

INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

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

NOVEMBER 27, 28, 29, AND 30, 1978

VOLUME VII

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INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

MONDAY, NOVEMBER 27, 1978

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

The select committee met, pursuant to adjournment, at 9:10 a.m., in room 345, Cannon House Office Building, the Hon. Louis Stokes (chairman of the select committee) presiding.

Present: Representatives Stokes, Devine, Preyer, McKinney, Fauntroy, Fithian, and Edgar.

Also present: G. Robert Blakey, chief counsel and staff director; Peter Beeson, staff counsel; and Elizabeth L. Berning, chief clerk. Chairman STOKES. The committee will come to order.

The Chair recognizes Professor Blakey.

NARRATION BY PROF. G. ROBERT BLAKEY, CHIEF COUNSEL AND STAFF DIRECTOR

Mr. BLAKEY. Thank you, Mr. Chairman.

Over the past 3 days of hearings the committee has heard disturbing testimony on FBI programs that were aimed at discrediting Dr. King and undermining the progress of the civil rights movement that he directed. An examination of those FBI programs ultimately led to the stark question, Did the FBI kill Dr. King?

Today other implications of the FBI issue will be explored. They can be stated in a single, troubling question: Was the Bureau willing or able to conduct a thorough and far-reaching criminal investigation of the King assassination despite its long history of an adversary posture toward Dr. King?

The committee has completed a comprehensive, 2-year review of the FBI investigation. Voluminous files, assembled, as it was conducted both at FBI headquarters in Washington and in major field offices, were carefully studied; some two dozen officials of both the Bureau and the Department of Justice were interviewed; and testimony was taken in executive session from certain key individuals.

The results of the committee investigation have been compiled in a staff report,¹ copies of which have been given to each of the three witnesses who are scheduled to testify today or tomorrow. They are Cartha DeLoach, former assistant to FBI Director J. Edgar Hoover; Steven Pollack, former Assistant Attorney General for Civil Rights; and former Attorney General Ramsey Clark.

¹ The committee's staff report is included in full as an appendix to the hearings. See Vol. 14, HSCA—MLK Hearings.

A copy of the staff report has also been released to the public, so I will only summarize at this time for the record its major findings:

In 1968 the FBI was divided into 10 internal divisions.

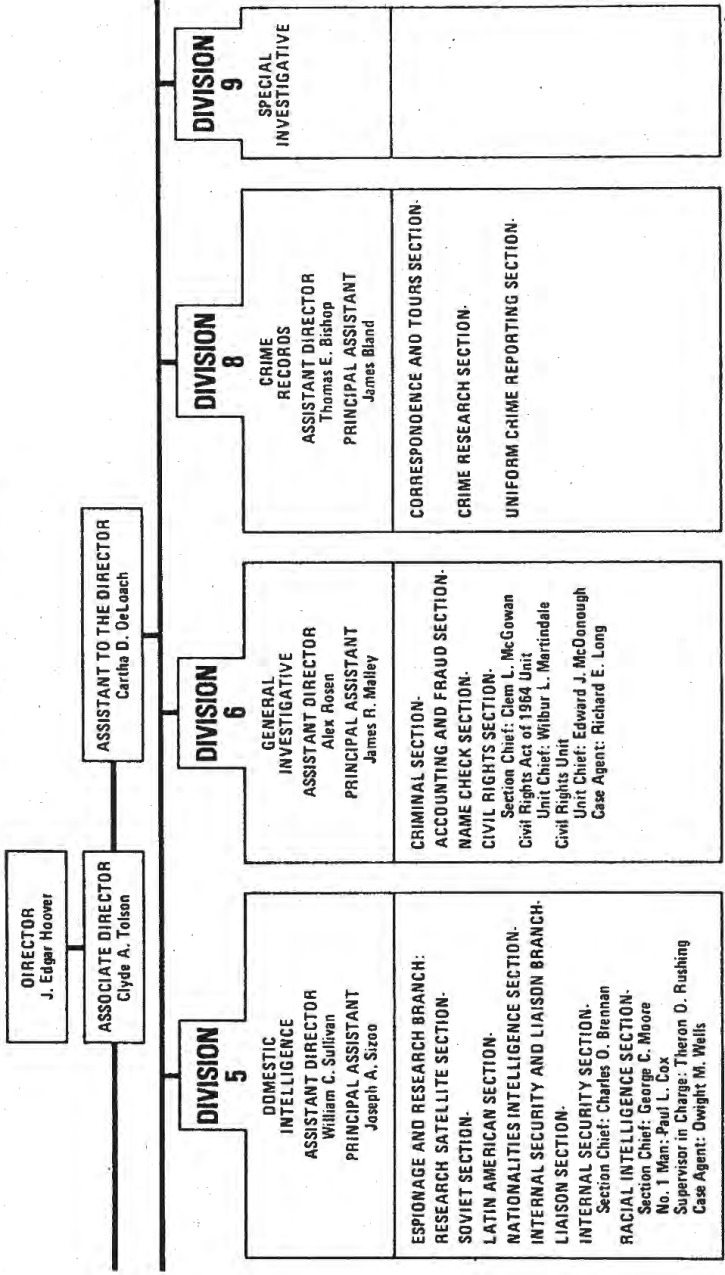
I would ask at this time, Mr. Chairman, that Martin Luther King exhibit F-435 be inserted into the record and appropriately displayed.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

FBI FUNCTIONAL ORGANIZATION CHART - 1968

INVESTIGATIVE BRANCH



Mr. BLAKEY. It is an FBI organization chart.

Division Six, the General Investigative Division, headed by Assistant Director Alex Rosen, was responsible for Federal criminal investigations, including those of civil rights violations. In the assassination of Dr. King, Federal jurisdiction was predicated on the Federal Civil Rights Statute—18 U.S.C. Section 241—that covers conspiracies to interfere with someone's constitutional rights.

Within the General Investigative Division, day-to-day management of the case was handled by the civil rights section headed by Clem McGowan, and responsibility filtered down to the civil rights unit headed by Edward McDonough. Richard Long, a headquarters case agent, was assigned to the investigation.

As the case progressed, information on developments was passed up through the chain of command to the Assistant to Director DeLoach, Associate Director Clyde Tolson, and ultimately to Director Hoover. Major developments were summarized and sent along daily, if not more frequently.

Out in the field, the Memphis office, designated the "office of origin," initiated its investigation shortly after the assassination. While day-to-day direction of the case resided in Washington, Memphis had a pivotal role to play in the administration and coordination of the case. It was sent copies of most of the reports from 57 other domestic field offices; it initiated and coordinated leads; and it produced a prosecutive summary report after James Earl Ray's arrest in June 1968.

There were no specific guidelines in 1968 for an FBI investigation of an assassination, but the King murder was promptly classified as a "special investigation" and it was handled in a way that was quite distinct from that of the ordinary criminal case. A 24-hour deadline was set for the running down of leads. The special agents in charge—the SAC's—of field offices were held personally accountable for investigative errors. The staff of the Memphis Field Office was augmented by additional agents and administrative personnel. An inspector selected from the Headquarters staff, Joseph Sullivan, was sent into the field to help direct the effort.

The committee found that the FBI files indicate that the Bureau's investigation represented a broad and extensive effort to identify and apprehend Dr. King's assassin. In fact, it might be argued—at least from the files—that the antagonism that had been demonstrated by Director Hoover toward Dr. King and the Bureau's campaign to discredit him, had the effect of inspiring an intensified investigation. The apparent reason for this desire—ironically—to protect the Bureau and Mr. Hoover from charges that the FBI made anything short of a total effort in the case.

The files indicate, for example, that there were exhaustive interviews and record checks of every conceivable information source—banks, telephone companies, credit agencies, police departments, motor-vehicle bureaus, motels, hotels, dry cleaners, and dancing schools.

At the same time, extensive work was done on physical evidence, with some major breakthroughs coming from scientific analysis in the FBI's Washington laboratories. A pair of pliers was traced to a California hardware store, underwear to a dry cleaner in Los Angeles, the rifle found at the scene to a retail outlet in Birmingham.

Then on April 19 a left thumbprint from the rifle was traced to James Earl Ray. It was the first major break in the case.

Following the identification of a suspect, a massive manhunt, focused on Ray, was begun. Ray's family was approached, both directly—by interviews—and indirectly—by surveillance. Inmate associates of Ray at Missouri State Penitentiary were questioned and as Ray's activities from his escape from MSP to the assassination became clearer, efforts were made to learn more about his sources of funds, as they might reveal evidence about his movements.

On May 10, after the FBI had learned of Ray's entrance in foreign countries, it launched a domestic passport review project. It had 36 agents assigned to it and the Royal Canadian Mounted Police were also asked for assistance. It was a worthwhile endeavor, for, on June 10, an RCMP officer turned up a Canadian passport in the name of Ramon George Sneyd that bore a photo of a man who looked remarkably like Ray. After making positive identification and learning that Sneyd left Canada on May 6, the FBI extended its search overseas.

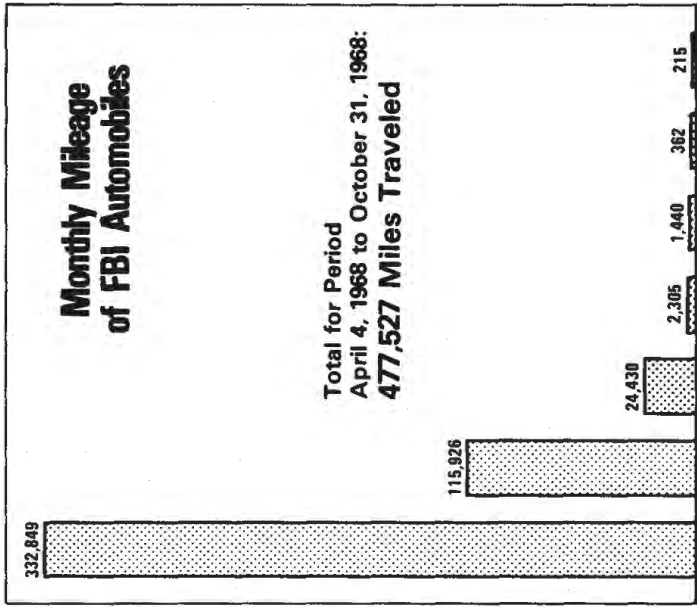
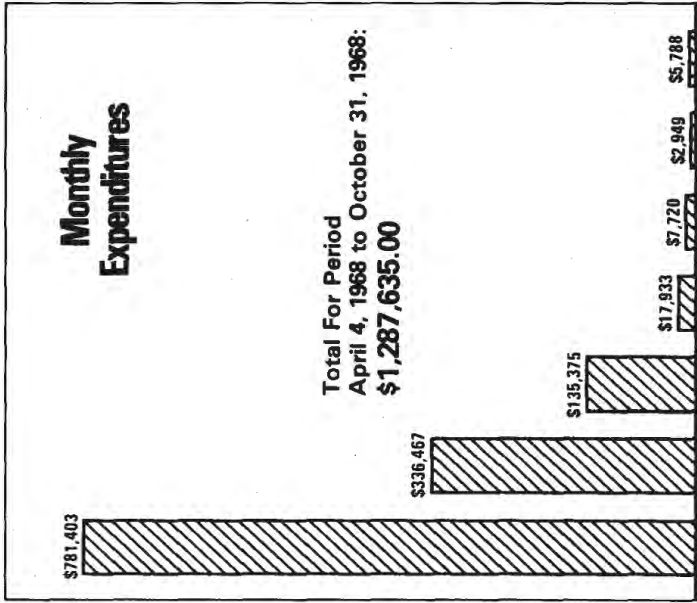
On June 8 Ray was arrested by officers from Scotland Yard as he was about to board a flight for Belgium.

I would ask at this time, Mr. Chairman, that Martin Luther King exhibit F-500 be inserted into the record and appropriately displayed.

Chairman STOKES. Without objection, it will be entered into the record.

[The information follows:]

FBI INVESTIGATION OF KING ASSASSINATION:



Mr. BLAKEY. It shows the month-by-month cost of the Murkin investigation, as provided by the FBI.

In April, \$781,403 was spent; in May, \$336,467. Because the figures for June are not broken down by days, it is impossible to determine precisely how much of this amount—\$135,375—was spent before June 8. In part, these figures reflect a natural decrease in the expenses of any criminal investigation.

It is also clear, however, not only from this chart but from the FBI files themselves that after July a dramatic reduction occurred in the time and expense devoted to the investigation. Efforts were made in the Springfield, Ill., office to solve the Alton bank robbery, considered a possible source of Ray's funds; but largely with that exception, major investigative efforts were limited.

It might be appropriate, Mr. Chairman, to comment that these statistics, particularly as represented in this chart, are perhaps misleading, to the degree that they show such a sharp breakdown in expenditures. Nevertheless, their general direction is clear and is fully supported by the record.

By June 20, Mr. Hoover had apparently come to the conclusion that Ray was the assassin and he had acted alone, out of hatred for Blacks, Dr. King in particular. Summarizing a conversation with Attorney General Clark on that date, the Director wrote:

I stated that in Ray's case we have not yet found a single angle that would indicate a conspiracy. I said the only significant thing is the money he had and which he spent freely in paying bills, and I thought that could have been obtained from a bank robbery.

Mr. Hoover went on to describe Ray:

I said I think we are dealing with a man who is not an ordinary criminal in the usual sense but a man capable of doing any kind of sly act. * * * I said Sirhan Sirhan is a different individual, as he is a fanatic * * * and Ray is not a fanatic in that sense.

I said, I think Ray is a racist and detested Negroes and Martin Luther King, and there is an indication that prior to the Memphis situation he had information about King speaking in other towns, and then picked out Memphis. I said I think he acted entirely alone but we are not closing our minds that others might be associated with him, and we have to run down every lead.

