

Q. He told you the story would sell better if he could get something on these co-conspirators, didn't he?

A. No, he didn't make any ins^{is}tencies to me like that.

Q. He never said that when he was trying to get the information out of you?

A. No, not in that sense. He did say something about making more money, but I was talking about the Time deal. He

said books sell good in the winter and don't sell in the summer; people are outside in the summer, or something like that.

Q. He never said anything about the conspiracy then?

A. I think he said something in the deposition. I read his deposition and that's the only time.

THE COURT: Mr. Haile, perhaps we had better stop here for the morning break. We will take about a fifteen-minute recess.

(Recess.)

THE COURT: All right, Mr. Haile, you may continue.

BY MR. HAILE:

Q. Mr. Ray, when you were in prison did you ever exaggerate a physical ailment or invent a physical ailment in order to get medical treatment, or to get a transfer to some place?

A. Would you be more specific?

I think I know what you are talking about.

Q. Did you ever claim you were really sick when you weren't, to get transferred some place?

A. Mentally or physically?

Q. Either way.

A. Other than I was represented by an attorney in Jefferson City, Missouri, and I believe the attorney was

using legal means to beat the case, I guess, and he had me transferred to a mental institution at Fulton, Missouri.

Q. You told somebody about your condition before you got transferred, didn't you? You had to tell some kind of tale to get transferred, didn't you?

A. I think we discussed -- me and the attorney discussed it, but I don't know if that's attorney-client privilege or not.

Q. Didn't you tell your doctor you had some kind of problem?

A. I think there was some question of amnesia or something.

Q. Wouldn't have been headaches, would it?

A. Headaches?

Q. Yes.

A. I think, yes, at first the headache. Most people in the penitentiary have headaches. I don't know what the rest was, but headaches is not uncommon.

Q. But in this particular institution you told them you had headaches? And certain other symptoms?

A. I think the lawyer probably embellished on what I told him.

Q. But that was part of it, wasn't it?

A. It had something to do with headaches.

Q. But that wasn't true?

A. I did have headaches, but the lawyer probably embellished on it. There was a common practice to send you for mental examination; Missouri has a more liberal rule than Tennessee has on their insanity law. I went down there under Durham.

Q. You were in prison at the time?

A. Yes.

Q. How did the Durham rule come in?

A. They had me on charge for attempted escape.

Q. You didn't try to transfer down there because security was lax, did you?

A. No. The lawyer had me transferred down there that was representing me.

Q. You never did tell anybody you tried to get transferred to Fulton because the security was more lax there, did you?

A. I don't recall. There was plenty trying to get transferred to Fulton because of lax security.

Q. Say that again. You tried to get transferred to Fulton because of lax security?

A. I say there were other prisoners that did.

Q. You never did say that?

A. I may have sent some message. I am sure I never talked serious like that. That may have been a secondary reason.

Q. To beat the attempted robbery charge you pled

insanity under the Durham rule?

A. Under the Durham rule.

Q. You don't have to really be insane to get off under the Durham rule?

A. That's my understanding.

Q. That's mine, too.

You didn't have any headaches?

A. I had headaches.

Q. You have them off and on, don't you?

A. Well, are you talking about how often, say once a week?

Q. I don't mean to argue with you about that, but it seems there was something in your affidavit that said these were the first such affidavits I ever had. That really isn't true, is it?

A. No, that isn't true.

Q. And you did sometimes make your physical ailments seem more severe in order to get transfers, and whatever, when you were in prison before?

A. No. I very seldom went on sick call in prison.

Q. When you were trying to get down to Fulton you did, didn't you?

A. I wasn't trying to get to sick call; that was the lawyer.

Q. You told Mr. Huie "I attempted to make it more severe

and be sent to Fulton. Security was more lax."

A. It is possible I might have told Mr. Huie something like that.

Q. See if that's not what you told him in this writing here?

A. Yes, this is all kind of jumbled up.

Q. That's what you told him, though?

A. Yes, I am positive I told him that.

Q. And you really didn't have any headaches of any significance in the Shelby County jail, did you?

A. Well, the only thing I can testify to is I did have occasional headaches in jail. I will say more than usual in the Shelby County jail.

Q. All right. Now, when you were -- let me see if you recognize this, and if you don't, just say you don't. I don't know if you have ever seen that before.

That's a report by the doctor that examined you some time back?

A. Well, this is a psychiatrist, I believe.

Q. Goulman?

A. Goulman.

Q. Can you identify that?

A. I can't identify that paper. I had some recollection of talking to someone named Goulman.

Q. And he says in there that you report you have severe

head pains?

A. Severe what?

Q. Head pains.

A. Anything I told the psychiatrist I own up to.

Q. You did tell him that, and you didn't have them really?

A. I don't really remember what I told Mr. Goulman. I think there were two psychiatrists there.

These people in the penitentiary, there is certain hostility between them and psychiatrists, and most of these interviews are not voluntary.

This is a psychiatrist that makes an inquiry.

Q. And you don't cooperate with him?

A. Yes, sir, that's correct.

MR. HAILE: That's all.

THE COURT: Any redirect, Mr. Lesar?

MR. LESAR: Yes, sir, there will be.

REDIRECT EXAMINATION

BY MR. LESAR:

Q. Mr. Ray, could you describe the manner in which your mail is brought to you in the prison?

MR. HAILE: Your Honor, that was not covered one on cross, and there was not/question about that, and we object to going into that again.

THE COURT: Are you talking about now?

MR. LESAR: I was going to raise that question,

yes. I was going to ask him that, but if it was not gone into on cross examination I will withdraw it.

THE COURT: I accept your offer without ruling on whether it was or was not. Thank you.

MR. LESAR: All right.

Q. Mr. Ray, after you were -- you have testified, I believe, that you have been in solitary confinement for a very long period of time since the guilty plea?

A. That's right.

Q. And prior to the guilty plea you were in solitary confinement eight months, and then subsequent to that when you were transferred to Nashville were you then told you would remain in solitary confinement there?

MR. HAILE: Your Honor, that wasn't covered on cross examination either.

MR. LESAR: I believe there was a considerable amount of his present conditions by General Haile, a lot of records about his various suits, and I just wanted to draw out one or two particular points.

THE COURT: All right. I overrule the objection.

BY MR. LESAR:

Q. Who was in charge of the institution in Nashville at

that time?

A. Well, it would be Mr. Harry Avery who was correctional commissioner. He wasn't in charge of the institution, but he was running things.

MR. HAILE: Your Honor, could we have a bench conference on this?

THE COURT: Yes.

(The following proceedings were had at the bench:)

MR. HAILE: Mr. Avery was commissioner of corrections at the time Ray was transferred to Nashville. And apparently he tried to pressure Ray. The allegation has been made and never been proved one way or the other to give him the rights to some book, and also to -- the allegation has been made to hire such and such an attorney. Mr. Ray wrote a letter --

MR. LESAR: You know what attorney that was?

MR. HAILE: I have no attorney, this is true.

THE COURT: Wait a minute now.

MR. HAILE: Mr. Ray apparently wrote the governor about this. And the governor conducted some investigation and Mr. Avery was discharged from his position as commissioner of corrections shortly thereafter.

Now, whether there was a connection between Mr. Avery's alleged attempt to pressure Mr. James Earl Ray and his discharge, I don't know. I have my opinion, and I am sure Mr. Lesar has his. I know Mr. Ray has his opinion. He has told us in court before.

But his attempts to pressure him were apparently unsuccessful, and he was discharged, and there is no sense in trying Mr. Avery up here today. He is an old man, and whatever he did, right or wrong, is not a material issue in this case.

I don't think you should be up here at Mr. Avery's expense going into this.

THE COURT: I don't know why counsel is bringing this up. I am inclined to agree that what Mr. Avery did is not relevant to induce a voluntary guilty plea.

MR. LESAR: That's not the point of it. General Haile has run through a long list of lawsuits that Mr. Ray has filed, and I guess the inference is that they were frivolous, or I am not sure but what I am trying to get at is that Mr. Ray was told by Mr. Avery that if, as a condition -- the condition of his release from solitary was that he would drop his legal appeals.

I think this puts in context a whole long fact not to agree to conditions which put him in a special category, and which would cause him to break his will to resist.

THE COURT: Do you intend to pursue the firing or the alleged prosecution?

MR. LESAR: No.

THE COURT: All right.

MR. HAILE: Well, Mr. Avery is not here and this is, at best, a collateral issue.

MR. LESAR: Neither is Mr. Foreman or Mr. Huie.

MR. FENSTERWALD: You can get Mr. Avery here.

MR. HAILE: We are not interested in trying Mr. Avery.

THE COURT: As I understand, Mr. Lesar wants to have established that he was told by the commissioner of corrections, or institutions, whichever the title is, that if he didn't drop his appeals he would be kept in solitary. I think this is certainly closely associated with the predecessor of the present respondent, the warden, and it is admissible.

Mr. Lesar, if you get into the dispute between Mr. Avery about his own personal involvement, the court will stop you. I think that's a collateral

issue, and could not have any bearing on the issues in this lawsuit.

MR. LESAR: All right.

THE COURT: Mr. Avery -- I would overrule the objection as to this line of questions.

The court makes a distinction between something covered on cross examination and what was not covered on direct.

And while we are here and while we have got Mr. Ray here, if there was some omitted topic you may apply for that. The rule is not as strict. I am not inviting Mr. Lesar to go around again, or to bring up extraneous matters, but I am not going to risk something that counsel overlooked while we have got everybody here, and the marshals, but this does not open the door to what I ruled earlier, that you get to bar experts and things like that.

MR. FENSTERWALD: All right.

(The following proceedings were had in open court:)

THE COURT: All right. I think the court's ruling on that point will permit you to go ahead with the understanding that we will not get into collateral issues.

BY MR. LESAR:

Q. Mr. Ray, did the commissioner of corrections, Mr. Avery, ever indicate to you that there were conditions attached to your confinement in solitary?

A. Yes, sir.

Q. And what were those conditions?

A. Well, the first one was that I would cooperate. They had to have certain information for orientation, and all of that, and I would give certain information, my domicile, and past record, and all that. That would be the first one.

And after that he did suggest I would probably -- the first time he told me I would probably get out if I furnished that information.

Then after that information was furnished he referred to when I would get out, if and when I would get out, and he said probably I would have to drop appeals, or something like that, the ones I had going.

Then he said he was speaking for the highest authority.

Q. Well, has any other commissioner or prison official communicated with you a similar position?

A. Well, August 1, 1972 I was called off the yard and segregated again.

At that time Warden Rose, who was deputy under Mr. Avery, also communicated evidently the same thing, and he had more on other things, such as if I escaped it might

embarrass the administration. But he reiterated what Mr. Avery told me about this litigation and these appeals, and probably I would get out if I would drop these appeals, or they were terminated, or something to that effect.

Q. Now, was there -- after Mr. Haile had examined you at some length on various suits which you had filed, and which had been filed for you, and I believe he omitted one. Do you recall what that one was?

A. Yes, I believe so. I think just about approximately the same time I filed this pro se suit for confinement relief I believe the defendants, Mr. Haile was one of them, and there were four or five other prison officials, and the commissioner -- I don't know if it was shortly after or before I was called down to the deputy warden at the prison, and he informed me that the administration intended to send me to the federal prison in Springfield, which I think primarily some type of mental institution.

Q. And you filed the suit to try and stop that then?

A. Yes, sir, I think the same day I read the newspaper and shortly thereafter I filed more or less a delaying tactic, a temporary restraining order with Judge Norton.

Q. Do you know if about that time your attorneys tried to telephone you about that transfer and were unable to talk with you?

A. I never did talk with attorneys about it on the phone.

Q. Did you subsequently learn it was against the law to transfer you to Springfield?

MR. HAILE: I object to whether or not it was against the law. He lost the suit, I might add.

THE COURT: All right. I sustain the objection. It is bound to be hearsay if he subsequently learned it.

MR. LESAR: All right. I will withdraw it.

Q. I would like to show you this undated letter that begins, "Mr. Ray," with three dots after it, and see if you can identify that?

A. Yes, this is a letter Mr. Huie sent me in the early part of our association.

Q. You are sure it is not a forgery now?

A. No, I don't believe it is a forgery. I specifically recall a letter with some of these questions in it.

Q. Is it signed?

A. There doesn't appear to be any signature on it.

Q. But the style of it appears to be who would send it?

A. I believe that's his style.

Q. Well, the questions would be the type asked by

Mr. Huie?

A. Yes.

MR. LESAR: I would like to submit this.

THE COURT: Show it to Mr. Haile.

MR. LESAR: This comes from the prosecution files.

MR. HAILE: Your Honor, this appears to be the first page of a letter.

MR. LESAR: We were not provided with anything else.

THE COURT: All right. Let me see it, please.

MR. HAILE: It is not signed because the second page isn't there.

(Document passed to the court.)

MR. HAILE: It doesn't say sincerely blank, Your Honor.

THE COURT: All right, Mr. Lesar, I see your point, but it is going to have very limited probative value.

I think it is another little collateral difference of opinion between counsel.

It came from the prosecution and he said it isn't signed, and you have a smile on your face and say that's all that is, and I will let you admit it, but --

MR. LESAR: There were a couple of similar communications after that that General Haile objected to.

THE COURT: In all fairness I must advise that the hearing is not going to stand or fall on that exhibit.

MR. LESAR: I hope so.

THE COURT: What is the number?

THE CLERK: 147.

(The document above referred to was marked Exhibit 147, to the testimony of the witness, and same will be found among the exhibits hereto.)

MR. LESAR: I have just one further set of questions, and this is something which I overlooked on direct.

THE COURT: All right, with the understanding that counsel for the respondent may have recross on this topic.

BY MR. LESAR:

Q. Was it your understanding that when Mr. Foreman came into the case that he would take no other cases during the time that he represented you?

A. Well, I got that distinct impression from what he told Judge Battle in the early period of his representation.

Q. And do you have any knowledge of any cases that he did take?

MR. HAILE: I object. That would be hearsay. And I move that you strike his previous answer,

because any impression he got would be only from the statements of Mr. Foreman in court, and that speaks for itself.

THE COURT: I will sustain the objection to the latter question, and I overrule the motion to strike earlier part, and will put it in the category of other types of testimony that go to try to let the witness state what his impressions were or state of mind was.

I agree that whatever Mr. Foreman said speaks for itself.

MR. LESAR: That's all, Your Honor.

THE COURT: Do you have any recross on any area covered by the redirect?

MR. HAILE: Yes.

RECROSS EXAMINATION
BY MR. HAILE:

Q. What cases was it you had pending on October 1, 1972?

A. October 1, 1972?

Q. I just remember that date; that's the day --

THE COURT: Excuse me. I got August 1st.
Which day do you mean?

THE WITNESS: August 1, 1972.

BY MR. HAILE:

Q. What was pending at that time?

A. What was pending?

Q. Yes, sir.

A. Well, I believe a habeas corpus was pending, wasn't it?

Q. This one wasn't filed until December of 1972, and this one had been overruled by the state court, hadn't it?

A. I don't believe there is any question that the attorney general's office -- that federal action would be taken from the state court. I don't know if it had been filed or not.

Q. You can't remember any others that were pending, can you?

A. On August 1st?

Q. Yes, sir.

A. Nothing except the appeal in the habeas corpus on the criminal case.

Q. Well, now, this habeas corpus hadn't been filed. It was filed just before Christmas of 1972, because the way you remember is that you went into the lock-up about that time to work on it, right?

A. No. The attorneys were working on it. The only thing I have been involved in is these confinement suits.

Q. Isn't it true that there wasn't anything pending on August 1, 1972?

A. There was a transition period from the time the

But I think it would be common knowledge that it would be taken to federal court.

Q. But as a technical matter it would be impossible for Mr. Rose to tell you you could get out if you terminated the legal action?

A. Well, if that terminated the legal action.

Q. Let's go on about this other that was to prevent your transfer to a federal institution. That was in the United States District Court in Nashville?

A. Yes, sir.

Q. That was before Judge Morton?

A. Yes.

Q. Do you remember the outcome of that suit?

A. I think he denied it the next day or so.

Q. Denied it before I could get my response out to you?

A. Yes, that's correct.

MR. HAILE: That's all.

MR. LESAR: I have a question or two.

THE COURT: Is this re-redirect?

MR. LESAR: Re-redirect.

RE-REDIRECT EXAMINATION

BY MR. LESAR:

Q. Do you remember when in August you were transferred to solitary?

A. I was out four days, and I believe I was called in

August 1st.

Q. Were you transferred from another prison?

A. I was transferred to Brushy Mountain, and I went before a review board and they released me in the population

Q. How many days were you in the general population in Nashville before you were put back in solitary confinement?

A. Four days, I think, until the politicians heard about it. I think that was Mr. Rose's words.

Q. Do you remember in that four-day period between the time you were transferred from Brushy Mountain and put back in solitary, you received a visit from anyone?