But as can be seen from the downward progression of expenditures in the chart, while the Bureau—at least theoretically—was willing to consider new evidence, it considered the case, in fact, largely closed with Ray's arrest.

In addition to showing an exhaustive manhunt, the FBI files do indicate that there were innumerable efforts to check individual conspiracy leads.

Early in the investigation the files on Dr. King were reviewed and about 50 previous death threats were assembled. On April 26 leads were sent to the field office with instructions that they and others indicating conspiracy "be thoroughly resolved, no matter how remote."

Nevertheless, candor requires the comment that the evidence indicates that the performance of the FBI, as well as the Justice Department, was flawed, not in pursuit of the fugitive but in the search for others who may have been involved in the assassination.

For example, there is reason to question the adequacy of the FBI's response to substantial evidence of contacts between Ray and his brothers, Jerry and John, at various times between his escape

from prison and the assassination. That evidence includes such items as: (1) Statements of several witnesses pointing to meetings between Ray and a brother; (2) denials by Jerry and John of preassassination contact with James that are in conflict with information established independently; (3) Missouri State Penitentiary records indicating John visited James the day before he escaped; (4) information that Jerry, on two occasions, admitted knowledge of a conspiracy in the assassination; and (5) Ray's statement to a salesman in a gun store, just 6 days before the assassination, that he wished to exchange the rifle on advice from his brother.

Coupled with these indications of a possible family based association that pointed toward a criminal relationship were the indications that the mysterious Raoul might actually have been one or both of the brothers. Even so, the FBI never made a concerted effort to check out the possibility of a Ray family conspiracy in the assassination. Instead, it treated the brothers and other relatives almost solely as information sources as to James' whereabouts.

In fact, the Bureau became so preoccupied with the fugitive search that on May 13 Mr. Hoover recommended—with the concurrence of Mr. DeLoach, Mr. Rosen, and Mr. Tolson—the placing of electronic surveillance devices in the homes of John Ray, Carol Pepper—a sister—and John's place of business—the Grapevine Tavern in St. Louis.

This clearly illegal action was never endorsed by the Department of Justice but the request itself is disturbing enough. Not only does it show a lack of concern for the constitutional rights of the relative, it establishes the Bureau's lack of interest in a possible conspiracy involving the brothers. Had the taps picked up evidence of such a conspiracy, the illegality of the surveillance would almost surely have tainted the evidence in any subsequent conspiracy trial. Internal FBI memoranda, moreover, indicate that Mr. Hoover and his assistants were well aware of the problem but made the request in any event.

I would ask at this time, Mr. Chairman, that Martin Luther King exhibits F-501 and F-502 be inserted in the record and appropriately displayed.

Chairman STOKES. Without objection, they may be entered in the record at this point.

[The information follows:]

UNITED STATES GOVERNMENT

241 A

Memorandum

JUNE

Mr. DeLoach

DATE: May 9, 1968

FROM : A. Rosen

SUBJECT: MURKIN

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. McGowan
- 1 - Mr. Long
- 1 - Mr. Conrad
- 1 - Mr. Gale

Tolson _____
 DeLoach _____
 Mohr _____
 Bishop _____
 Casper _____
 Callahan _____
 Conrad _____
 Felt _____
 Gale _____
 Rosen _____
 Sullivan _____
 Tavel _____
 Trotter _____
 Tele. Room _____
 Holmes _____
 Gandy _____

PURPOSE: To recommend the installation of a technical surveillance (TESUR) on the telephones of Albert and Carol Pepper, St. Louis, Missouri, and the telephone listed to the Grapevine Tavern in St. Louis, Missouri, owned by Carol Pepper, subject's sister, and operated by John Larry Ray, subject's brother, and the installation of a microphone surveillance at the residences of Carol Pepper, and John Larry Ray, and at the Grapevine Tavern. These installations could assist in the early apprehension of the subject, which could possibly be instrumental in reducing the stresses and tension placed on our national security subsequent to the death of Martin Luther King, Jr.

BACKGROUND: We are presently conducting exhaustive and extensive investigation to determine the present whereabouts of the subject James Earl Ray, who is one of the TEN MOST WANTED FUGITIVES. Although many hundreds of interviews have been conducted and leads run out, we have not been able to locate the subject nor have we located any person who can furnish us any information as to the subject's present whereabouts. It has been determined that Carol Pepper, the sister of the subject, and John Larry Ray, the brother of the subject, are the closest relatives to him. Carol is married to Albert Pepper and they reside at 2025 Belleview, St. Louis, Missouri, telephone number 645-2948. John Larry Ray resides at 1900 A Cherokee, St. Louis, Missouri, no telephone listed. Carol presently owns the Grapevine Tavern, 1982 Arsenal, St. Louis, Missouri, telephone number PR 6-9417. This tavern is operated by John Larry Ray.

John Larry Ray has expressed a cooperative attitude; however, it is felt that he is not giving us complete and accurate information. Carol Pepper refuses to submit to interview and is not cooperative. It is felt that if the subject telephones or personally contacts any of the relatives, it will most likely be Carol Pepper or brother John Larry Ray.

Enclosure

REL:rgery

MAY 31 1968

REC'D - GCSK

EX-102

CONTINUED - OVER

MAY 22 1968

REC MAIL F

Memorandum to Mr. DeLoach
RE: MURKIN

RECOMMENDATION: That a technical surveillance be installed on the telephones of Albert and Carol Pepper and the Grapevine Tavern and a microphone surveillance be installed at the residences of Albert and Carol Pepper and John Larry Ray and at the Grapevine Tavern.

Attached for approval is a memorandum to the Attorney General requesting authority for this coverage.

[Handwritten initials: Egan, DeLoach, J. Edgar Hoover]

*It is doubtful that
A.G. will approve.
There could be of
great assistance.*

*OK
[initials]*

MLK F-502

F-502

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Mohr

DATE: May 10, 1968

FROM : J. J. Casper

JUNE

SUBJECT: MURKIN

2/3

Tolson _____

DeLoach _____

Mohr _____

Bishop _____

Casper _____

Callahan _____

Conrad _____

Felt _____

Gale _____

Rosen _____

Sullivan _____

Tavel _____

Trotter _____

Tele. Room _____

Holmes _____

Gandy _____

pa

me

5/10/68

As shown in attached memorandum of May 9, 1968, from Mr. Rosen to Mr. DeLoach, consideration is given to microphone installations on certain properties of Albert and Carol Pepper. The proposal raises a question concerning the legality of any action taken against the subject of this case on the basis of information obtained from the microphones.

We believe these microphones can be installed and used without prejudging the case against the subject. In a very recent decision of the United States District Court for the Southern District of New York, a listening device was installed on the premises of one Levine. Later, a subject named Granello, an associate of Levine, came up for trial and claimed that the listening device installed on Levine's premises, which was installed by trespass, was illegal as to him, Granello. It was not contended that any information obtained from the Levine microphone was used as evidence against Granello at trial either directly or as a lead. The court held that since Granello had no interest in the Levine premises, the monitor was not illegal as to him and he could not obtain a new trial or dismissal of the indictment. U.S. v. Granello, 280 F. Supp. 482 (1968).

Applied to instant case, this rule of law could work out in different ways. Assuming that the subject of this case is not on the premises to be surveilled by the means suggested, and has no possessory or other right in those premises, any information disclosed by the surveillance in some way, such as conversation among the Peppers, could be used to learn the whereabouts of the subject for purposes of arrest. The problem becomes somewhat more complicated, however, if the subject of this case made a telephone call to those premises and that telephone call were recorded and used as the basis for his apprehension. He then could claim that the surveillance violated his right of privacy in the telephone communication he made to that place, citing the Katz decision in the Supreme Court.

Enclosure

- 1 - Mr. DeLoach
- 1 - Mr. Conrad
- 1 - Mr. Gale
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. McGowan
- 1 - Mr. Long

BJD/pal
3107AV

REC 11 44-38861-376

31 MAY 22 1968

52002

44-13 5 at 16b

CONTINUED - OVER

Memorandum J. J. Casper to Mr. Mohr
RE: MARKIN

The worst that could happen in either of the above circumstances, however, - assuming that we follow the precautionary measures listed below - is that we illegally learn where the subject is located and that we are able to arrest him on that knowledge. The rule that comes into play here, established in the last century by the Supreme Court in Ker v. Illinois, 30 U.S. 347 (1886), is that an illegal arrest is no bar to prosecution. Wong Sun v. U.S., 371 U.S. 471 (1963); U.S. v. Hoffman, 385 F2d 501 (1967); Keegan v. U.S., 385 F2d 260 (1967). A person may be arrested unlawfully and actually kidnapped into the court having jurisdiction of the criminal case, yet the court still retains jurisdiction to try the person for the offense. The court would not allow the prosecution to use as evidence any information obtained through the illegal surveillance but the illegal surveillance would not taint the use of any other evidence obtained either before or after and which was gotten in a legal manner. Nor, to repeat, would the illegality of the arrest alone, resulting from whereabouts disclosed by unlawful surveillance, prevent the court from trying the subject for the offense.

If the action being considered is taken, we strongly suggest three precautionary measures, as follows:

- (1) That all recordings be preserved intact. It may be necessary to disclose some of them to the court or even to the defense.
- (2) That no use be made of any information obtained against anyone whatsoever or in any way whatsoever except for the single purpose of locating the subject in this case. As we well know by this time, evidence of the offense obtained in this manner is not admissible. It would not be admissible against the subject and it would not be admissible against the Peppers on a charge of harboring.
- (3) Be aware that since this search and seizure is unconstitutional as to the Peppers, they have at least a theoretical cause of action for damages against those who installed the devices by trespass. Here again, however, if nothing learned by this surveillance is used against the Peppers in any way, their cause of action is diminished to the lowest possible degree, becoming that for a technical violation only rather than one of substantial harm to them. Moreover, in any such case the government of the United States should surely be willing to pick up the tab for any judgment had against those who installed the microphones.

RECOMMENDATION:

For information.

[Handwritten signatures and initials]

Mr. BLAKEY. These are the FBI internal memos reflecting consideration of the propriety and the legality of the electronic surveillance.

While the FBI was proposing unlawful electronic surveillance, it apparently failed to take advantage of a legal way to accomplish the same objective. There is nothing in the FBI files to indicate consideration was given to title III of Public Law 90-351. Signed on June 19, 1968, it empowered the Department of Justice to conduct court-ordered electronic surveillance in the investigation of a variety of crimes, including murder.

The committee has uncovered two incidents in which the constitutional rights of Ray himself were also apparently a matter of little concern to the FBI: The first occurred while Ray was waiting trial in Shelby County, Tenn.

On September 30, 1968, Judge W. Preston Battle issued an order emphasizing Ray's written communications with his attorney at the time, Arthur Hanes, Sr., were privileged. Battle directed that they could be monitored only for the purpose of detecting attempts to break prison security but not in order to learn their full content.

It would be appropriate at this time, Mr. Chairman, to introduce Martin Luther King exhibit F-503, an FBI memorandum, incorporating Judge Battle's order.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[The information follows:]

COMMUNICATIONS SECTION
COMMUNICATIONS SECTION
5555 01333

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

TELETYPE

FBI WASH DC

FBI MEMPHIS

633PM DEFERRED 9-30-68 DGB

TO DIRECTOR (44-38861)

FROM MEMPHIS (44-1987) 8P

MURKIN.

RE MEMPHIS AIRTEL TO BUREAU DATED SEPT. EIGHTEEN LAST
ENCLOSING XEROX COPIES OF TWO MOTIONS FILED BY ATTORNEY
ARTHUR J. HANES IN SHELBY COUNTY CRIMINAL COURT, MEMPHIS.
TEEN. HEARING ON THESE MOTIONS WAS HELD BY JUDGE W. PRESTON
BATTLE IN SHELBY COUNTY CRIMINAL COURT, MEMPHIS, SEPT. THIRTY
LAST.

AT THE CONCLUSION OF THE PRESENTATION OF THE PROOF BY
BOTH DEFENSE AND PROSECUTION DURING THIS HEARING, JUDGE BATTLE
DISMISSED BOTH MOTIONS FILED BY THE DEFENSE WITH THE
EXCEPTION OF THE PORTION PERTAINING TO RAY'S CORRESPONDING
WITH HIS ATTORNEY. JUDGE BATTLE RULED THAT WRITTEN NOTES
EXCHANGED BETWEEN RAY AND HIS ATTORNEY ARE PRIVILEGED;
HOWEVER, THE SHELBY COUNTY SHERIFF OR HIS DESIGNATED AGENT
MAY BE PERMITTED TO PENETRATE THESE NOTES TO DETERMINE IF
THERE IS ANY ATTEMPT TO BREACH SECURITY OF THE JAIL. THESE
NOTES SHOULD NOT BE PERUSED FOR THE PURPOSE OF ASCERTAINING

5 OCT 9 1968

cc to [unclear]

RE 44-1987

PAGE TWO

THE FULL CONTENTS OF THE MESSAGES.

AT THE RECEIPTION OF THE HEARING, ARTHUR HANES SR.,
ATTORNEY FOR JAMES EARL RAY, ADVISED JUDGE BATTLE THAT
AFTER CONFERRING WITH HIS CLIENT ON THIS DATE HANES AND HIS
CLIENT HAD DECIDED THAT THE LAW FIRM OF HANES AND HANES WILL
CONTINUE TO REPRESENT RAY IN RAY'S FORTHCOMING TRIAL FOR THE
MURDER OF REV. MARTIN LUTHER KING, JR. IT IS NOTED THAT
DURING THE HEARING BEFORE JUDGE BATTLE ON SEPT. TWENTY SEVEN
LAST HANES SR. IMPLIED TO THE COURT THAT AS A RESULT OF A
DIFFERENCE OF OPINION BETWEEN RAY AND HIS ATTORNEY THE LAW FIRM
OF HANES AND HANES MAY NOT REPRESENT RAY AT THE TIME OF
TRIAL.

BUREAU WILL BE KEPT ADVISED OF ANY CHANGE OR DEVELOPMENTS
IN THIS REGARD. P.

END.

WMA

FBI WASH DC

Mr. BLAKEY. Nevertheless, during the month of October at least three Ray-to-Hanes letters were intercepted, photocopied, passed along to the FBI's Memphis field office and subsequently transmitted to FBI headquarters in Washington.

On October 31, 1968, after a directive issued from headquarters, no further letters were Xeroxed. MLK exhibit F-504—which I would request be entered into the record at this point—is a copy of this headquarters directive.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

10/21/58
1 - Mr. King
Special Agent in Charge
Federal Bureau of Investigation
Washington, D. C.

From Director, FBI (44-38861)

Bureau is in receipt of a copy of a letter from James B. [redacted] Attorney, Savannah, Georgia, dated 9/20/58, captioned as above. This letter is being furnished to you by this office for your information. This letter is being furnished to you for your information. This letter is being furnished to you for your information. This letter is being furnished to you for your information.

In your teletype of 9/20/58, you advised that the motion filed by Arthur J. Bannor, Bay's attorney, in the County Criminal Court, Memphis, Tennessee, Judge W. Preston Battle, Bay's corresponding notes exchanged between Bay and his attorney, Judge W. Preston Battle, Memphis, Tennessee, dated 9/17/58, however, the Shelby County Sheriff or his designated agent has the authority to permit access to the detention of these notes if they are returned for the purpose of securing the full contents of the messages.

In view of the above order of the Prison Service, you should not accept any written communication from the [redacted] regarding communication of the court order, nor any acceptance of the order if it is by voluntary consent of the [redacted] and it is to be on an oral basis only.

RECORDED
INDEXED
OCT 21 1958
FBI - MEMPHIS
44-38861-5310
44-38861-5310

107-13-2880
RELATIVE CONFIDENTIAL

NOTE: Bureau is in receipt of a copy of a letter from James Earl Ray addressed to J. Edgar Hoover, Savannah, Georgia, dated 9/20/58, captioned as above. This letter is being furnished to you by this office for your information. This letter is being furnished to you for your information. This letter is being furnished to you for your information.

Memphis by teletype of 9-20-58, advised that the motion filed by Arthur J. Bannor, Bay's attorney, in Shelby County Criminal Court, Memphis, Tennessee, Judge W. Preston Battle, Bay's corresponding notes exchanged between Bay and his attorney, Judge W. Preston Battle, Memphis, Tennessee, dated 9/17/58, however, the Shelby County Sheriff or his designated agent has the authority to permit access to the detention of these notes if they are returned for the purpose of securing the full contents of the messages.

This communication is advising Memphis not to accept any written communication from the [redacted] regarding communication of the court order, nor any acceptance of the order if it is by voluntary consent of the [redacted] and it is to be on an oral basis only.

Prior information indicates that Ray has been in contact with J. B. Bannor with a view towards engaging his services, although Bannor continues to be Bay's attorney of record.

Mr. BLAKEY. The second occurred shortly after Ray pled guilty in March 1969.

Ray was interviewed by the agents-in-charge of the Memphis field office for the purpose of obtaining information on an assassination conspiracy. Ray was not accompanied by an attorney nor was he informed of his *Miranda* rights—that is, his right to have an attorney, paid or appointed, present; his right to terminate the interview at will; his right to remain silent; and the fact that the Government could use his statements against him.

Of course, the use of Ray's self-incriminatory statements in a later conspiracy prosecution would have depended on the ability of the Government to survive a motion to suppress them. So not only were Ray's rights disregarded but the FBI again was risking destruction of valuable evidence in a conspiracy case if one was ever to be made.

Finally, the committee has taken into account the notable absence of active participation in the assassination investigation by attorneys for the Department of Justice.

It seems reasonable to attribute this to the state of relations between the Department and the FBI in 1968. That they were poor and counterproductive is demonstrated by Mr. Hoover's criticism of Attorney General Clark's press policy, FBI complaints of intrusion by the Department into its investigative territory, and a general lack of respect for the Department's leadership by the FBI.

Departmental attorneys received digests of investigative reports, often in a superficial form and weeks late, as the day-to-day investigation was directed at FBI headquarters without consultation with the Department. This was the case, even though it had been common practice in major conspiracy investigations—for example, in antitrust and organized crime areas—for the Bureau and the Department to work together, and to work together successfully.

When major investigative steps were taken—an interview with Ray, for example—there was no participation by a Departmental attorney; and not once during the investigation was grand jury interrogation—with its sophisticated techniques such as immunity grants—put to use to prove or probe a possible conspiracy.

The committee is aware that the blame for any deficiencies in the relationship of the FBI and the Department of Justice must be shared. While we are addressing the performance of the Bureau in today's hearing, that of the Department itself will be the subject of attention tomorrow.

Mr. Chairman, the next witness, Cartha DeLoach, was one of two assistants to Director Hoover between 1965 and Mr. DeLoach's retirement in 1970. Mr. DeLoach supervised the activities of four separate divisions which together constituted the Bureau's investigative arm. Included among them was domestic intelligence, which managed both the security and the Cointelpro cases against Dr. King; and the general investigative, which provided supervision for the assassination investigation.

Mr. DeLoach, therefore, is in a unique position to comment on FBI programs against Dr. King and the performance of the Bureau in its investigation of his death.

At this time, Mr. Chairman, it would be appropriate to call Cartha DeLoach.

Chairman STOKES. The committee calls Mr. DeLoach.

Mr. DeLoach, would you please stand and raise your right hand and be sworn?

Do you solemnly swear the testimony you will give before the committee is the truth, the whole truth and nothing but the truth, so help you God?

Mr. DeLoach. I do, Mr. Chairman.

Chairman STOKES. Thank you. You may be seated.

Will counsel for the witness please identify himself for the record?

Mr. MORGAN. Edward P. Morgan, Welch & Morgan, Farragut Building, Washington, D.C.

Chairman STOKES. Thank you, sir.

The Chair recognizes staff counsel, Mr. Peter Beeson.

TESTIMONY OF CARTHA D. DeLOACH, FORMER ASSISTANT TO THE DIRECTOR, FBI, ACCOMPANIED BY EDWARD P. MORGAN, COUNSEL

Mr. BEESON. Thank you, Mr. Chairman.

Can you hear me, Mr. DeLoach?

Mr. DeLoach. Very well; thank you.

Mr. BEESON. Would you state your full name for the record, please?

Mr. DeLoach. Cartha D. DeLoach.

Mr. BEESON. Would you give the committee a brief rundown of your employment history from the time you entered the FBI until your retirement from the FBI in 1970?

Mr. DeLoach. Yes, Mr. Beeson. I graduated from college in 1942. I entered the FBI in a clerical capacity the same year, I believe in either July or August 1942. I became an agent after being in the FBI about 6 weeks.

I served in offices in Norfolk, Cleveland, in the various capacities as a special agent of the FBI.

I left the FBI in 1944 to go in the service, in the U.S. Navy, during World War II. After being honorably discharged from the Navy in 1946, I returned to the FBI, again as a special agent in Cleveland, Ohio.

After serving there for some period of time, I was transferred to Washington headquarters of the FBI in 1947. In 1951, if my memory serves correctly—and it has been 9 years since I left the FBI, quite a long time—but I think I became an inspector in 1951. I became an Assistant Director in 1959, I believe, and an Assistant to the Director in 1965, and retired in July 1970, after 28½ years service in the FBI.

Mr. BEESON. If I could just cover a couple of points in that chronology: In 1959 you became an Assistant Director. Which division?

Mr. DeLoach. Crime Records Division, Mr. Beeson.

Mr. BEESON. In 1965 you became Assistant to the Director, Mr. Hoover. Would you describe briefly your responsibilities as an Assistant to the Director, Mr. Hoover?

Mr. DeLoach. As an Assistant Director in charge of the Crime Records Division, I had supervision of one division.

When I became an Assistant to the Director in 1965, I had supervision under—reporting to—Mr. Clyde Tolson, who, in turn, reported to Mr. Hoover—I had supervision of four divisions. That was the General Investigative Division which handled general criminal matters; the Special Investigative Division which handled organized crime and special investigations; the Crime Records Division—which I had just left—which handled public relations matters; and the Domestic Intelligence Division.

Mr. BEESON. The Domestic Intelligence Division was a division within the Bureau, Division 5, which was responsible for the security case against Mr. King; is that correct?

Mr. DELOACH. The security case involving Mr. King, but the General Criminal Division handled the special investigation involving Dr. King's assassination.

Mr. BEESON. And that would be the General Investigative Division, which was Division 6 in the FBI?

Mr. DELOACH. That's correct, sir.

Mr. BEESON. So in 1968 at the time of Dr. King's assassination you were No. 3 man in the Bureau underneath Mr. Tolson and Mr. Hoover and had direct supervisory responsibility for the activities in both the Domestic Intelligence Division and the General Investigative Division, as well as other divisions, correct?

Mr. DELOACH. The facts aren't exactly correct, Mr. Beeson. We didn't play the numbers game. There was no No. 3 or no No. 4 man. There were two Assistants to the Director. I was assistant to the Director in charge of Investigative Activities and Crime Records, which included public relations; and Mr. John P. Mohr was an Assistant to the Director in charge of General Administrative Matters. In fact, your chart is incorrect; it puts me on a parallel with Mr. Tolson. I reported to Mr. Tolson.

Mr. BEESON. All right. Well, we certainly would like to clarify it for the record.

In terms of your specific responsibilities, you had superiors only in the persons of Mr. Tolson and Mr. Hoover, is that correct?

Mr. DELOACH. That's correct, sir.

Mr. BEESON. I would like to focus your attention now on the time of the assassination of Dr. King—April 1968.

Would you describe for the committee how the decision was made to involve the Federal Bureau of Investigation in a crime which to some people may have appeared to be a local murder case, primarily the responsibility of the local authorities in Tennessee.

Mr. DELOACH. That responsibility lay with the Department of Justice, Mr. Beeson, and not the FBI. We, of course, could have gotten in on the matter if the fugitive had more or less been identified and the local authorities had requested the FBI under the Fleeing Felon Statute, previously established by the Congress to look for James Earl Ray; but the matter of the civil rights investigation being under that particular category was established by the Department of Justice almost immediately after the crime occurred.

Mr. BEESON. Do you recall who was involved in that decision?

Mr. DELOACH. I don't recall that, sir. I know that Mr. Clark called me several times immediately following the assassination,

during the night, and I called him several times; and I also recall that a memorandum was received from the Department of Justice at FBI headquarters, indicating the FBI had jurisdiction under the civil rights statutes, so that we followed the instructions of the Department in that regard.

Mr. BEESON. You certainly are correct in describing the paperwork involved. There is a memorandum coming from the Department of Justice on the same day as the assassination, asking you to investigate a possible civil rights violation—conspiracy to violate the civil rights of Dr. King.

Do you recall any concern within either the FBI or the Department of Justice about whether or not there was, in fact, an appropriate statutory jurisdiction for the Federal investigation in this case?

Mr. DELOACH. Not for me personally, I don't recall any concern. We had a job to do and we were prepared to do it.

Mr. BEESON. To your right is a chart which details the chain of command in Division 6, the General Investigative Division, that was responsible for the assassination investigation.

As was briefly explained by Mr. Blakey before, within the General Investigative Division, Mr. Rosen was the Assistant Director, and then for purposes of the assassination investigation, the Civil Rights section under Clem McGowan, and the Civil Rights unit under Mr. Edward McDonough, were responsible for the day-to-day operation of that investigation.

Would you give the committee a brief idea, please, of the roles that were played by yourself, Mr. Rosen and the other headquarters personnel primarily involved in the assassination investigation in terms of the day-to-day operations of that division?

Mr. DELOACH. Certainly, Mr. Beeson. The agents on the supervisory desk—Mr. McDonough, Mr. Long, Mr. Martindale—did a majority of the paperwork; they reported to Mr. McGowan. Mr. McGowan reported to Mr. Rosen, and Mr. Rosen reported to me.

Mr. Rosen and I had daily conferences. As a matter of fact, Mr. Rosen and I had lunch together almost every day, either in our office or outside, and we constantly discussed the case while it went on. But primarily that was the situation. Mr. Rosen and I made the high level decisions as recommended in various memoranda by the supervisory agents.

Mr. BEESON. How was Mr. Hoover himself informed on the progress of the investigation?

Mr. DELOACH. Occasionally a telephone call from me. I would advise him as to any breaks in the case, the progress of the case, as I did Attorney General Clark on an almost daily or certainly several times a week basis.

Verbally and through memoranda, Mr. Hoover would be advised about—both the Attorney General and the Department of Justice, through various communications being sent to them, written communications.

Mr. BEESON. In terms of actual command responsibility within the chain of command at the FBI, what was the lowest level of true command responsibility? By that I mean at what stage was an FBI official able to independently send out a directive or lead in the assassination case?

Mr. DELOACH. The section chief, Mr. McGowan, could do that on his own if it was nothing of any great importance. Mr. Rosen, of course, could, being the Assistant Director in charge of the division. I could.

But primarily in this particular case, being the major case that it was and treated accordingly by the FBI, I would—to the best of my recollection—in most instances they would go up to Mr. Tolson and Mr. Hoover prior to being sent on.

Mr. BEESON. But at no time, or at least only on rare occasions, would something be done independently by somebody below the level of Mr. McGowan; is that fair to say?

Mr. DELOACH. It could have been done, Mr. Beeson. I am not aware of it.

Mr. BEESON. The committee has received testimony from at least one witness testifying previously that the responsibility for the day-to-day investigation in this case was, in fact, that of the Domestic Intelligence Division; is that, in fact, correct?