A. I believe I was locked up on Friday, and then I had a visit from present counsel on Saturday and Sunday, and was locked up on Tuesday.

Q. The present counsel did discuss the habeas corpus petition with you?

A. Yes, sir.

MR. LESAR: Thank you.

THE COURT: Any re-recross?

MR. HAILE: No, sir.

THE COURT: Before Mr. Ray steps down, let me see if I don't have some questions, please.

BY THE COURT:

Q. I know one question that I have.

Would you explain the distinction that you make with

regard to the hearing at the guilty plea session wherein you used the words stipulation and voir dire? I want to be sure I understand what you mean by those words. Would you tell me that, please?

A. Yes. Before this case I wasn't familiar with stipulations. These are the only guilty -- in an average case you enter a plea, and the judge asks a few questions. I was under the impression that this voir dire was stipulations, and, of course, we had negotiated, I think it was over a period of, I guess, ten days, and it was my recollection there were three sets of stipulations that we had discussed, the first fifty-six, and I think fifty-five I have seen both, and I have a recollection there was another set, a third set.

And the fourth set, I think the last one we discussed I think that was on Sunday, March 9th, and that was voir dire.

Q. What was that? Did it look like a stipulation?

A. No, it didn't look like stipuations.

I think the stipulations -- well, it was on the same type paper, but I think now the stipulations had numbers on them, and I don't believe the voir dire had numbers on them.

Q. What was conducted in the presence of Judge Battle on March 10th? Did they voir dire you, or read the stipulations? I want to know what words you were using.

A. Well, I was under the impression Judge Battle would read the stipulations, and at the end the stipulations were

the voir dire, and me and Mr. Foreman discussed that. I think it was on March 9th, and I was supposed to follow over his shoulder, and when the judge asked me I would read the bottom line, what the answer would be.

Q. That didn't happen, did it?

You said you thought that was what would happen?

What did happen?

A. Well, that's essentially what happened. I think the judge read the voir dire and I looked over Mr. Foreman's shoulder and just read off what I thought was supposed to be read. I think it may have been a no, sir.

Q. Did he read one statement and ask if that was correct, or did he read them all and ask if that is all correct?

A. Judge Battle read them all.

I don't have a recollection if he did read them all. I understand he may have left one of them out, but I am not even sure I followed the voir dire all the way through. I started out, I recall that, but I don't have no recollection whether I followed him all the way through.

Q. All right. Tell me again about you meeting with Messrs. Bevel and Rutherford. I didn't understand what the topic of that was. Would you tell me about that, please?

A. Actually I didn't say too much. Mr. Bevel and Mr. Rutherford and Mr. Foreman came up there, was on the outside of the cell, and Mr. Bevel talked about twenty

minutes. And his theme was that he had information that would help me and he was interested in defending me as co-counsel with Mr. Foreman. I don't remember all the other -- he went into a lot of details, and I think toward the end I replied to him, my reply was Mr. Foreman was my chief counsel and he would have to decide who was co-counsel.

I think Mr. Foreman cut in and said that's correct, but I couldn't hear too well what Mr. Foreman said.

Q. Was Mr. Bevel an attorney?

A. I believe he was a minister, and I think he said he had experience in per se matters defending himself.

Q. What about Mr. Rutherford?

A. I believe he was a minister too.

Q. I made this note, and I don't mean to say this is verbatim what you said, but it says Bevel did most of the talking for fifteen or twenty minutes, was trying to take care of the family?

A. No, there was no mention of the family.

Q. He was going to assist Mr. Foreman in defending you?

A. I think he wanted to be co-counsel.

Q. But he was not a licensed lawyer?

A. No, sir.

THE COURT: Thank you. I believe that is all.

MR. FENSTERWALD: Your Honor, I wonder if I might ask one question that might clarify this

question of voir dire.

I didn't understand his answer. I don't know if the court did or not.

THE COURT: All right.

REDIRECT EXAMINATION
BY MR. FENSTERWALD:

Q. I have a copy here of the voir dire, and it is identified and signed by Judge Battle. I don't know if Mr. Haile wants to look at it or not.

(Document passed to counsel.)

MR. FENSTERWALD: Your Honor, this is in the exhibits signed by Judge Battle, but this is not signed by Judge Battle. I don't want to get into the substance of the voir dire, but what went on at the time it was done.

MR. HAILE: Well, there were some other things attached.

MR. FENSTERWALD: I don't think it should be an exhibit unless the court wants to.

MR. HAILE: Maybe it should be made an exhibit.

MR. FENSTERWALD: I will ask then.

THE COURT: All right.

BY MR. FENSTERWALD:

Q. My only question -- if you will look at that for just

a moment. That is actually the voir dire that was done?

A. I have some recollection that I made a statement when he was asking about being guilty, legally guilty.

I am not trying to be evasive about this voir dire, but I found myself at that time in a legal position where I would have had to answer them regardless of what was in there.

Q. Let me ask you a question about the procedure.

Did either you or Percy Foreman have a copy of this before you, and when the judge would ask you questions and it said defendant, would you read off the answer?

A. I think Mr. Foreman had this lying on the desk, and I was kind of looking over his shoulder, and he said something about just follow the paper, or something to that effect.

Q. Was it like follow the script?

A. Yes. We discussed this beforehand, I think the day before that.

MR. FENSTERWALD: That is all the questions I have.

The only point I was trying to make, and I think it is factually what happened, is that this script was written out in advance and Judge Battle would ask a question.

MR. HAILE: That is not in evidence.

THE COURT: Well, we have a transcript. I was

just trying to find out what terms Mr. Ray was using about stipulations and voir dire.

MR. HAILE: I think we agree that the voir dire is what he is talking about.

THE COURT: Let me see it.

(Document passed to the court.)

THE COURT: This appears in the transcript, maybe not in this form?

MR. FENSTERWALD: The reason we were going to use that is that I think that is the form that was used on that day.

MR. HAILE: Your Honor, it is not. This is argument. He has tried and can't get Mr. Ray to say that, and now he is going to testify.

THE COURT: Do you want to put it in,

Mr. Fensterwald?

MR. FENSTERWALD: I would like to.

MR. HAILE: We don't object.

THE COURT: All right.

(The document above referred to was marked Exhibit 148, to the testimony of the witness, and same will be found among the exhibits hereto.)

RE-CROSS EXAMINATION

BY MR. HAILE:

Q. Mr. Devel sent you a telegram, didn't he?

A. I have a recollection he sent some correspondence.

- Q. And he said I know you are innocent, right?
- A. He didn't come off just like that. He said he had information that was exculpatory. He didn't use that term, and he said he was interested in representing me in defense.
- Q. And you wrote him a letter and said for him to contact Mr. Foreman, didn't you?
- A. I don't think he got the letter, and Mr. Foreman intercepted the letter from the sheriff or something.
- Q. He didn't want him coming up there?
- A. He didn't want me writing him letters I don't think.
- Q. He didn't want you writing James Bevel letters?
- A. He was kind of upset with Mr. Bevel later on.
- Q. He didn't think he knew what he was doing?
- A. He made a few derogatory remarks about him.
- Q. Bevel later went to Judge Battle and wanted to get Foreman out and demanded to be allowed to represent you?
- A. That's the first I have heard about that.
- Q. Here are a couple of letters and here is a telegram, I think.

(Documents passed to opposing counsel.)

MR. LESAR: Did General Haile state where they got the telegram?

MR. HAILE: No, sir.

THE COURT: Is it to him?

MR. HAILE: Yes.

THE COURT: Ask what he knows about it, and if he can't testify about it we will have to introduce it by somebody else.

MR. HAILE: I got it on discovery under one of Your Honor's orders.

THE COURT: Does that tell you?

MR. LESAR: No, I don't think it does. I would like to see it.

MR. HAILE: You can see it and you can have a copy of it.

THE COURT: Do you want to ask about it?

BY MR. HAILE:

Q. Can you identify it?

A. Yes.

Q. Is this the letter you wrote him?

A. This is the one I was supposed to consult him, I believe, or something.

THE COURT: All right. Let Mr. Lesar and these gentlemen be seeing that.

MR. HAILE: I might add, Your Honor, the probative value is limited, but it might clear up this matter about Mr. Bevel.