Mr. DELOACH. The responsibility of the criminal-type investigation?

Mr. BEESON. Of the assassination investigation itself.

Mr. DELOACH. Absolutely not. The Domestic Intelligence Division assisted in some minor respects, to the best of my recollection, but the responsibility for the investigation of the assassination of Dr. King was with the General Investigative Division of Mr. Rosen.

Mr. BEESON. What role do you recall the Domestic Intelligence Division played in the actual assassination investigation itself?

Mr. DELOACH. I have no recollection of any, specifically, Mr. Beeson; but just looking back upon the logical possibilities, furnishing intelligence concerning hate groups, who might have been involved in a conspiracy, for instance, the Ku Klux Klan, extreme right-wingers in some respects that had possibly made threats.

For instance, I do recall in one particular instance—to give you an example—that the General Investigative Division wanted a collection, a summary, of every individual who had ever made a threat against Dr. King or against high ranking Blacks in the civil rights movement; and this would have been a natural thing for the Domestic Intelligence Division to prepare and furnish to the General Investigative Division.

Let me add at this point, Mr. Beeson, that in any major case of this nature, not only would it be handled in a very intensified manner, but everyone in the FBI who could possibly help out was called upon to help out—the FBI laboratory handling all specimens of investigation; the Fingerprint or Identification Division, who handled all matters of identification; the Training Division who handled the liaison with the police, the Domestic Intelligence Division furnishing information concerning hate groups and threats to Dr. King and other leading Blacks; and, of course, the General Investigative Division who handled the criminal matters; the Special Investigative Division who handled organized crime matters, where any threats might have been represented against leading Blacks.

The point is that all divisions of the FBI, and all FBI men, were involved in this overall case.

Mr. BEESON. OK. I understand that. I only wanted to clarify that the actual control and day-to-day operation of the investigation was within the province of the General Investigative Division, Division 6.

Mr. DELOACH. That's absolutely correct, sir.

Mr. BEESON. The investigation itself has been referred to, Mr. DeLoach, as a special investigation.

What are the implications of characterizing an investigation as a special investigation?

Mr. DELOACH. A crime so horrible, a crime that was of immense importance to the Nation, a crime in which so much pressure was put on by outside, external forces. In some situations responsibility is fixed by the Department of Justice, that made it a major case; tremendous publicity that was involved in such a crime. Many things would enter into such a matter making it such a major case.

Dr. King, being a major figure, why, this naturally was a major case.

Mr. BEESON. In terms of the operation of the investigation, how was it handled any differently from a normal criminal investigation?

Mr. DELOACH. In major cases, to the best of my recollection—and, again, I have been gone almost 9 years, Mr. Beeson—but I do have recollection that we would demand, insist, with the true discipline in the FBI, that daily teletypes be sent in, that summary reports be sent in on a frequent basis, that any major breaks in the case or changes in the case be called in, on a constant basis; in other words, that FBI headquarters be kept constantly up to date by the field, so we in Washington would know what to do at all times.

Mr. BEESON. It would be fair to say, would it not, Mr. DeLoach, that a special investigation was not a category created for this investigation; it was one which was created for all major cases handled by the FBI at that time?

Mr. DELOACH. I think all major cases were handled pretty much on the same basis. However, I must say that in this particular case I believe more pressure was put on than any other case that I can recall; and I supervised other cases, including the Mackle kidnaping case, and quite a number of others.

Mr. BEESON. I would like to change the focus of questioning somewhat now.

As Professor Blakey stated during the narration, a committee staff report was issued today summarizing the current findings of the committee concerning the Department of Justice and the FBI's assassination investigation.

Have you had an opportunity to review a draft copy of that report previously?

Mr. DELOACH. I received the report last night upon arriving in Washington. I have scanned through it twice, Mr. Beeson, not thoroughly, but I have scanned through it twice.

Mr. BEESON. We also sent you a draft copy of the report approximately 3 weeks ago, is that correct?

Mr. DELOACH. No, sir.

Mr. BEESON. You have not seen a draft copy of the report prior to last night?

Mr. DELOACH. I have seen a draft copy of the report. I have not seen a final copy of the report. The draft copy of the report was delivered to my attorney's office, not to me, and my attorney called me, I believe last Thursday or last Friday, and indicated he had received it; and I believe it was sent to the wrong man in his office.

However, I received a draft copy only last night, inasmuch as it was not sent to my home, and I have not seen a final report yet, Mr. Beeson.

Mr. BEESON. Let me summarize then—before getting into special areas of questioning—the report's findings.

The findings in the report indicate that the involvement of the Department of Justice and specific attorneys within the Department of Justice was in a background role. They received information on the progress of the investigation. Major reports were sent summarizing the investigation on a monthly basis of field offices.

Also, formal letterhead memoranda were sent summarizing the resolution of specific issues under investigation, but in terms of the actual day-to-day investigation and the control and operation of the day-to-day Federal investigation, the report sees little evidence of active participation by Department of Justice attorneys. In fact, the investigation appears to have been in the exclusive province of the FBI, with the Department of Justice maintaining a background role, receiving information on a periodic basis but not involved in the actual decisions and the focus and direction of the investigation.

Would you agree with that assessment of the investigation?

Mr. DELOACH. No, Mr. Beeson, simply because of the fact that I took it upon myself to see Attorney General Clark not daily but almost daily, and to brief him thoroughly on almost every aspect of the investigation, in my opinion, and Mr. Clark from time to time made suggestions as to things to look for and things to do; and I certainly followed them out.

Mr. BEESON. Well, in terms of leads, directives from headquarters, directives out of the Memphis field office—would you not agree that the primary leadership and direction came from FBI headquarters and that the role of the Department of Justice was one of being informed after the fact, of investigative developments in the field?

Mr. DELOACH. I think this, Mr. Beeson, that Mr. Clark and Mr. Vinson, as indicated by your report, your draft report, indicated they had complete faith in the FBI and were content to allow the FBI to conduct the investigation and to report to them, which was done.

Mr. BEESON. Yes, I don't contest that, I just want to secure your position on that.

Do you consider the background role of the Department of Justice attorneys to have been an appropriate role for them to take in the investigation?

Mr. DELOACH. Mr. Beeson, I think that the actions of Mr. Vinson and Mr. Pollak in following the investigation were quite thorough. I had no discrepancy with them concerning their supervision of the investigation from a prosecutorial standpoint.

Mr. BEESON. Well, let me ask you the question this way: Do you recall any efforts by the Department of Justice attorneys, either

Mr. Clark or Mr. Pollak, or any attorneys within the Civil Rights Division, to become actively involved on a day-to-day basis in the direction of the investigation?

Mr. DELOACH. I don't personally recall that—on a day-to-day basis. I would be terribly surprised if they had not offered suggestions as to conducting the conduct of leads, possible suggestions as to the conduct of the case.

I think you've got to remember that in my position I was dealing more or less with Attorney General Clark on a constant basis, and the supervisory agents were dealing with Mr. Pollak and Mr. Vinson more or less on a constant basis; so I am not in a good position to answer your question.

The only thing I can say is, I dealt quite frequently with Mr. Clark, and I kept him fully advised, in my opinion, and Mr. Clark did from time to time discuss the case with me, thoroughly, and did make some suggestions from time to time.

Mr. BEESON. The report also—in line with this line of questioning—finds substantial amount of evidence that relations between the Department of Justice and the FBI were at times strained, at at times counterproductive. Incidents were discussed which indicated mutual distrust on the part of FBI officials and Department of Justice officials during the course of the investigation, and incidents were located which indicated a lack of respect for the leadership provided in 1968 by the Department of Justice over the activities of the FBI.

Do you consider this an accurate characterization of the relations which existed at the time between the Department of Justice and the FBI?

Mr. DELOACH. No, sir, Mr. Beeson, I do not.

With all due respect to the committee—and I want to be as helpful to the committee as I possibly can—and I am testifying to the best of my belief, and based on my opinion—there was a distrust between Mr. Hoover and Attorney General Clark; there was more or less a feeling of hostility between Mr. Hoover and Attorney General Clark, but on a working level, for instance, on my own level, I had very pleasant relations with the Department of Justice, and I don't recall but one specific instance, an isolated instance, where there was a feeling or incident which occurred which one might express distrust or lack of confidence.

I have here, for instance, Mr. Beeson, a number of letters, including one from Mr. Clark:

DEAR DEKE: Warmest congratulations on your appointment as an Assistant to the Director. This is a high and well-deserved honor indeed. It is a privilege to be associated with you in the Department and reassuring to know that the great Bureau will now employ your talents to even higher purposes.

Sincerely,

RAMSEY.

Mr. BEESON. This would have been in 1965?

Mr. DELOACH. That was in 1965, yes, sir.

Mr. BEESON. Would you care to have these introduced in the record, Mr. DeLoach?

Mr. DELOACH. I would be perfectly glad to, sir, if I could get them back.

Mr. BEESON. I am sure we could make copies and give you back the originals.

Mr. DELOACH. Fine. I have other copies of letters here, simply to express my own relationship with the Department of Justice, but there is no need for me to take the time of the committee or the people here to read these; but my point is that while there was a feeling on the part of Mr. Hoover from time to time that the Department of Justice was trying to take headlines away from the FBI, there was no such—there was a very pleasant working relationship among the troops, so to speak.

Mr. BEESON. Your recollection then, in terms of your own—let me ask you this first: The date of Mr. Clark's letter commending you on your appointment as Assistant to the Directorship, what is that?

Mr. DELOACH. The date on it?

Mr. BEESON. Yes, sir.

Mr. DELOACH. December 2, 1965.

Mr. BEESON. In 1968, which is the focus of my questioning, is it your recollection today that in fact your relations with Mr. Clark were harmonious?

Mr. DELOACH. With the exception of one isolated incident, Mr. Beeson, yes.

Mr. BEESON. Did this incident occur on June 8, the day of Mr. Ray's arrest, Mr. DeLoach?

Mr. DELOACH. That's correct, it did, sir.

Mr. BEESON. Is it not, in fact, the case that following a confrontation with Mr. Clark on that day, your functions as liaison with the Department of Justice were terminated by Mr. Clark?

Mr. DELOACH. I have read your report, Mr. Beeson, and it states that; but frankly I have no such recollection of any—Mr. Clark calling Mr. Hoover, whatsoever, and terminating me as liaison. As a matter of fact, let me make it very clear to the committee and to you, sir, that I was never established formally, to the best of my knowledge, as liaison with the Department of Justice. There was no such title, to my recollection. I took it upon myself to keep the Attorney General advised because I had a very close personal friendship with him and close relationship with him.

Mr. BEESON. Was there any other Headquarters official who was more involved in the briefing of Mr. Clark during the assassination investigation than yourself?

Mr. DELOACH. No, sir.

Mr. BEESON. OK. I did not mean to imply that there was an official designation of "liaison"; but that was, in fact, one of the roles that you served during the assassination investigation, correct?

Mr. DELOACH. But I do not recall Mr. Clark calling over and indicating that my services should be terminated as liaison to him. It may have happened, but I certainly don't recall it.

Mr. BEESON. In other words, if Mr. Clark were to testify to that effect, it is your opinion that his recollection would be erroneous on that matter?

Mr. DELOACH. I have no recollection of Mr. Clark calling Mr. Hoover. As a matter of fact, Mr. Hoover, to the best of my knowl-

edge, never told me that I was terminated or that I should not see the Attorney General or officials of the Department again.

As a matter of fact, Mr. Beeson, I quite frequently conferred with the Department of Justice following the apprehension of James Earl Ray on many cases.

Mr. BEESON. Let me ask you this, Mr. DeLoach: Did you confer specifically with Mr. Clark—

Mr. DELOACH. Not to my knowledge, sir.

Mr. BEESON [continuing]. Following the apprehension of Mr. Ray?

Mr. DELOACH. No, sir, I would not have, unless Mr. Clark called me, and I did not take it upon myself to contact Mr. Clark.

I have seen Mr. Clark since then within recent months and we had a very cordial, brief conversation, shook hands. There is no—to my knowledge—certainly not on my part—there is no feeling of hostility toward Mr. Clark.

Mr. BEESON. If I understand your testimony correctly, you met with Mr. Clark on a weekly, if not daily basis, prior to Mr. Ray's arrest, and you have no recollection of being with him after Mr. Ray's arrest, is that correct?

Mr. DELOACH. After the isolated incident that I referred to, I have no recollection of being with him. It may have been that happened but I don't recall it.

Mr. BEESON. So that would be consistent with Mr. Clark's recollection that your function as liaison with Mr. Clark was, in fact, terminated?

Mr. DELOACH. Yes; as long as you understand Mr. Beeson there was never any such designation or never any such title with Mr. Clark. The records should also reflect that I had frequent liaison with the Department of Justice.

Mr. BEESON. I understand that. I am dwelling now on your relation with the Attorney General of the United States, Mr. Clark at the time. Your testimony today remains that, beyond this isolated incident on June 8, you recall harmonious relations only between the FBI and the Department of Justice?

Mr. DELOACH. As far as I personally am concerned, as far as Mr. Rosen is concerned, as far as many of the agents working under Mr. Rosen's supervision or, as a matter of fact, the Intelligence Division or other divisions. There were frequent not only official conferences but social intercourse between the FBI and the Department of Justice numerous times.

Mr. BEESON. Investigative files reflect no use of grand jury during the assassination investigation, Mr. DeLoach. The grand jury, of course, was an investigative method which required close coordination between the Department of Justice and the FBI in whatever investigation is involved; attorneys working closely with agents in the development of witnesses, strategy conferences, immunization decisions.

Can you explain why the grand jury method was not employed during the assassination investigation?

Mr. DELOACH. To the best of my ability, sir, frankly, as I said in executive testimony previously, did not recall any request concerning the grand jury investigation. After reading the report refreshing my memory, there was one request for either a search warrant or grand jury investigation, so the Bureau did make a request.

However, the matter of an establishment of a grand jury is entirely up to the Department of Justice. Based upon the facts furnished to them by the FBI, the FBI could not in my opinion, to the best of my recollection, go to the Department of Justice and say we want a grand jury.

It is not up to us to do that. We were an investigative agency. We determined the facts, the Department handles the prosecution. They determine whether or not a grand jury is to be established.

I would like to go further, if I may, please. I agree thoroughly with Attorney General Clark and Attorney General Vinson of the Criminal Division, as expressed in your report, that a grand jury would have been laborious, inefficient, might even perhaps slow down the investigation, when we were looking throughout the world as intensively as we could for James Earl Ray, and would have been of little usage. I agree with that because I think we have established that grand jury investigation during the fugitive investigation, would have taken the time of agents, would have taken the time of officials of the Department of Justice, and agents of the FBI. I doubt very seriously whether it would have been productive, as later investigation has more or less established.

Mr. BEESON. Is your view any different for the situation after Mr. Ray's incarceration, in terms of the possibility of then utilizing perhaps in more leisure a grand jury investigation in order to determine whether or not there might have been associates of Mr. Ray involved in the assassination?

Mr. DELOACH. As your report reflects, the FBI did make a request for grand jury investigation or search warrant in one particular instance, and it was turned down. I do not recall this. I am testifying strictly based on opinion. But I would certainly think that after a turndown by the Department of Justice in this one instance, expressed a philosophy that would have kept the FBI from making further requests for grand jury investigation. It appeared very obvious that the philosophy of the Department of Justice was there should be no grand jury investigation.

Mr. BEESON. The one instance that you are referring to was a request by the FBI to the Department of Justice to consider using grand jury subpoena to obtain the notes of William Bradford Huie, who was an author who was in indirect communication with Mr. Ray at the time and possibly had information in his possession indicating a possible conspiracy.

The decision of the Department of Justice not to pursue a search warrant in that case, based on memos that we have reviewed, appears to have been based on the rather narrow grounds that there were serious first amendment problems; also a question of whether or not Mr. Huie was in fact an agent of Mr. Ray and therefore subject to the attorney-client privilege, which might be violated by an attempt to compel the production of those notes.

In other words, there were serious legal questions involved in that specific instance which would not appear in a grand jury investigation, say, of Mr. Ray's associates, a grand investigation perhaps of the associates of Mr. Ray's brothers, a grand jury investigation of Mr. Ray's escape from the Missouri State Prison, and possible involvement of a family member there.

In light of that review of the basis of the Department of Justice's decision not to use it in that one instance, you still think that in fact provided guidance for the use of grand jury throughout the investigation?

Mr. DELOACH. In my opinion; yes, Mr. Beeson.

Mr. BEESON. Let me just review one other point you have made in this area, Mr. DeLoach. You stated the ultimate decision to employ grand jury is the Department of Justice's. I agree with you. But it is certainly not beyond the ability of the FBI to recommend areas which might be fruitfully explored through the grand jury investigation. Is that correct?

Mr. DELOACH. In consultation with the U.S. attorneys or with representatives of the Department of Justice, the FBI could have made a suggestion.

Mr. BEESON. In fact, it was the recommendation of the FBI to use the grand jury against Mr. Huie's notes that brought the Department of Justice into that consideration in the first place?

Mr. DELOACH. You are absolutely correct.

Mr. BEESON. Following Mr. Ray's guilty plea in 1969, a decision was made to interview Mr. Ray to determine whether or not you had evidence of possible conspiracy in the case. Several alternative approaches to Mr. Ray were considered, including a grand jury, placing him before a grand jury and taking sworn testimony, and also a basic field interview by an FBI agent, in the end the decision was made for Mr. Ray to be interviewed one-on-one by the head of the Memphis FBI office.

Do you recall whether or not any consideration was given to the possible participation by a Department of Justice attorney in that interview of Mr. Ray?

Mr. DELOACH. I do not, sir. I have no such recollection.

Mr. BEESON. What would your position have been concerning the involvement of a Department of Justice attorney in an interview of that nature?

Mr. DELOACH. Looking back over 9 years, Mr. Beeson, and knowing of the thoroughness of Mr. Vinson, I would have recommended and can now think of no objection to Mr. Vinson accompany SAC Jensen to such an interview. It may have happened, but, again, I am testifying—and just trying to be of help to the committee—testifying based on opinion, that it might have been felt at that time—I don't know this to be true but having some knowledge of investigative activities, it was felt at the time you might get more from an individual like James Earl Ray, a loner, a bigot, a man that was somewhat of an egotist if there was a one-on-one investigation rather than two against one. The FBI has always had somewhat of a rule that not over two agents should interview one defendant, because one, the possibility of deprivation of civil liberties of the defendant, or, two, the fact that the defendant would be more willing to talk to one or two men rather than talking to an "army." So that may have been the idea here, but I don't recall specifically in this particular instance.

Mr. BEESON. As you heard in Mr. Blakey's narration, no *Miranda* warnings were given prior to the initiation of this interview. Do you consider this proper or improper investigative procedure?

Mr. DELOACH. I don't know what was in Mr. Jensen's mind, who conducted the interview, and again this was many years ago—but again, based on opinion, I can only consider the fact that the FBI went to great lengths to get the opinion of the Department of Justice to get approval and permission from the Department of Justice to conduct this interview; and second, to get the opinion of the defendant's attorney at the time to conduct the interview on a singular basis. So Mr. Jensen, possibly believing he had approval of both the Attorney General and the Department of Justice and the defendant's attorney, possibly felt there was no need to warn him of his rights at the time of interview while he was in incarceration.

Mr. BEESON. Your speculation is certainly correct. The interview was authorized by the Department of Justice and in fact the FBI, through one of their Texas regional offices, made contact with Mr. Percy Foreman, then the attorney of record for Mr. Ray, and Mr. Foreman gave permission for the interview of his client out of the presence of FBI agents—I don't want any misunderstanding there—or rather out of the presence of himself.

Mr. DELOACH. Yes, sir.

Mr. BEESON. My question goes to whether or not Mr. Ray himself should have been advised of his constitutional right to have an attorney present at that time and the other particulars which are always given or which are normally given to a defendant prior to the initiation of an interview by government authorities.

Mr. DELOACH. I can only say again, Mr. Beeson, having the approval of the defendant's attorney and the Attorney General and the Department of Justice, Mr. Jensen, who conducted the interview at the time possibly felt there was no need to warn him of his rights. That is strictly sheer speculation, not based on knowledge.

Mr. BEESON. What would your recommendation have been if you had been consulted on whether or not *Miranda* rights should have been given in that situation?

Mr. DELOACH. Let me point this out. Mr. Jensen was a very thorough, experienced FBI special agent in charge. I am certain in my own mind, my opinion, is that he knew of *Miranda*, that on many occasions in the past he had given subjects their rights in advance of an interview, so being an experienced man, he undoubtedly felt, having the approval of the Attorney General and the Department of Justice, having the approval of the defendant's attorney, there was no need to advise him of his rights.

I am certain, knowing Mr. Jensen as I do, under no circumstances would he or any member of the FBI in interviewing James Earl Ray or in the conduct of an interview with James Earl Ray, anyone in the case, have had any idea of depriving anyone of their civil liberties.

Mr. BEESON. So there is no mistake, in authorizing the interview, the Department of Justice did not authorize the interview without *Miranda* rights. Similarly, Mr. Foreman did not authorize the interview without *Miranda* rights. But if I could repeat the question, what would your advice have been to Mr. Jensen if you had been consulted concerning the administration of *Miranda* rights in this situation?

Mr. DELOACH. I think Mr. Jensen was perfectly in his rights to conduct the interview as he did.

Mr. BEESON. Without the administration of *Miranda* rights?

Mr. DELOACH. Yes, having the approval that he did, I feel he acted properly.

Mr. BEESON. Mr. DeLoach, I would like to change the focus now to another area of the assassination investigation. Some brief background facts: Mr. Ray is arrested in June 1968; he is, after some extradition hearings in England, taken to Shelby County, Tenn., where he is placed in the custody of Shelby County authorities in the Shelby County Penitentiary. His first attorney is Arthur Hanes, Sr. Mr. Hanes represents Mr. Ray until November 1968, when Mr. Foreman comes into the case.

Approximately 2 months before the termination of his representation, Mr. Hanes submitted a motion to Judge Battle, who is the trial judge in the case, concerning certain conditions of confinement for Mr. Ray. In responding to that motion, Judge Battle ruled that communications going between Mr. Ray and his attorney, Mr. Hanes, were privileged communications, that they could be perused by the prison authorities in an attempt to ascertain any breach of security of the prison, but that they were not to be reviewed in order to ascertain the full contents of the letters, which were privileged communications between a criminal defendant and his attorney facing trial.

Do you recall this general situation?

Mr. DELOACH. As I testified in executive session, Mr. Beeson, I do not recall the specific incident. My memory has been refreshed after reading your report.

Mr. BEESON. Mr. Chairman, if I could have the committee clerk give to Mr. DeLoach a copy of Martin Luther King exhibit F-503 at this time.

[Handed to witness.]

Mr. BEESON. I will describe this for the record. It is a copy of the September 30 teletype, going between the Memphis field office of the FBI and the Washington headquarters of the FBI. It is two pages long. It is dated September 30, 1968.

Mr. DeLoach, please familiarize yourself with it first.

Mr. DELOACH. Yes, sir.

Mr. BEESON. I will read for the record the portion of the second paragraph on page 1 which starts:

Judge Battle ruled that written notes exchanged between Ray and his attorney are privileged; however, the Shelby County sheriff or his designated agent has the authority to peruse these notes to determine if there is any attempt to breach security of the jail. These notes should not be perused for the purpose of ascertaining the full contents of the messages.

Again, this is a summary of the proceedings in Memphis being sent from the Memphis field office to Washington headquarters. Do you recall seeing this teletype, Mr. DeLoach?

Mr. DELOACH. I do not, sir.

Mr. BEESON. Mr. Chairman, at this time I would ask that the witness be able to review Martin Luther King exhibits F-508, F-509, and F-510.¹

If we could start with exhibit F-508 and go through these together, perhaps that would save some time. F-508—you will notice the numbers in the upper right-hand corner—is a memorandum. It is

¹ MLK exhibits F-508, F-509, and F-510 appear at pp. 81-87 of this volume.

sent from the special agent in charge of the Memphis field office again to the Director in Washington. It is dated October 11, 1968. The memorandum indicates:

Enclosed are two Xerox copies of the letter and envelope addressed by subject James Earl Ray to Mr. Arthur Hanes, Sr., Attorney. This letter was written by Ray, October 3, 1968, while incarcerated in Shelby County Jail, Memphis, Tenn.

The memorandum includes as an attachment a Xerox copy of Mr. Ray's letter to Mr. Hanes dated October 3. This is, of course, 3 days after Judge Battle's order concerning Mr. Ray's correspondence with his attorney. Do you recall seeing a copy of this letter at FBI headquarters?

Mr. DELOACH. No, sir, I don't, Mr. Beeson. As a matter of fact I believe none of these memoranda have my initials on them.

Mr. BEESON. Let me turn to F-509, Mr. DeLoach. So the record can be clear on what we are reviewing here, this is a similar memorandum from the field office in Memphis to the Director of the FBI. It is dated October 14, 1968. This memorandum also includes as an attachment a letter dated October 14, 1968, from the subject Mr. Ray, to his attorney Arthur Hanes, this letter being sent 2 weeks after Judge Battle's order. I take it from your previous testimony you do not recall seeing this. Your initials are not on this memorandum or on the accompanying letter; is that correct?

Mr. DELOACH. That is correct.

Mr. BEESON. Finally, Martin Luther King exhibit F-510, a third communication from the Memphis field office to Washington, which encloses, among other things, a letter from subject Ray to his attorney Arthur Hanes. This memorandum also directs the attention of Washington headquarters to portions of Mr. Ray's letter to Mr. Hanes and states:

Of significance, Ray in his letter to Hanes requests that Mr. Huie not go to any of the addresses in Miami until after the trial.

In this connection, Ray also states:

* * * that part of the story just covers a few days anyhow and is not too important.

This is sent on October 24, after Judge Battle's order. Your initials do not appear on the memo. Is it your testimony you do not recall seeing this letter or memorandum?

Mr. DELOACH. That is correct, sir, to the best of my knowledge.

Mr. BEESON. Mr. DeLoach, my question to you is this: What we have here derived from FBI files is, first of all, the September 30 communication from the Memphis field office indicating an understanding of Judge Battle's orders concerning the privileged nature of Mr. Ray's communications with his attorney. We then have, on at least three separate occasions after that order, the Memphis field office sending to Washington Xerox copies of letters that Mr. Ray is sending to his attorney at the time.

Can you provide the committee with any explanation for the conduct of the Memphis field office in systematically collecting copies of letters sent from a criminal defendant to his attorney during the course of trial preparation?

Mr. DELOACH. Mr. Beeson, I can only speculate or give you my personal opinion since my initials do not appear on any of these and I do not recall any of these as specifically stated in the record

prior to this. My opinion is that, as Mr. Jensen has previously testified, I would certainly agree with his testimony that these were not solicited by the FBI. These were voluntarily given to the FBI. Whether Mr. Jensen and the FBI may have accepted them under the prerogative of Judge Battle's opinion. In other words, they could be perused for security reasons. I don't know, but I would presume this was what happened.

Mr. BEESON. Let's take this up point by point. Do you find a significant difference in terms of analyzing the conduct of the Memphis field office in the issue of whether or not they were merely willing recipients of these letters or in fact initiated the mail interception?