I don't want to testify, but Mr. Bevel apparently had certain information he thought would be helpful to the defense. He sent a telegram, and Mr. Ray

wrote a letter and said see Mr. Foreman, and he did, and he and Mr. Foreman had a conversation with Mr. Ray, and Mr. Foreman repeated his overtures to be co-counsel, apparently, because he wasn't a lawyer, and later Mr. Bevel made an attempt to get into the case anyhow, which was rejected.

THE COURT: All right.

THE WITNESS: This here, I don't think -- I did mail the letter, but I don't think this is in final form here.

Sometimes I will write a letter and it will be a little strong and I will weaken it down.

BY MR. HAYLE:

Q. It is a draft of a letter?

A. Yes, sir. There is something in it I object to.

I thought it may be a draft, and I rewrote it. I have a recollection of rewriting a letter or something.

Q. But that is the letter you wrote?

A. I don't know if that's the one I mailed, but I did write him a letter.

Q. You did write this paper writing?

A. Yes, but I am not positive that is the one I mailed him.

MR. FENSTERWALD: We have no objection to the telegram.

THE COURT: All right. Make that hearing Exhibit 149.

MR. HAILE: We can make this collective.

THE COURT: All right.

MR. HAILE: That is all I have.

MR. LESAR: We have no objection to this.

THE COURT: The clerk will mark the telegram and the other document which the witness has spoken to as Collective Exhibit 149.

(The documents above referred to were marked Collective Exhibit 149, to the testimony of the witness, and same will be found among the exhibits hereto.)

THE COURT: All right. This is the end of the testimony of Mr. Ray, and it is the end of the morning.

(Witness excused.)

THE COURT: We will quit at this time.

That is the end of the proof for the petitioner on direct?

MR. FENSTERWALD: It is, Your Honor.

I wonder if it might save some time if we knew who the witness would be.

MR. HAILE: Chief Hutchison, and the second will be Art Hanes, Jr. or Sr., probably Art Jr.

MR. FENSTERWALD: That's very helpful.

THE COURT: All right.

Now, have you changed your estimate on time, Mr. Haile? How many witnesses on that list you gave opposing counsel?

MR. LESAR: I would say about ten.

MR. HAILE: I tried to get enough to muddy it up, though.

I don't intend calling all of them.

THE COURT: Are there any you intend to call that are not subpoenaed?

MR. HAILE: Yes, sir, one or two.

MR. LESAR: We have heard from two of them, Dr. DeMere and Professor Moore. Most of them we heard from when we borrowed them.

THE COURT: All right. Well, he may want to recall them.

We will take another look at how far we have gotten at the end of the day.

Let's adjourn until 1:45.

(Noon Adjournment.)

Mr. LANE. Thank you, Mr. Preyer.

Mr. FITHIAN. To answer your last question, Mr. Ray, no, I was not saying you said in the habeas proceedings you preferred not to answer; I was referring to what you just told me.

Mr. RAY. I thought you were referring to the habeas corpus hearing.

Mr. LANE. Would you give me the page citation, Mr. Fithian?

Mr. FITHIAN. You want me to repeat—

Mr. LANE. Yes, I didn't have the document at that time.

Mr. FITHIAN. 917.

Mr. LANE. Thank you very much.

Mr. FITHIAN. Mr. Ray, during those periods when you resided in Alton, did you visit your uncle, Willie Maher, at his home in Alton?

Mr. RAY. Yes. I used to work for him in 1955.

Mr. FITHIAN. You worked with your uncle?

Mr. RAY. Three or four months, yes.

Mr. FITHIAN. And does Mr. Maher still reside in Alton?

Mr. RAY. I don't know him directly. My brother, I think he said he did. Yes, I believe he said he did.

Mr. FITHIAN. So it is your impression now he still lives there?

Mr. RAY. Yes.

Mr. FITHIAN. Did you come to see or did you contact your uncle, Mr. Maher, while you were in the St. Louis area on about April 29; that is, 6 days after you escaped?

Mr. RAY. No. Me and my uncle, we got in some type of a disagreement in 1959. That's the last time I saw him.

Mr. FITHIAN. Now, your sister, Carol Pepper, lived in the St. Louis area in April 1967, didn't she?

Mr. RAY. Yes; that is correct.

Mr. FITHIAN. Did you contact or see your sister, Miss Pepper, while you were in the St. Louis area?

Mr. RAY. No, sir.

Mr. FITHIAN. Now, as I understand your travels—correct me if I am wrong—you left the St. Louis area by bus on or about April 29 after you arrived there by the train that you caught, and you traveled to Chicago, is that correct?

Mr. RAY. Yes, I caught a bus in Edwardsville, Ill.

Mr. FITHIAN. In the St. Louis area? And then went to Chicago?

Mr. RAY. Yes; that is correct.

Mr. FITHIAN. Do you recall how much the ticket was?

Mr. RAY. From Chicago to—from Edwardsville to Chicago?

Mr. FITHIAN. Yes.

Mr. RAY. It wasn't very much. It couldn't have been over \$6 or \$7.

Mr. FITHIAN. \$6 or \$7.

Mr. RAY. Yes. I think I paid the—I think, if my recollection is not faulty, again I think I paid the bus driver rather than the—I think the ticket office may have been closed.

Mr. FITHIAN. So you boarded the bus and paid, from your memory, about \$6 or \$7 in cash?

Mr. RAY. Yes.

Mr. FITHIAN. When you arrived in Chicago, you then rented an apartment on North Sheffield Avenue, didn't you?

Mr. RAY. The same day I arrived there.

Mr. FITHIAN. The same day you arrived you rented an apartment on North Sheffield?

Mr. RAY. Yes; that is correct.

Mr. FITHIAN. How much rent did you pay for the apartment during your stay there?

Mr. RAY. I really don't recall. I think \$9 or \$10, maybe \$12. It wasn't really expensive.

Mr. FITHIAN. That is about the information the committee has. We have information about \$14 a day, but that is not all that different.

And you would have then been there for 6 days, at that address; I am sorry, 6 weeks?

Mr. RAY. Well, I stayed there. I know I moved out of there after 5 or 6 weeks and moved closer to employment.

Mr. FITHIAN. And as I understand your opening statement to the committee, after you arrived there and got this room at the rooming-house, you obtained employment at the Indian Trails Restaurant in Winnetka, Ill., on or about May 3, 1967; is that correct?

Mr. RAY. Yes; that is correct.

Mr. FITHIAN. And on or about June 5, that is about 1 month later, you purchased a 1959 Chrysler from a private owner for about \$200?

Mr. RAY. \$100.

Mr. FITHIAN. It is a little at variance with the information that I have, but it is not a staggering difference, the \$100 figure, Mr. Chairman. So I think I will pass that by rather than quarrel over it.

In your opening statement to the committee, you indicated that you received information about Canadian immigration procedures from the Canadian consul in Chicago, while you were living there between May and July 1967. Could you clarify for me whether you decided to go to Canada before you left Chicago in July? Had you already decided to go to Canada?

Mr. RAY. Yes, I decided that before I escaped from the penitentiary.

Mr. FITHIAN. I am sorry.

Mr. RAY. I had decided that before I escaped from the penitentiary.

Mr. FITHIAN. You had already decided that you were ultimately going to get to Canada?

Mr. RAY. Yes.

Mr. FITHIAN. Now, in your opening statement to the committee you indicated that you quit your job at the Indian Trails Restaurant on or about June 27, 1967; didn't you?

Mr. RAY. Yes.

Mr. FITHIAN. And you then, after quitting your job, you drove from Chicago to Quincy, Ill., which is a distance of about 280 miles to the southwest of Chicago, and according to your testimony, I believe you said you stayed there, you thought, about 12 days; is that correct?

Mr. RAY. Yes. I am not positive about the number of days. I know I also stayed in an apartment in Chicago at 1640-something Lunt Street. I was there for 4 or 5 days. I am not positive about the days. I wrote the number of days down to—I just assumed it was about that. It couldn't have been too far off. Two or three days either way, one way or the other. I didn't keep any diary or anything.

Mr. FITHIAN. So your best recollection is that you stayed about 12 days in Quincy and returned to Chicago and stayed at a Lunt Street address for about 4 days, did you say?

Mr. RAY. I wouldn't really want to take an oath on that, but I know I was in the Lunt Street address and Quincy.

Mr. FITHIAN. OK. Now, could you recollect for the committee about how much you spent on traveling expenses on that trip?

Mr. RAY. From Quincy to—

Mr. FITHIAN. From Chicago to Quincy back to Chicago.