Mr. DELOACH. The only way I can answer that question, Mr. Beeson, if someone were to hand me a letter following Judge Shelby's decision that these notes could be perused for security reasons, the FBI having the leading responsibility for investigation in this case and knowing full well the background of James Earl Ray to have a record of previous escapes, certainly had the responsibility to review these for security reasons to see if James Earl Ray had planned an escape from prison. As a matter of fact, this later did happen after he was transferred to another institution.

Mr. BEESON. The FBI had absolutely no responsibility for the custody of Mr. Ray in Memphis, is that not correct?

Mr. DELOACH. They still had a responsibility for the investigation of the case, but they had no responsibility that I can recall for the custody of Mr. Ray at that time.

Mr. BEESON. They were not in a position to take any direct action concerning possible breaches of security. In fact, that was the responsibility of the Shelby County authorities, is that not correct?

Mr. DELOACH. Would you repeat the question, please.

Mr. BEESON. They had no jurisdiction concerning Mr. Ray's incarceration in Shelby County. This is the responsibility of the Shelby County authorities, is that correct?

Mr. DELOACH. As far as incarceration is concerned, this is correct, but if this man had escaped once again, the FBI certainly would have had increased responsibility all over again. We still had the leading responsibility from the standpoint of conspiracy or the investigation of the case.

Mr. BEESON. Let me ask you this, Mr. DeLoach. If it is your feeling that what the FBI was involved in here was perusing these letters to attempt to ascertain a breach of security of Shelby County Prison, why does there appear in the third memorandum going to the Washington headquarters a paragraph describing Mr. Ray's comments concerning witnesses in Miami, and the fact that that only covers a small part of the story anyway?

Mr. DELOACH. Which exhibit are you referring to, Mr. Beeson?

Mr. BEESON. Martin Luther King exhibit F-510.

Mr. DELOACH. And your question please, again.

Mr. BEESON. You will note that in the memorandum which is accompanying Mr. Ray's letter, it is pointed out by the Memphis field office that Mr. Ray comments on witnesses in Miami, and that that part of the story "only covers a few days anyhow."

If in fact the FBI was perusing these letters solely to see whether or not there was an attempt to breach the security of Shelby County penitentiary, what conceivable purpose is there for highlighting that portion of Mr. Ray's letter?

Mr. DELOACH. Mr. Beeson, how was the FBI to know, one way or another, whether or not the witnesses referred to were not people who would assist him in an escape?

Mr. BEESON. If, in fact, as was the case, the order of Judge Battle was these letters could be perused to attempt to ascertain breaches of security of the Shelby County Prison situation, does it not go far beyond the authorized action to Xerox these letters, receive them in the Memphis field office and then to transmit them to Washington headquarters? If in fact the only purpose was to attempt to ascertain breaches of security, what purpose was there in sending these letters, after they had been perused, to Washington headquarters?

Mr. DELOACH. Mr. Beeson, the Memphis field division was only one field division that had responsibility. It was the office of origin but Bureau headquarters had the coordination of the entire investigation. There were many things in the FBI files which are not included in the files of the Memphis division, as the committee knows from its perusal of files during this investigation.

Again, this is sheer speculation and not based on knowledge, but I am trying to help the committee by giving my opinion. Obviously these letters were sent to FBI headquarters to determine if the supervisory agents saw anything in these letters which represented a breach of security and a possible attempted escape on the part of James Earl Ray. I can assure you that I believe I never heard of any desire to abrogate or to violate the civil liberties of James Earl Ray.

Mr. BEESON. Mr. DeLoach, there are indications in FBI files that the initial interception of this correspondence occurred at the Shelby County Prison by Shelby County Prison authorities. They, of course, perused the mail themselves under Judge Battle's order. What additional purpose could have been served in terms of the security of the prisoner for them to pass the mail on to the FBI after they had themselves perused the mail and determined whatever implications it had on the security of the prisoner?

Mr. DELOACH. Simply because of the fact, Mr. Beeson, the FBI had responsibility for the case, the overall investigative responsibility. The sheriff's office had custody of the man, but they had little knowledge of the overall investigation of this case.

Mr. BEESON. Mr. DeLoach, I would like to turn to another area now, the area of electronic surveillance or its use or attempted use during the assassination, if you recall, about the use or attempted use of electronic surveillance in the assassination investigation.

Mr. DELOACH. I do not, sir. However, my memory was refreshed by reading your report.

Mr. BEESON. Let's go to the documents that lay at the foundation of that report, then.

Mr. Chairman, if Mr. DeLoach could be given a copy of Martin Luther King exhibits F-501, F-502, and F-507.

Mr. BEESON. If we can go through these again in order starting with exhibit F-501, I will describe that for the record. If you would

like to familiarize yourself with the document at this time, it is a copy of a memorandum dated May 9, 1968.

It is directed from Mr. Rosen, the Assistant Director in charge of the General Investigative Division, to Mr. DeLoach, captioned "MURKIN." The purpose described in the memorandum is:

To recommend the installation of technical surveillance on the telephones of Albert and Carol Pepper, St. Louis, Missouri, and the telephone listed to the Grapevine Tavern in St. Louis, Missouri, owned by Carol Pepper, subject's sister, and operated by John Larry Ray, subject's brother, and the installation of a microphone surveillance at the residences of Carol Pepper, and John Larry Ray, and at the Grapevine Tavern.

It is then stated:

These installations could assist in the early apprehension of the subject which could possibly be instrumental in reducing the stresses and tension placed on our national security subsequent to the death of Martin Luther King, Jr.

The recommendation portion of the memorandum, the recommendation is:

That a technical surveillance be installed on the telephones of Albert and Carol Pepper and the Grapevine Tavern and a microphone surveillance be installed at the residences of Albert and Carol Pepper and John Larry Ray and at the Grapevine Tavern.

Does your initial appear on this memorandum?

Mr. DELOACH. Yes, sir.

Mr. BEESON. Along with the initial is a note you appended to the end of the memorandum, is that correct?

Mr. DELOACH. That is correct, sir.

Mr. BEESON. Could you read the note, please.

Mr. DELOACH. "It is doubtful that the A.G.—meaning the Attorney General—"will approve. These could be of great assistance."

Mr. BEESON. Would you explain that comment first? Why did you consider it doubtful the Attorney General would approve this recommended electronic surveillance?

Mr. DELOACH. I believe, Mr. Beeson, that my thoughts are expressed quite well in the memorandum. I don't recall this but my memory has been refreshed after reviewing your report. Down in the third paragraph, where it was suggested in a memorandum dictated by Mr. Long:

John Larry Ray has expressed a cooperative attitude; however, it is felt that he is not giving us complete and accurate information. Carol Pepper refuses to submit to interview and is not cooperative. It is felt that if the subject telephones, meaning James Earl Ray, or personally contacts any of the relatives, it will most likely be Carol Pepper or brother John Larry Ray.

There is obviously a second reason. In the first paragraph it says, "These installations could assist in the early apprehension of the subject." We were spending hundreds of thousands of dollars of taxpayers' moneys, and we had the FBI tied up to a great extent on this particular case. There was another overriding reason, again on sheer speculation, as to why we thought it was necessary, and that was spelled out in this sentence, "This could possibly be instrumental in reducing the stresses and tension based on our national security subsequent to the death of Dr. King."

Because of pillaging and rioting throughout our country, a time of stress and strain, it is my opinion at this late date that the FBI

was very anxious to cause an early apprehension of the subject and a solution of this case as early as possible.

As to the legality or illegality, Mr. Beeson, that is a matter entirely up to the Department of Justice. The FBI can recommend investigative leads to the department but in a matter of this nature, as the committee well knows, at that particular time the FBI was not placing any wiretaps or microphones, to the best of my knowledge, unless they had the approval of the Attorney General.

The FBI felt if the Attorney General did approve, this would be sufficient legal status. So there was no question in the FBI's mind as to the legality or illegality. It was a matter of putting an investigative lead up to the Attorney General of the United States.

Mr. BEESON. Right now if you are responding, I am sorry that I cut it off. "It is doubtful if the A.G. will approve," what were you thinking of at that time when you were speculating about the possibility of having this proposal rejected by the Attorney General?

Mr. DELOACH. Mr. Clark's philosophy that he was against wiretaps unless they were under the aspect of national security. As expressed in this memorandum by Special Agent Long, he felt this did have a connotation of national security in view of the rioting, pillaging, and burning that was going on in our country. However, I felt that was not a strong enough case and the Attorney General would probably disapprove as later turned out to be the case.

Mr. BEESON. To the best of your recollection, Mr. DeLoach, is it not a fact that 5 weeks after the assassination major portions of the rioting and pillaging had subsided in the country?

Mr. DELOACH. Yes, but some was still going on, Mr. Beeson, to the best of my knowledge, and it could arise at any time. The situation was still tense. Washington has never seen such things as went on during the middle and late sixties—brickbats thrown through the windows of the Department of Justice, the Pentagon stormed, bombs going off in various hallowed institutions. There was a very bad feeling in our country at that time.

Mr. BEESON. I just want to clarify. The situation you are currently describing was not going on in Washington as of May 9, was it?

Mr. DELOACH. What date?

Mr. BEESON. May 9, the date of this memo—fires going off, pillaging.

Mr. DELOACH. I don't recall whether there was or not, Mr. Beeson, but throughout the country there was considerable tension.

Mr. BEESON. If I could ask you to refer to Martin Luther King F-502, the next memorandum in your pile. And if you would like to familiarize yourself with that, I will describe it in the record. It is a memorandum sent from Mr. J. J. Casper to Mr. Mohr. Its date is May 10, 1968, 1 day following the initial memorandum. The purpose of the memorandum is essentially to analyze within FBI headquarters the legality and constitutionality of the proposed electronic surveillance, and also to recommend certain precautionary measures that might be taken by the FBI in order to avoid prejudice to the case against Mr. Ray.

Mr. DELOACH. That is correct, sir.

Mr. BEESON. Do your initials appear on that memorandum, Mr. DeLoach?

Mr. DELOACH. They do, sir.

Mr. BEESON. Do you recall this memorandum?

Mr. DELOACH. No, sir.

Mr. BEESON. Would you take an opportunity now to completely familiarize yourself with the contents then, please?

Mr. DELOACH [reading]. OK, sir.

Mr. BEESON. Would it be fair to state, Mr. DeLoach, that the conclusion reached in this memorandum is that the electronic surveillance that was proposed would in fact be illegal and unconstitutional but that by taking certain precautionary measures, prejudice to the case against Mr. Ray could be avoided?

Mr. DELOACH. That apparently was the opinion of the training division of the FBI and the attorney in the training division, Mr. Dalby, who wrote this memorandum, Mr. Beeson.

Mr. BEESON. That the electronic surveillance would be illegal and unconstitutional, correct? Referring, for example, to point 3 on the second page, "Be aware since this search and seizure is unconstitutional as to the Peppers"—

Mr. DELOACH. Yes, I see that, Mr. Beeson.

Mr. BEESON. You did review this memorandum as indicated by your initials on the document; is that correct?

Mr. DELOACH. Yes, sir, over 10 years ago.

Mr. BEESON. If I could ask you to refer to Martin Luther King F-507, the final exhibit in front of you.¹ This, Mr. DeLoach, is a copy of the actual authorization request that was sent by the FBI to the Department of Justice and the Attorney General. It is dated May 13, 4 days after apparently initial consideration of the electronic surveillance began at FBI headquarters, and the recommendation of the FBI to the Attorney General is to implement the electronics surveillance which is discussed in the previous memos. Is that not correct?

Mr. DELOACH. That is correct, sir.

Mr. BEESON. My question to you is to request an explanation, for the purposes of the committee's investigation, of this attempt by the FBI and yourself and Mr. Hoover to use what was analyzed and recognized within FBI headquarters as unconstitutional and illegal electronic surveillance in the assassination investigation?

Mr. DELOACH. My only answer, Mr. Beeson, is that I do not recall these memoranda. You have given me the opportunity of reviewing them. I recall none of the circumstances surrounding them. The Department of Justice makes the legal determination insofar as FBI actions are concerned. The FBI was following an investigative lead through the Department of Justice and the Department of Justice had the responsibility of either accepting it or turning it down in accordance with the rules of the United States as understood by the Attorney General.

Mr. BEESON. Would it be fair to conclude from these memos that the FBI in recommending this investigative step was willing to engage in what it recognized as a violation of constitutional rights of the Peppers and perhaps of other people in order to achieve the investigative ends of the proposal?

¹ MLK exhibit F-507 appears at p. 80 of this volume.

Mr. DELOACH. The conclusion I draw from it is the FBI was very seriously concerned about the national security of the United States by the incident I mentioned previously and a very fervent desire to apprehend the man responsible for the assassination of Dr. King. As a result, they forwarded an investigative lead to the Attorney General, and the Attorney General would make a decision as to whether or not this would be conducted.

Mr. BEESON. Mr. DeLoach, do you recall any consideration given to the taint problems that this recommendation could raise in a possible conspiracy case against relatives of the Ray family?

To make my question clearer, evidence intercepted by these taps, if they had been installed, would not have been admissible against any of the family members of Mr. Ray because it was obtained in an unconstitutional manner. In addition, that evidence could not have been used as the basis for any type of investigation against the family.

Did you consider the possible jeopardy that you were posing to a possible conspiracy case against family members of Mr. Ray when you recommend this proposal?

Mr. DELOACH. The question is moot, Mr. Beeson, because, as I testified previously, I don't recall the memoranda at all, so I do not recall any taint. That was considered over 10½ years ago. It does express to me a very sincere desire on the part of the FBI to look into all aspects of the case including the possible conspiratorial aspects of the case.

Mr. BEESON. Mr. DeLoach, in June of 1968—to continue questions on electronic surveillance—title III was passed. It was a Federal statute which provided a basis for legal, court-authorized electronic surveillance in certain criminal investigations. Do you recall any additional consideration being given to the use of legal electronic surveillance in this case following the passage of title III?

Mr. DELOACH. I have no such recollection, Mr. Beeson.

Mr. BEESON. One final area of questioning, Mr. DeLoach. I believe you testified previously that Mr. Hoover was informed on the progress of this case through telephone calls and conferences on occasion. Is this the only basis or are there other bases on which he was informed of the progress of the investigation?

Mr. DELOACH. Mr. Beeson, I don't recall ever personally face to face briefing Mr. Hoover on this case. I did call him, I believe, frequently to advise him of progress concerning the case, or else he called me. But I don't recall going to his office and briefing him concerning the case at any time. As a matter of fact, Mr. Hoover left the running of this case, the supervision of this investigation largely up to Mr. Rosen and to me and the agents who were handling it. But to be specific again, I don't recall going to Mr. Hoover's office and briefing him on a face-to-face or one-to-one basis. I did call him, I do recall vividly, using as an example, of calling him, telling him about the identification of James Earl Ray through fingerprints. I was so delighted, I called Mr. Hoover and I immediately thereafter went over and briefed Attorney General Clark on a one-on-one basis concerning this identification.

Mr. BEESON. Was it strange in your experience with Mr. Hoover that you did not brief him in person on a case of this magnitude?

Mr. DeLoach. It wasn't strange at all, Mr. Beeson. Despite the fact that I was in charge of all investigative activities, it was the policy in the FBI and historical policy you did not see Mr. Hoover unless you had an absolute reason for doing so. And while I talked to him on the telephone, I did not go to his office. At the times, I saw him I requested an appointment ahead of time with his secretary and was called in when his time allowed. I was handling this investigation along with Mr. Rosen and the other agents that have been mentioned here today, and I saw no reason to go in and brief him.

I might say also, Mr. Beeson, that Mr. Hoover left the supervision of this case up to Mr. Rosen and to me.

Mr. BEESON. Mr. Chairman, I wonder if the witness could see one final exhibit, Martin Luther King exhibit F-511.¹ For the record, this is a seven-page memorandum dated June 20, 1968. It is written by Mr. Hoover himself. The time on it is 1:05 p.m. The memorandum is directed to Mr. DeLoach as well as Mr. Tolson, Mr. Rosen, Mr. Bishop, and Mr. Sullivan, officials in the FBI at the time.

Mr. DeLoach, I don't think there is need to go through this entire memorandum. If I can direct your attention to the second page, second full paragraph, the memorandum written by Mr. Hoover is discussing a conversation he had with Attorney General Clark, and he summarizes that conversation in the following way:

I stated that in Ray's case, we have not found a single angle that would indicate a conspiracy. I said the only significant thing is the money he had and which he spent freely in paying bills and I thought that could have been obtained from a bank robbery. The Attorney General said that if we could show he robbed the bank at Alton, it would be helpful. I said we were working on that because he was paying his bills with \$50 bills up to his arrest. I said on the other hand he stayed at flop houses and never stayed at first-class hotels but at the same time he spent, I thought, \$1,200 or more in buying guns and the car, which I thought was \$1,500, and then he took dancing lessons, bartender lessons, and lessons in picking locks, and that is why I think security is so exceedingly important not only in England but on the way back to this country and when he gets here.

Then, Mr. DeLoach, if you could refer to page 5 of the memorandum starting with the second full paragraph in the second to last sentence:

I said this shows his shrewdness. I said I think we are dealing with a man who is not an ordinary criminal in the usual sense, but a man capable of doing any kind of a sly act. The Attorney General said he was exceptionally clever.

I said Sirhan Sirhan is a different individual as he is a fanatic and killed Robert Kennedy because he spoke in favor of Israel and this fellow being an Arab became intensely bitter against Kennedy and felt he should be killed, which he did, but he is a fanatic and Ray is not a fanatic in that sense. I said I think Ray is a racist and detested Negroes and Martin Luther King and there is indication that prior to the Memphis situation, he had information about King speaking in other towns and then picked out Memphis. I said I think he acted entirely alone, but we are not closing our minds that others might be associated with him and we have to run down every lead.

In essence, Mr. DeLoach, Mr. Hoover appears to be indicating the conclusion on his part, personal conclusion on his part, that the evidence as of this point indicated no conspiracy and that most likely Mr. Ray's motive was racism, and that he indicated racism and a personal dislike of Martin Luther King.

Did you personally and do you now agree with Mr. Hoover's general assessment of the case?

¹ MLK exhibit F-511 appears at p. 88 of this volume.

Mr. DELOACH. I do, sir. In my opinion, Mr. Beeson, there is no concrete evidence whatsoever established by this committee or by witnesses before this committee that there is a conspiracy. When I left the FBI in 1970, over 8 years ago, I believed that, I still believe that. I do think that just as in the assassination of President Lincoln, who was assassinated—what—on or about 116 years ago, that from time to time people will write books, people will attempt to exploit the situation, people will attempt to make money out of the situation, people will attempt to bleed the taxpayers by trying to perpetuate their own names and reputations out of these unfortunate incidents.

But again, I repeat, to the best of my knowledge there is no conspiracy, and I do agree with these statements. But at the same time I think that committees of this nature do valuable service to the people of the United States and the Congress by assisting in running down leads and putting out fires of emotion that happen from time to time as a result of such unfortunate incidents. I think that the FBI in all instances should continue to run down leads that continue to come up to prove whether or not there is a conspiracy. But as of this time, based upon my knowledge in the case, admittedly many years have passed, but nevertheless I know of nothing which would indicate a conspiracy.

Here you had a subject who was a loner, an egotist, a bigot, a man who had verbally in prison threatened to kill Dr. King, or said he was going to kill Dr. King, a man that hated Blacks, a man that wanted to be known, a man who stalked Dr. King; the evidence is overwhelming that he did assassinate Dr. King.

Mr. BEESON. You have had an opportunity to review the staff report concerning the conspiracy investigation which was conducted by the Department of Justice and FBI. The report finds evidence and indicates a failure of the FBI and the Department of Justice together to adequately explore the possibility of family involvement in the assassination investigation. Would you care to comment on those findings?

Mr. DELOACH. Your report makes that allegation, Mr. Beeson, but, on the other hand, your report is somewhat contradictory in that the report stated there was an intense effort to interview the family and to stick with that phase of it, to continue interviews, and there were frequent interviews of the family, as given the example of the fact that the FBI at a late date wanted to put on an electronic surveillance. If the Attorney General, the highest legal officer in the United States, had approved, that was a direct example of the FBI bringing pressure or at least attempting to find out if there was a conspiracy involving the particular family.

Mr. BEESON. Mr. DeLoach, isn't it clear from your recent review of the documents surrounding the electronic surveillance request, that the sole purpose stated for implementing that request was to attempt to ascertain whether Mr. Ray made contact with family members in order to locate the subject?

In other words, the use of electronic surveillance there was not in order to ascertain possible evidence of a conspiracy but only to attempt to track down a fugitive in the case?

Mr. DELOACH. While the memorandum may not have reflected that, I feel certain it was in the minds of the FBI, certainly in my

mind at the time, any phase of the investigation including the conspiracy that came about as a result of that microphone or telephone surveillance, would have been beneficial to the FBI, providing the chief legal officer of the United States, the Attorney General, had given authority and thought it had been legal.

Mr. BEESON. Don't you think it would have made a stronger authorization request to the Department of Justice to include as one of the reasons for it possible interception of evidence in the conspiracy, if, in fact, that was in the minds of the FBI agents involved in this request?

Mr. DELOACH. I doubt the necessity of the supervisory agent including everything in a memorandum going to the Department of Justice. I think he felt in his own mind—again this is sheer speculation, Mr. Beeson—but that his case had been made strong enough by considering the national security, by considering the absolute necessity of the early apprehension of James Earl Ray, and determining whether or not other people were involved in that. It might lead to the apprehension of Ray.

The very fact that he wanted to find out if the relatives were involved certainly indicates a feeling that the FBI wanted to run down any conspiratorial element.

Mr. BEESON. Mr. DeLoach, I don't have any further questions for you myself. Thank you very much.

Mr. DELOACH. Thank you, sir.

Chairman STOKES. At this time the Chair yields such time as it may consume, after which the committee will operate under the 5-minute rule.

Mr. DeLoach, you are aware, I am sure, that the committee has received testimony of several former agents prior to your testimony this morning, two of them, Mr. Brennan and Mr. Mohr, whom I am sure you also know. Based upon the testimony already received, let me ask you—

Mr. DELOACH. Mr. Chairman, excuse me, sir. I have not seen their testimony. I have seen newspaper accounts.

Chairman STOKES. Yes; I didn't mean to indicate that you had seen the testimony. I meant you are aware of the fact they had testified.

Mr. DELOACH. Yes; I'm sorry to interrupt you.

Chairman STOKES. Let me ask you a couple of general questions. Maybe we can avoid an in-depth interrogation on a couple of subjects. Would you agree that between 1962 and April 4, 1968, the Bureau conducted a security investigation of Dr. King and the Southern Christian Leadership Conference to determine the extent of Communist influence being exerted upon him?

Mr. DELOACH. Mr. Kennedy, the Attorney General of the United States, first requested—I am testifying strictly from knowledge over a long period of time. Let me state first, Mr. Chairman, that I was not on the investigative side of the House at that time and had nothing to do with the request for the investigation of the electronic surveillance on Dr. King—the initiation of it. I was then Assistant Director in charge of the Crime Records Division, as I previously have testified. But to the best of my knowledge, Mr. Kennedy requested the FBI to put an electronic surveillance on Dr. King, and Mr. Hoover at that time felt this was not the thing to do and

sent the liaison man with the Attorney General back over to see Mr. Kennedy and to talk him out of it.

Several months later when it was discovered there was a possibility of Dr. King being affiliated with a high-ranking member of the Communist executive board, board of trustees, or whatever it was, Mr. Hoover brought that to Mr. Kennedy's attention immediately, and Mr. Kennedy at that time authorized the surveillance. That did initiate the surveillance on Dr. King, and it was handled by the Domestic Intelligence Division. As I say, I did not have supervision of the Domestic Intelligence Division and so consequently my memory is somewhat hazy.

Chairman STOKES. Would you agree that between 1963 and 1968 the Bureau engaged in a campaign to discredit and neutralize Dr. King as an effective civil rights leader?

Mr. DELOACH. Mr. Chairman, if I may, I would like to answer that question in this way. Dr. King made an allegation that FBI agents were not to be trusted in the handling of civil rights cases in Albany, Ga., inasmuch as they were all southern born, reared, and educated. That cast great doubts upon the integrity of FBI agents in the handling of civil rights cases. In those particular cases the FBI was "damned if you do and damned if you don't." In a certain State, agents had rattlesnakes put in the driver's seat of a car so they would be bitten when they sat down. Agents were spit upon. Agents were refused service in restaurants. One agent's wife heard a knock at her door and she went to the front door and there were four men carrying a coffin. They simply told her that her husband's body was contained in that coffin, dumped it on the floor and left.

What I'm trying to point out—it was hard enough to investigate civil rights cases at that time without allegations being made casting aspersions against the integrity of FBI agents. I can easily understand that Dr. King at an emotional moment might have made that statement, but it was not a true statement.

The fact was that four out of five agents in Albany were nothern born, reared, and educated. But this touched off a feud between Mr. Hoover and Mr. King. In my opinion it was an unfortunate feud. The feud alienated civil rights forces and prevented some from furnishing badly needed information.

In a press conference that Mr. Hoover held, he indicated that Dr. King was the most "notorious liar" in the United States. I was against him making that statement and I think the feud was very unfortunate as was the alleged campaign that you alluded to.

I sent Mr. Hoover during that press conference with 22 ladies, three different notes asking him to withdraw that statement or at least to indicate to the ladies that it was off the record, the women's national press group in the Washington area. He refused to do so.

On the third occasion I sent him a note—he said to the effect: "You mind your own business." The ladies could not wait to get out of the room and report this to the wire services and their papers. This touched off the feud between Mr. Hoover and Mr. King. Allegations flew back and forth

Dr. King later called Mr. Hoover "senile" and said he was bowing under the weight of his office. Mr. Hoover again repeated

his notorious liar statement. Mr. Hoover again repeated this in a statement later on to a reporter and I asked the reporter if he would withdraw the statement from his article because it was causing the FBI difficulties from a public relations standpoint, but it did become more or less of a feud between the two men.

I was responsible for trying to contact Dr. King. Dr. King would not return my calls. I did eventually talk to the now Ambassador to the United Nations representing the United States and we arranged a meeting between Mr. Hoover and Dr. King and it turned out to be a very peaceful meeting.

To specifically answer your question, there was a feud and a campaign Mr. Hoover carried on and supervised and there were unfortunately incidents that went on between the two men, mostly on Mr. Hoover's part to discredit Dr. King, to specifically answer your question, Mr. Chairman.

Chairman STOKES. When we strip your answer of the surplusage, the answer to my question would be yes, wouldn't it?

Mr. DELOACH. Yes, sir, it would, but on the part of both men.

Mr. FAUNTROY. Would the chairman yield?

Chairman STOKES. I certainly yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. It appears that the burden of Mr. DeLoach's testimony is that the feud began or surfaced at the time Mr. Hoover had a press conference in 1964. Is that your testimony?

Mr. DELOACH. That is when Mr. Hoover answered Dr. King insofar as the Albany, Ga., allegation is concerned. That is my recollection, Mr. Fauntroy.

Mr. FAUNTROY. Were you aware that Mr. Hoover exhibited hostility for Dr. King much earlier?

Mr. DELOACH. I am not aware of that, sir.

Mr. FAUNTROY. You are not aware of memos?

Mr. DELOACH. At least I don't recall that, Mr. Fauntroy.