Mr. RAY. I spent very little. I probably could recollect it if I thought about it quite a bit, and I can't recollect just how much I spent. I know it was—I know the hotels I stayed in Quincy, Ill., one of them was on Second and Oak Street and one of them on Second, Third, and Oak Street, and both of these hotels were inexpensive. I know once or twice—

Mr. FITHIAN. About how much? What is your definition of "inexpensive?"

Mr. RAY. \$1.50 a day.

Mr. FITHIAN. And then, OK. So you would have had about \$1.50 a day for 12 days, or thereabouts, and you would have had the cost of the 280 miles down and 280 miles back in terms of gas and oil and whatever it cost you to eat; is that correct?

Mr. RAY. That is correct.

Mr. FITHIAN. You indicated in your opening statement to the committee that you returned to Chicago after about those 12 days in Quincy, intending, or in order to pick up your last paycheck, didn't you? Isn't that what you told the committee?

Mr. RAY. Yes, I believe there was some holdup on the paycheck.

Mr. FITHIAN. Were you paid weekly or how?

Mr. RAY. Weekly, yes.

Mr. FITHIAN. It was a weekly paycheck?

Mr. RAY. Yes.

Mr. FITHIAN. Now, your testimony is that you stayed at the Lunt Street address for 4 days. Are you sure you stayed that long?

Mr. RAY. I am really not positive. It is a possibility I stayed at the Lunt Street address until I got my check and then went to Quincy, Ill. I am not certain, but I know I stayed at the Lunt Street address because I had lived there before while I was working in Winnetka, but I just don't know exactly the dates. On these dates, I have got these dates out of books. I don't have no clear recollection of where I was at on those dates.

Mr. FITHIAN. Well, now, did you have any source of income other than your pay from the Indian Trails Restaurant, between the time of your escape and the time you left Chicago in early July?

Mr. RAY. No.

Mr. FITHIAN. Do you recollect how much money your total income was from the restaurant?

Mr. RAY. Well, I seen it written down somewhere. I really couldn't say. During the period I worked there I was making, I must have made over \$1,000, but I can't—

Mr. FITHIAN. The information that we have is about \$665.

Mr. RAY. After income tax?

Mr. FITHIAN. Yes.

Mr. RAY. That might be right.

Mr. FITHIAN. That is about right, in any case?

Mr. RAY. Yes.

Mr. FITHIAN. After you had picked up your last check in Chicago, did you then go to the St. Louis area in early July 1967?

Mr. RAY. Yes, I went to East St. Louis, yes.

Mr. FITHIAN. And the purpose was to see relatives?

Mr. RAY. That was my intentions, yes.

Mr. FITHIAN. I am sorry.

Mr. RAY. That was my intention. I was thinking about it, yes.

Mr. FITHIAN. Not that this is all that significant, but if I remember my Illinois map, Quincy is a lot closer to the East St. Louis area than Chicago. You had 12 days when you were in Quincy, but you didn't visit your aunt, or you didn't find anybody who you were visiting with there.

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?

Mr. 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 knew had since died, since I had 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 Crawley. Other than that I can't think of anyone that knew me. I know I inquired about several people and they had died.

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

Mr. RAY. Yes, sir.

Mr. 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?

Mr. 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. I think the records will stipulate where I was at. I don't know if the committee has the records of the hotels I was in in Quincy and the places I lived in in Chicago on Lunt Street.

Mr. FITHIAN. Tell me another thing. As a fugitive from a prison break, were you concerned about your relatives, that there might be a stakeout, that they might be under surveillance if you called on them in the East St. Louis area?

Mr. RAY. Well, I thought about that but I was thinking about sending someone to see them. However, in Quincy, Ill., I had never been arrested in Quincy. I really wasn't very concerned about the police in Quincy.

Mr. FITHIAN. You were a little more nervous about going into the East St. Louis area and visiting your other relatives?

Mr. RAY. Yes, I would.

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

Mr. RAY. No; I didn't.

Mr. FITHIAN. Well, now, you did tell the committee, didn't you, that though you didn't feel safe contacting your relatives there, you did contact Jerry Ray in Chicago on several occasions?

Mr. RAY. I had several—I did contact an individual in St. Louis. But to get back to your question, yes, I did contact Jerry Ray about three times in Chicago, Ill.

Mr. FITHIAN. But you weren't concerned that there would be a stake-out there? I guess I am having difficulty—

Mr. RAY. Yes, I was a little bit concerned. I used to call him and we would meet at a certain rendezvous in the bars.

Mr. FITHIAN. You couldn't figure out that kind of an arrangement for John and Carol, the people down in the St. Louis area?

Mr. RAY. Well, John Ray, I didn't even know his address, and I don't think he had a phone, and at that time I don't know if—I knew his sister's address. I don't know if she had a telephone or not.

Mr. FITHIAN. So, anyway, your testimony to the committee is that after you decided to go to Canada, you traveled in 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?

Mr. RAY. Well, I visited a close friend down there named Jack Gawron. I 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.

Mr. FITHIAN. OK.

Could you help me out with your travel expenses on the trip from Chicago to East St. Louis?

Mr. RAY. Well, they weren't very expensive. I know I slept in the car one night. I recall a State trooper asked me about what I was doing. I told him I was sleepy. I did have some problems with the car on the way to East St. Louis.

Mr. FITHIAN. That is a 300 mile trip and the reason you stayed overnight, one night in the car, is you were having car trouble?

Mr. RAY. That was to conserve money.

Mr. FITHIAN. But the reason it took you more than 1 day, I guess, perhaps, is that you had some car trouble?

Mr. RAY. The car trouble didn't cause me all that delay. When I would go in the service station, if it was stopped, it would take 2 or 3 hours to start it, until it cooled off.

Mr. FITHIAN. It took a day and part of another day?

Mr. RAY. Yes, sir.

Mr. FITHIAN. All or part of 2 days?

Mr. RAY. Yes, sir.

Mr. FITHIAN. Mr. Ray, did you buy another automobile on July 14 in the East St. Louis area, a 1962 Plymouth?

Mr. RAY. Yes; when I arrived in East St. Louis I was still having trouble with the Chrysler and I sold it for \$50 and the next day I purchased a Plymouth for \$195, maybe it was \$200, and I had some trouble purchasing it.

Mr. FITHIAN. OK, let me just understand what you have said. You said you arrived down there, you were having trouble with the Chrysler, and sold it one day and received \$50 for it?

Mr. RAY. Yes, sir.

Mr. FITHIAN. The next day you bought a Plymouth for about \$200?

Mr. RAY. Yes, sir.

Mr. FITHIAN. Give or take.

And that purchase was on July 14?

Mr. RAY. I believe that is what the books said. I don't have no independent recollection. I will assume that is the correct date.

Mr. FITHIAN. Your own recollection of your movements wouldn't make that date—

Mr. RAY. No.

Mr. FITHIAN. Now, you have indicated that the Plymouth cost you about \$200, that you had left with how much from East St. Louis trip for Canada? What did you say you had?

Mr. RAY. When I left East St. Louis?

Mr. FITHIAN. When you took off for Montreal?

Mr. RAY. I had very little. I think I had maybe a little over \$200, \$260 or \$270, something like that.

Mr. FITHIAN. OK. So it is somewhere in the range of \$250, give or take \$20.

Now, did you leave for Montreal right after purchasing the car?

Mr. RAY. The Plymouth?

Mr. FITHIAN. Yes.

Mr. RAY. Yes, I am positive, yes, I left for Montreal after purchasing the car.

Mr. FITHIAN. Montreal is about 1,000 miles from St. Louis.

As I understand your travels, Mr. Ray, you eventually ended up in Montreal within 2 or 3 days?

Mr. RAY. Yes, sir.

Mr. FITHIAN [continuing]. After you left East St. Louis.

Mr. RAY. That is correct.

Mr. FITHIAN. And how much money did you spend on your trip from East St. Louis to Montreal, that 1,000 mile, 3-day trip?

Mr. RAY. Well, I really can't say. I think I stayed the first night, I stayed in a cheap motel in Indianapolis.

Mr. FITHIAN. Cheap would be defined roughly in what range?

Mr. RAY. \$2 or \$3. I think another day in Canada I slept along the road, and I think when I got in the environs of Montreal I stayed a part of a day in a motel 3 or 4 hours, to the best of my recollection.

Mr. FITHIAN. So you would have had one more motel bill?

Mr. RAY. One more motel bill?

Mr. FITHIAN. For staying there that part of the day.

Mr. RAY. Yes, for the part of the day.

Mr. FITHIAN. Then your gas and oil and food for the 1,000 miles—did you spend anything else?

Mr. RAY. No, I didn't, except food and gas, that was it.

Mr. FITHIAN. Mr. Ray, had you been to Montreal before?

Mr. RAY. Yes.

Mr. FITHIAN. And did you know anyone in Montreal?

Mr. RAY. No.

Mr. FITHIAN. When you arrived in Montreal did you rent a room at the Har-Kay apartments which required you to pay \$150 in cash in advance?

Mr. RAY. Yes.

Mr. FITHIAN. And in your opening statement to the committee, you said that you spent a total of \$50, that is, \$25 on each of two successive nights, on prostitutes shortly after you arrived in Montreal, is that right?

Mr. RAY. Yes, sir.

Mr. FITHIAN. Now, I am trying to add up your total expenditures here.

You purchased a 1962 Plymouth for about \$200, and you traveled 2 or 3 days, 3, I guess, according to your testimony just now, from East St. Louis to Montreal, which is a distance, as I have indicated, of about a thousand miles. How did you pay for the gas and oil? Did you pay cash, credit card, or what?

Mr. RAY. Cash.

Mr. FITHIAN. And about how much would that be?

Mr. RAY. I have no idea. Gas——

Mr. FITHIAN. Did the Plymouth get good mileage?

Mr. RAY. Yes.

Mr. FITHIAN. And you paid a deposit of \$150 on a room, is that correct?

Mr. RAY. Yes.

Mr. FITHIAN. Then you spent \$50 more on prostitutes, is that right?

Mr. RAY. \$50 on what?

Mr. FITHIAN. On the prostitutes the two nights.

Mr. RAY. Yes, sir.

Mr. FITHIAN. OK. Now, whatever it might have cost you for gas, motels, et cetera, the other identifiable costs are \$400.

As I understand your testimony yesterday, and your answers to Mr. Stokes today, you said you robbed a house of prostitution of about \$1,700, is that correct?

Mr. RAY. That is correct.

Mr. FITHIAN. And was it at that point that you bought a considerable amount of clothing?

Mr. RAY. I believe it was the next day or the day after that.

Mr. FITHIAN. This was at the Tip Top Clothing Store?

Mr. RAY. I believe that is correct, yes.

Mr. FITHIAN. I don't want to reiterate this ground. You did tell your first attorney, Arthur Hanes, it was a supermarket that you robbed in Montreal and not a house of prostitution?

Mr. RAY. I told him the first time it was a house of prostitution and I think about a——

Mr. FITHIAN. Then the second time you told him it was a supermarket?

Mr. RAY. That is right.

Mr. FITHIAN. Did he wonder at the disparity of those two statements?

Mr. RAY. Well, the second time I told him we were having trouble. In fact I think I gave this committee letters.

Mr. FITHIAN. I understand that response here. I was just trying to refresh my own memory that you did tell him once it was a house of prostitution and the other time it was a supermarket.

Mr. RAY. That is correct.

Mr. 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?

Mr. RAY. No.

Mr. FITHIAN. But you would expect that if it were a supermarket?

Mr. RAY. Yes.

Mr. FITHIAN. And so, Mr. Chairman, and Mr. Ray, it would seem to me that there isn't any way that this committee could establish through police records that you did, in fact, rob a house of prostitution; isn't that true?

We are not going to find that. You couldn't find that on the police records?

Mr. RAY. I don't know if the committee has checked or not.

Mr. FITHIAN. Just from your own understanding of the law, which seems to be pretty good, I compliment you on that.

Mr. RAY. I would think usually prostitution and gambling houses take care of their own legal problems.

Mr. FITHIAN. So they wouldn't report it to the police? That was my speculation.

Mr. RAY. I wouldn't think they would; no.

Mr. FITHIAN. Mr. Ray, I would like to turn now to an incident of bank robbery which has been alleged to have been your source of funds for most of your expenditures in 1967-68.

On July 13, 1967, the Bank of Alton, Ill., was robbed by at least two masked gunmen, one carrying a shotgun, the other carrying a handgun. The robbery remains to this day unsolved, but it netted the robbers approximately \$27,000.

Were you in Alton on the day prior to the automobile purchase, that is, July 13, 1967?

Mr. RAY. No, sir, I wasn't in Alton all during the period I was on escape.

Mr. FITHIAN. But you were in the East St. Louis area on July 13?

Mr. RAY. No; I don't believe I was in the East St. Louis area on the 13th. I think I was in Chicago.

Mr. FITHIAN. Wait a minute. I don't want you to miss—remember what you told me just 5 minutes ago? We were talking about the purchase of the Plymouth, which was on July 14, and you told me of your own volition that you sold the Chrysler the day before, that is July 13.

Mr. RAY. Then I was there on the 13th.

Mr. FITHIAN. You were in the area on the 13th?

Mr. RAY. Yes.

Mr. FITHIAN. Now, are you aware that the Bank of Alton was robbed on your brother Jerry's day off from his job in Chicago?

Mr. RAY. Jerry's day off?

Mr. FITHIAN. In Chicago, are you aware of that?

Mr. LANE. Is that the date, it was robbed on Jerry's day off? Is that how the records show it?

Mr. FITHIAN. July 13.

Mr. LANE. That is Jerry's day off?

Mr. FITHIAN. I was asking if he was aware of that.

Mr. RAY. I really wasn't aware of that.

Mr. FITHIAN. John Ray was in the Alton-St. Louis area at that time, wasn't he?

Mr. RAY. Was that his day off, too?

Mr. FITHIAN. Well, maybe you could tell us.

Mr. LANE. It looks like it was everybody's day off right now, Mr. Fithian.

Mr. FITHIAN. Are you aware that your brother John Ray was involved in at least five bank robberies in 1969 and 1970, and was

assisted by Jerry on at least one of those five robberies, all of which had remarkable similarities to the Bank of Alton robbery?

Mr. RAY. No; John Ray told me he was framed by William H. Webster, now FBI Director. John Ray got 18 years and the actual bank robber got 18 months.

Mr. LANE. The statement that Jerry Ray and others were involved in these bank robberies seems to me to be one of the most outrageous violations of your congressional immunity, and you know the FBI investigated this and that neither Jerry nor John Ray were indicted or charged, and these took place years ago.

I ask you, Mr. Fithian, to shed your congressional immunity for 5 minutes and repeat that statement so Mr. Ray, Jerry Ray and John Ray, can have this question settled before a real court, then we will be a—

Mr. PREYER. Mr. Lane.

Mr. LANE. I ask you to do that instead of making those outrageous, irresponsible charges.

Mr. PREYER. The only objection that would lie to that question would be whether it was pertinent or relevant. There is no fifth amendment charge or defense available as to Jerry and John Ray.

Would Congressman Fithian state how this matter is relevant? You are going into the financial situation.

Mr. FITHIAN. If I may, it is extremely important, I think, if we are going to get at all the truth for the American people, which both Mr. Ray and his counsel have insisted repeated today, that we try as a legislative body—I am not trying to try anybody, we are not a trial court—but it is important that we try to get all of the information that we can. That is what they have insisted on and that is what we have insisted upon. It seems to me we are all going down the same road.

Mr. LANE. You have been making charges. We are way back in the McCarthy period.

Mr. FITHIAN. If I may be heard on this point.

Mr. PREYER. Just a moment, Mr. Lane. You are recognized, Mr. Fithian.

Mr. FITHIAN. In the course of this investigation, Mr. Ray, prior to our conclusion, this committee will present substantial evidence to support what I have just said. Perhaps we can defer any comments you would make on it until that time and simply ask you whether or not you, James Earl Ray, or any of your brothers, to your knowledge, were involved in the Bank of Alton robbery on July 1967?

Mr. RAY. No; to my knowledge, I wasn't, and to my knowledge, I don't know if they were. However, my brother, John Ray, has—

Mr. FITHIAN. Are you aware—

Mr. LANE. Could he be allowed to finish his answer? Is that allowed here?

Mr. FITHIAN. I am sorry.

Mr. LANE. You could tell he hadn't finished.

Mr. PREYER. The witness may answer if you have anything further to add.

Mr. RAY. In respect to John Ray, he did 7 years for bank robbery, aiding and abetting a bank robbery in St. Anns, Mo. He claims he didn't do it. After he did 7 years he made a parole. I believe he made

parole in June of this year. And he claims that you interceded with the FBI to have his parole revoked and sent him back to prison.

So I can see why you would want to clear up some cases for the FBI. But I really don't have any knowledge of these bank robberies, especially what my brothers are doing out there, and these bank robberies that you are talking about that my brother committed were committed in 1969 or 1970, weren't they? I was already in the penitentiary.

Mr. LANE. I object to any questioning of bank robberies which took place after the murder of Dr. King, unless it is suggested that Mr. Ray was giving IOU's based upon a bank robbery which would take place sometime in the future. I think it is irrelevant.

Mr. PREYER. The question that was asked, whether Mr. Ray was aware of his brothers' involvement in bank robberies, is a proper question. We are not trying to clear up cases for the FBI. As far as I can tell, as I understand the question, it is limited very narrowly to that point whether Mr. Ray was aware of it.

Mr. FITHIAN. He says he is not aware of it—

Mr. LANE. Bank robberies which took place while he was in the penitentiary. How could that be relevant? We are entitled to make a specific objection. And you have the responsibility of making a specific ruling. That is your rule 3.5.

Mr. PREYER. Known as the rule—

Mr. LANE. May I state my objection?

Mr. PREYER [continuing]. On subsequent and similar conduct.

Mr. LANE. Is it possible to state my objection, Mr. Preyer?

Mr. PREYER. Let's move on. We have ruled.

Mr. LANE. You have ruled and now that you have ruled may I make my objection, that you have ruled on?

Mr. PREYER. We don't need to pursue the matter any further.

Mr. LANE. The American people will judge that.

Mr. FITHIAN. Mr. Ray, are you personally aware that some of the physical evidence from the Alton bank robbery on July 13, such as clothing worn by the robbers, the shotgun, were found abandoned 1½ blocks from your uncle's home?

Mr. RAY. From my uncle's home?

Mr. FITHIAN. Yes.

Mr. RAY. At the time I didn't know where my uncle was living at.

Mr. FITHIAN. So you are not aware of that then?

Mr. RAY. No.

Mr. LANE. Is it suggested that his uncle was involved and dropped it off a block and a half from his home so that several years later you could ask that most relevant question? Is that what you are suggesting?

Mr. PREYER. The question is proper and the witness has a right to answer it.

Mr. LANE. That was a proper question, was it? All right.

Mr. FITHIAN. You have indicated that you were not aware of that, is that correct, before this interruption?

Mr. RAY. No.

Mr. LANE. I think he is indicating he is still not aware of it after you have said it.

Mr. FITHIAN. If I could hear Mr. Ray, perhaps I could understand what he is saying.

Mr. RAY. I am not aware that any bank robbery occurred close to my uncle's house, no.

Mr. FITHIAN. And you are not aware that the clothing and gun was found a block and a half from your uncle's home; is that what you are testifying?

Mr. RAY. My fingerprints weren't on there, were they?

Mr. FITHIAN. Well, I am not asking that question. If you can volunteer any information on that.

Mr. RAY. No, I don't know anything about that robbery.

Mr. FITHIAN. Thank you.

Mr. RAY. I am sure if I committed it I would have left my fingerprints on it for them.

Mr. FITHIAN. Let me turn to another bank robbery which it is alleged that you did participate in.

Mr. RAY. Another robbery?

Mr. FITHIAN. Yes. On June 4, 1968, the Trustee Savings Bank of Fulham in London was robbed by a lone gunman of approximately 100 pounds or about \$240 American dollars. Did you commit that robbery?

Mr. RAY. I don't know whether I should answer that. I have answered that in the negative, but I don't know how many witnesses now the Government has got to prove I did do it. Let me try to explain this robbery.

When I was in England I was arrested by the Scotland Yard detectives. One of the detectives, Mr. Butler, he informed me that if I didn't make some type of cooperation with him he was going to accuse me of robbery in England, London, England, I assume, and make some kind of case against me in England. That is if I didn't cooperate with the FBI. And, of course, I didn't cooperate with them.

I think subsequently I saw an article in the paper saying that I had robbed a bank in England. However, I did not rob no bank in England. But in addition, Mr. Butler was in contact with the FBI, because he informed me of that.

Now, in respect to this robbery in England, I see on the paper here you have got another fingerprint off of me, off of, it says a note, doesn't it, on a robbery in England.

Now, it wouldn't make any difference if I admitted this robbery, it wouldn't have anything to do with the King case, but I deny committing the robbery.

Mr. FITHIAN. Well, it might help.

Mr. LANE. Objection. I would like to make an objection. Is that still permitted under your rules?

I would like to object to any questions about an event which took place, allegedly, some 2 months after the crime that you are supposed to be investigating. I think your committee may break every other case, but leave these two other cases unsolved before you finish. This is June 4, 1968. As you probably recall, the assassination of Dr. King took place some 2 months before then. How a robbery in England would help him to have financed his activities for the previous year is not all that clear to me.

That is my specific objection, I would like a specific ruling, which is your obligation under your own rules.

Mr. FITHIAN. May I speak to the objection?

Mr. PREYER. Mr. Fithian?

Mr. FITHIAN. Mr. Chairman, I think most reasonable people are interested in the fundamental question of how Mr. Ray financed his many travels after he was a fugitive from the Missouri State Prison, during which time, the assassination of Martin Luther King took place. And, furthermore, whether or not there are sources of income which can explain to this committee and to the American people, whether or not this was a single assassin, whether or not there was a conspiracy, a group, where the individual who is now the convicted murderer, received his finances for his travels and all the activities during the entire period both after the prison break and before the killing, and after the killing and before he was apprehended in Heathrow Airport. It seems to me to be most relevant.

Mr. LANE. He has already answered the question. He denies it.

Mr. PREYER. The objection to the question for the sake of the record is overruled. It is pertinent, and not to break the case for the FBI but on the question of financing and whether or not Mr. Ray may have or may not have been paid in this case.

Mr. LANE. I wonder if we could see some evidence which supports the allegation he was involved in the robbery?

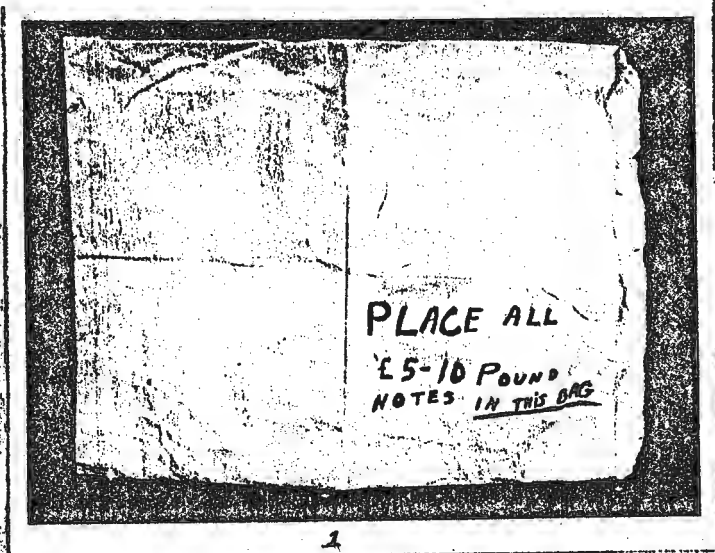
Mr. FITHIAN. That is exactly the next point, if I may proceed.

Mr. LANE. Please do.

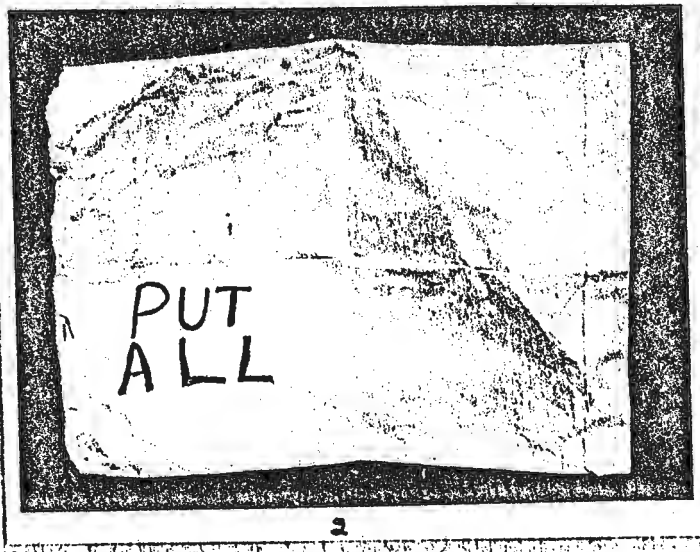
Mr. FITHIAN. Would the Chair enter into the record Martin Luther King exhibit No. F-66 at this time.

Mr. PREYER. Without objection, so ordered.

[Whereupon, Martin Luther King exhibit No. F-66 was marked for identification for the record, and follows:]



44-38861 JK (61)
FBI
LABORATORY



44-38861 JK (61)
FBI
LABORATORY

Mr. PREYER. Will the clerk make a copy of that document available to the counsel and Mr. Ray.

Mr. RAY. I see it.

Mr. FITHIAN. You have seen it?

Mr. RAY. Yes, sir.

Mr. FITHIAN. Mr. Ray, have you seen that note before?

Mr. RAY. No.

Mr. FITHIAN. I am sorry?

Mr. RAY. No; I haven't.

Mr. FITHIAN. You have not seen that note before. And that is not your printing on the face of the note?

Mr. RAY. It doesn't look like it. The printing is hard to describe.

Mr. FITHIAN. Now, Mr. Chairman—

Mr. PREYER. Let's ask the witness if he would read the document.

Mr. FITHIAN. Yes; would you read the printing that you see on the note.

Mr. RAY. It says "Place all—it has got some type of insignia on there—5-10 pound notes in this bag."

Mr. FITHIAN. Now, to this point, you have (1) denied the robbery of the bank in England and, (2) told the committee that you have never seen this note before?

Mr. RAY. Yes.

Mr. FITHIAN. Is that correct?

Mr. RAY. That is correct.

Mr. FITHIAN. I would ask that MLK exhibit No. F-50, that is five zero, be entered into the record and that the counsel and the witness be given a copy of MLK exhibit F-50.

You already have this exhibit.

Mr. LANE. I believe we do.

Mr. FITHIAN. If you would like to locate it. Do you have the document before you?

Mr. RAY. Yes, I have read this awhile ago about the fingerprints being on the bag.

Mr. FITHIAN. I would call your attention to the next to the last entry in that document; that is, photographic copy No. 165 on the second page. Would you read that for the committee.

Mr. RAY. "Photographic copy No. 165, latent fingerprint recovered from robbery note positively identified as the right thumb of No. 1 of James Earl Ray."

Mr. FITHIAN. Mr. Chairman, the robbery note already referred to, that is MLK exhibit No. F-66. I want, for the benefit of Mr. Ray and his counsel, to establish the authenticity of this and the authenticity of the statement that the right thumb print found on the note is that of James Earl Ray.

Would the committee staff indicate for the committee and for the witness the nature of the committee obtaining this information?

Mr. LANE. At this time I again object to all testimony or discussion or reference to something which took place, allegedly took place, 2 months after the death of Dr. King. It seems totally unrelated to the purposes of this inquiry.

Mr. FITHIAN. If I may be heard.

Mr. LANE. I hadn't finished. If he robbed the bank of England and got \$10 million on June 4, 1968, that could not explain the question

which should be before you, how did he finance himself from April 1967 when he escaped from the Missouri penitentiary, until April 4, 1968, when Dr. King was killed. That is the crucial area and you are moving to an area 2 months later.

It seems to me it is an act of desperation on the part of Mr. Fithian and this committee.

Mr. FITHIAN. If I may be heard.

Mr. PREYER. The Chair has already ruled on the point of relevancy of the document and will recognize Mr. Johnson that you wish to ask about this.

Mr. JOHNSON. Mr. Fithian, members of the committee, following the London robbery of the Trustee Savings Bank of Fulham, by a lone individual on June 4, 1968, an investigation of that robbery was conducted by Scotland Yard. During the course of that investigation physical evidence was obtained from the scene of the crime.

Essentially, that evidence was a bank robbery note written on a paper bag. A photo of that note is reflected at MLK exhibit No. F-66. It read, "Place all 5-10 pound notes in this bag."

On that bag, Scotland Yard found a latent fingerprint. Subsequent examination of that latent fingerprint was determined by the FBI to be that of James Earl Ray. In order to establish by independent means the identification of that latent fingerprint found on that bank robbery note, this committee has contracted with an independent fingerprint expert, Mr. Vincent J. Scalice of Forensic Control Systems, Inc., of New York. His independent examination determined that the fingerprint found on the London robbery note, when compared with known documented samples of Mr. Ray's fingerprints, proved to be, indeed, the right thumb print of James Earl Ray. This conclusion is reflected in MLK exhibit No. F-50 with the reference to photographic copy No. 165.

Mr. LANE. I wonder if at this time, since you considered this to be relevant for some reasons, which I cannot comprehend, if we could have an opportunity to have an independent fingerprint expert examine that evidence? May we do that?

Mr. PREYER. There is no objection to that being done.

Mr. LANE. You will make the evidence available to us so we can have an independent expert examine that?

Mr. PREYER. We will be glad to do that.

Mr. LANE. Thank you very much.

Mr. FITHIAN. We have some additional information here I think Mr. Ray will find very important, I believe. Would you care to relay that at this time?

Mr. EVANS. On August 1, 1978, I interviewed Mr. Bryan, a retired criminal fingerprint expert from Scotland Yard. He was the officer who dusted the bag and removed the latent print and subsequently identified that print as one belonging to James Earl Ray.

Mr. LANE. Of course, you have a written statement from him. May we see it?

Mr. FITHIAN. If I may be heard Mr. Chairman.

Mr. LANE. May I ask for the written statement? The best evidence rule certainly requires not an oral report from a telephone conversation or interview, but a document. May we see that document? Is there a document?

Mr. PREYER. If there is a document we will make it available to you in the morning.

Mr. LANE. May we find out if there is a document from Mr. Evans?

Mr. EVANS. There is a document.

Mr. LANE. Signed by that gentleman?

Mr. EVANS. Yes, there is.

Mr. LANE. May we see it?

Mr. PREYER. We will make it available to you before the morning.

Mr. LANE. Before the morning.

Mr. FITHIAN. If I may, Mr. Chairman, I believe the counsel has raised a very good question here, and that is whether or not it is germane to our proceedings to know whether or not the witness committed the robbery in England.

Surely the American people, surely the witness, surely even the witness' counsel, would believe that the veracity of this key witness to this entire investigation is very, very germane and, therefore, if James Earl Ray's fingerprint is on the bank note of the robbery in England, and he denies having participated in it, many people might question his statement about the Alton Bank robbery which I asked about earlier or even other statements not particularly related to this incident.

So, I would think that Mr. Ray would want to have his veracity documented before this legislative body, and so clearly, obviously, and convincingly, this is germane.

I have no further questions, Mr. Chairman.

Mr. RAY. Could I ask one question? Was I ever—you appear to be very conversant with the matter. Was I ever indicted in England or anything of that nature for this bank robbery, or any other bank robbery?

Mr. FITHIAN. Mr. Ray—

Mr. RAY. Were charges filed against me, do you know?

Mr. FITHIAN. I am sure you are aware extradition proceedings took place. I am sure you are aware that you were then under preparation to be tried, prior to your guilty plea for the murder of Dr. Martin Luther King. I am sure, given all of the last 2 days of statements of your knowledge, personal knowledge of the way the law works, that you are aware that a trial for murder would take precedence over this, over your conviction of 99 years. What is the use of a trial in England?

Mr. RAY. There were two charges filed against me in England, I wonder of the two charges filed against me how come they didn't file the bank robbery charge, in addition?

Mr. LANE. Do you have an explanation why he was charged, since you are conversant with the facts and law? You've made that clear, why he was charged with two crimes in England and not charged with this one. Can you explain that one?

Mr. PREYER. Mr. Fithian is not the witness in this case.

Mr. LANE. Just the prosecutor.

Mr. PREYER. The Chair at this time will recognize Congressman Fauntroy for questioning.

Mr. FAUNTROY. Thank you, Mr. Chairman, members of the committee.

Mr. Chairman, I have a number of questions relating to Mr. Ray's associations and travels, and with respect to certain allegations of conspiracy which I think the better part of wisdom now is to commence tomorrow when the witness is fresh and when I have the opportunity to question at length, hopefully without substantial interruption.

Mr. PREYER. We have been going at a pretty steady pace now for quite a while. The Chair suggests that we recess at this time and will shortly recess until 9 in the morning.

Again, let me caution everyone in the audience Mr. Ray is leaving the hearing room. Please remain seated and stationary.

Will the clerk please collect all of the exhibits.

The committee stands in recess until 9 o'clock tomorrow morning.

[Whereupon, at 4:45 p.m., the hearing recessed, to reconvene at 9 a.m., Friday, August 18, 1978.]