Mr. FAUNTROY. Thank you, Mr. Chairman, for yielding. I will look forward to my 5 minutes.

Chairman STOKES. Mr. DeLoach, let me ask you this: The comments that were made by Dr. King with reference to the FBI and Albany had occurred some 2 years prior to the statement made by Mr. Hoover at the press conference when he called Dr. King a notorious liar, had it not?

Mr. DELOACH. I don't recall the specific dates, Mr. Chairman.

Chairman STOKES. Well, the press conference was in 1964, was it not?

Mr. DELOACH. I don't recall, sir.

Chairman STOKES. You don't recall that the Albany situation occurred in 1962?

Mr. DELOACH. I don't recall that, sir. In the best of my knowledge the two incidents were quite close together.

Chairman STOKES. Are you aware of the fact that Mr. Murtagh, a former FBI agent, testified before this committee, and with reference to the FBI and their investigation of civil rights violations and complaints, testified before this committee that the FBI was dragging their feet?

Mr. DELOACH. Mr. Chairman, I have every respect for you and every respect for this committee, but I wonder if any member of

this committee or any member of the staff can name one FBI case where the FBI dragged its feet in the civil rights field? I don't recall any.

Chairman STOKES. I am referring to the testimony of a former FBI agent before this committee.

Mr. DELOACH. I don't mean to discredit Mr. Murtagh in any way whatsoever. I have not seen his testimony. But let's consider Mr. Murtagh for a minute, Mr. Chairman.

Mr. Murtagh was never a supervisory agent. To the best of my recollection Mr. Murtagh was an agent assigned to the Atlanta, Ga., office. He was never assigned to FBI headquarters in Washington, D.C. Mr. Murtagh had no overall knowledge of the FBI and its responsibilities. Mr. Murtagh had no responsibilities or knowledge of the immense field of civil rights investigations, only those in perhaps his narrow sphere of category of Atlanta or the surrounding area.

To be an expert witness, and I am not alluding to the fact that I am an expert witness because there are many things that I don't know that may have happened at that time, but to be an expert witness and make sweeping statements before this committee, he had to have had knowledge or supervisory responsibility or knowledge of the overall responsibility of the FBI which he did not have. He was 1 agent of some 8,500 agents assigned to the field at that time. I had never heard of Mr. Murtagh before he started volunteering to testify before various committees.

Chairman STOKES. Wouldn't you agree that this is not necessarily an area where one must possess expertise if one is testifying as a result of his having been an employee stationed in that particular branch of the FBI, testifying before this committee as to his own personal knowledge and observations. That doesn't require his being an expert in that area, does it?

Mr. DELOACH. Mr. Chairman, it would depend entirely upon why that individual wanted to testify, what was his reason for testifying, or whether he had an ax to grind against the FBI. Had he written a book previously? Did he want publicity? What was his reason for testifying?

Chairman STOKES. Mr. Murtagh was a former agent who retired under honorable conditions. He is presently a professor of constitutional law at a university who twice or three times during his testimony before this committee broke down and professed his love for the agency and the fact that he disliked having to testify to these type of events that occurred in an institution that he loved.

Mr. DELOACH. Well, Mr. Chairman, I am not attempting to discredit Mr. Murtagh in the least or his background. I do question, however, his background of knowledge concerning the FBI considering his very narrow jurisdiction and responsibilities in the organization.

Mr. FAUNTROY. If you will yield, Mr. Chairman.

Mr. DeLoach, do you question his knowledge of the fact that the FBI committed 15 agents in the Atlanta office to the task of running an electronic surveillance operation out of a hotel on Dr. King? Do you question his knowledge?

Mr. DELOACH. I am not aware of the incident.

Mr. FAUNTROY. But do you question his knowledge?

Mr. DELOACH. I don't know whether I can question it or not. I am not familiar with the incident.

Mr. FAUNTROY. Do you question his knowledge that the request was made of him to find an informant and get copies of the SCLC stationery and copies of the handwriting of Andrew Young so that it might be used against him in his effort to be elected to Congress?

Mr. DELOACH. I am not aware of the incident you speak of. I am only aware of Mr. Murtagh's background or assignment as an agent and the fact that he had no overall knowledge of the FBI.

Mr. FAUNTROY. Do you question that he had specific knowledge of what was happening in that office that perhaps you were not aware of?

Mr. DELOACH. Certainly there are things I am not aware of Mr. Fauntroy, but I question his knowledge concerning the sweeping allegations he has made.

Mr. FAUNTROY. Were you aware the FBI was spending the time and money of 15 agents full time to surveil Dr. King and the SCLC?

Mr. DELOACH. I have no knowledge of that, Mr. Fauntroy.

Chairman STOKES. Mr. DeLoach, let me ask you, do you agree that the campaign which you referred to that Mr. Hoover had against Dr. King included efforts to convince the public as well as members of Government that Dr. King was a person who should be held in low esteem?

Mr. DELOACH. There were incidents ordered by Mr. Hoover which would have caused that, Mr. Chairman, in various isolated incidents.

Chairman STOKES. Would you agree that this campaign included efforts to convince these same groups that Dr. King was a traitor to his country and to his race?

Mr. DELOACH. I don't recall that, Mr. Chairman. I don't recall any statements by Mr. Hoover or by agents that Dr. King was a traitor, or a traitor to his race. I do recall at the meeting which a member of this committee, Mr. Fauntroy, was present, and I was present in Mr. Hoover's office when they met, that Mr. Hoover made the statement that Dr. King being the symbol of leadership for millions of Blacks in the United States should be very careful in picking his associates and his personal conduct because of that very symbol of leadership.

Chairman STOKES. Now, even prior to the notorious liar statement by Mr. Hoover, you were aware, were you not, of the intense dislike Mr. Hoover had for Dr. King?

Mr. DELOACH. Your report, Mr. Chairman, says it was a hatred. I don't think Mr. Hoover ever hated anyone. I think he was incensed that Dr. King would cast aspersions upon the integrity of FBI agents and particularly an organization that he, himself, had devoted his life to and more or less had sacrificed his life to.

I think that that overrode Mr. Hoover's judgment to some extent and colored his supervision of these particular matters. But I don't think there was any deep-seated hatred on the part of Mr. Hoover against Dr. King as exemplary of the meeting between the two men which was very peaceful.

Chairman STOKES. Would you agree that when the Bureau first began its electronic surveillance of Dr. King it was for the purpose

of monitoring the influence of others over him in terms of any Communistic infiltration of the civil rights movement, but that subsequently what the Bureau did was to utilize the information obtained through that electronic surveillance for the purpose of discrediting Dr. King?

Do you understand the question?

Mr. DELOACH. There are two parts, I believe, sir, and I will try to answer both of them.

Former Attorney General Katzenbach has testified that in his opinion the reason for Attorney General Kennedy first requesting the investigation and later on authorizing the electronic surveillance was to determine the extent of Communist influence over Dr. King.

The second part of it was usage of the information. I do recall the request of high ranking Members of Congress to obtain information concerning Dr. King and Mr. Hoover approving giving this information to those high ranking Members of Congress.

I do recall that Mr. Hoover from time to time not only furnished information to the Attorney General but to the White House concerning Dr. King.

Chairman STOKES. In terms of this COINTELPRO operation, you had a specific role, did you not?

Mr. DELOACH. No, sir, not a specific role. I would like to make the record clear in that regard, Mr. Chairman. This program was initiated while I was on the administrative side of the house. I had nothing to do with the initiation of this program. It was initiated by Mr. William C. Sullivan, Assistant Director of International Intelligence, and Alan Belmont, Assistant to the Director at that time. They supervised and operated that program under Mr. Hoover long before I became Assistant to the Director.

After I became Assistant to the Director and inherited this program under Mr. Tolson and Mr. Hoover, up to that time I was not privy to all aspects of this particular program.

Chairman STOKES. The program started August 25, 1967. What were you doing at that time?

Mr. DELOACH. The program started to the best of my recollection long before 1967.

Chairman STOKES. Well, the program, but not the COINTELPRO aspect of it, the security aspects started long before, that is right.

Mr. DELOACH. To the best of my knowledge, Mr. Chairman, and I could be corrected, but the program started long before that, the COINTELPRO part of it.

Chairman STOKES. Did you at any time become a part of the COINTELPRO part of it?

Mr. DELOACH. Occasionally Mr. Hoover would give me certain assignments to handle in that area, yes, sir, and I operated strictly under his orders.

Chairman STOKES. Part of the assignment given you by Mr. Hoover was for you to participate in an operation where you would discredit Dr. King in the press and in the general public; isn't that true?

Mr. DELOACH. To the best of my knowledge, Mr. Chairman, I recall one incident—there may have been others—one incident where Mr. Hoover ordered me to, by memorandum sent through

him and then down to my office, to give one matter to the press. I don't recall any others. There may have been, but I don't recall.

Chairman STOKES. Didn't you have a role in attempting to block the Southern Christian Leadership Conference from being able to obtain funding? Did you have a specific role in that?

Mr. DELOACH. I don't recall that, sir.

Chairman STOKES. Would the clerk furnish the witness with MLK F-449A, F-449B, F-449C, F-449D, and F-449E?

Mr. DELOACH. Yes, sir, Mr. Chairman.

Chairman STOKES. Have you had a chance now to review those documents?

Mr. DELOACH. Yes, sir.

Chairman STOKES. Having reviewed them, does it refresh your recollection?

Mr. DELOACH. I do not recall any of the memoranda previously, Mr. Chairman, but I have reviewed them.

Chairman STOKES. I am sorry?

Mr. DELOACH. I say I do not recall having previously seen these memorandum, so much time has passed, but I do appreciate the chance to review them.

Chairman STOKES. Having reviewed them, does this now refresh your recollection as to the question posed to you?

Mr. DELOACH. No, sir, I don't recall these incidents at all, Mr. Chairman.

Chairman STOKES. These memoranda that I have just shown you do refer to a campaign to block the Southern Christian Leadership Conference from receipt of funding by virtue of disseminating derogatory information regarding Dr. King; does it not?

Mr. DELOACH. I believe all these memorandum originated with the domestic intelligence operation. They were sent to my office and I sent it to Mr. Hoover in view of his orders that he wanted to see anything pertaining to Dr. King and his organization.

Chairman STOKES. I am not trying through my questions to give you personal responsibility for it. All I am trying to do is get you to testify to the campaign that was under way at that time. That seems to me very simple to do.

Mr. DELOACH. I am testifying to the best of my ability, Mr. Chairman, and I will get to that.

On one of these memorandum I believe I put on the bottom of it, "I doubt this would be of any purpose."

On the memorandum dated October 26, 1966, 12 years ago, it is designated as D-31 MLK F-449C, that appears to be my memorandum, Mr. Chairman, where I talked with Mr. John Bugas who was the vice president of Ford Motor Co. and discussed with him the facts contained therein.

Chairman STOKES. Was the purpose of your discussion with him to block funding for SCLC?

Mr. DELOACH. Yes, as recommended by the Domestic Intelligence Division and approved by Mr. Hoover, yes, sir.

Chairman STOKES. Mr. DeLoach, also didn't the campaign include a dissemination of derogatory information to Senators, college presidents, and others to keep Dr. King from receiving honorary degrees and awards?

Mr. DELOACH. I believe on one occasion, sir, a very high ranking Senator of the United States asked Mr. Hoover for information, if I recall correctly, and Mr. Hoover directed me to see this Senator and give him the facts concerning Dr. King's background.

The Bureau's feeling at that time was that Congress had the right to know. That is sheer speculation.

I also recall to the best of my recollection, Mr. Chairman, that on one occasion a high ranking Senator of great seniority called down and requested that a college president that he would send down to FBI headquarters be advised of Dr. King's background.

Chairman STOKES. Weren't there other universities that were approached, given derogatory information for the purpose of stopping Dr. King from getting honorary degrees from those universities?

Mr. DELOACH. That could be, Mr. Chairman, but I don't recall any such incidents.

Chairman STOKES. If that was done, that had nothing to do with national security, did it? This was totally for the purpose of discrediting Dr. King, wasn't it?

Mr. DELOACH. As I said previously, Mr. Chairman, it was part of the orders issued by Mr. Hoover in connection with the feud with Dr. King.

Chairman STOKES. Didn't you also sit down with Speaker McCormack and give him certain derogatory information about Dr. King? Didn't you go to the White House, sit with Walter Jenkins, give him derogatory information about Dr. King? Isn't that part of the role you played?

Mr. DELOACH. I don't recall any such incidents with Speaker McCormack. It could have happened. If I did so, it was done strictly at the orders of Mr. Hoover.

Insofar as Mr. Jenkins, I do not recall the incident, but Mr. Jenkins was the highest ranking staff officer to the President and it is possible that the FBI at Mr. Hoover's instructions sent information concerning Dr. King to the President and that I would have delivered them, serving in a liaison capacity to the White House as I was at that time.

Chairman STOKES. If I understand your testimony correctly, you don't deny that you did those things?

Mr. DELOACH. No, sir; Mr. Chairman, I do not deny it. I have no recollection of it.

Chairman STOKES. Mr. DeLoach, didn't the Bureau respond to Dr. King's criticism of the Vietnam war by using that to further justify the campaign to neutralize and discredit him?

Mr. DELOACH. I don't recall that, sir.

Chairman STOKES. Will the clerk please furnish the witness with Martin Luther King exhibits F-458, F-441B, F-450B?

Mr. DELOACH. Yes, Mr. Chairman.

Chairman STOKES. Have you had a chance now to read those documents?

Mr. DELOACH. Yes, sir.

Chairman STOKES. Having read them, do they refresh your recollection as to the question posed to you?

Mr. DELOACH. I do not recall the memorandum, Mr. Chairman, but I have reviewed these memorandum.

Chairman STOKES. I am sorry?

Mr. DELOACH. I do not recall at the time, 11 years ago, having seen these memorandum, but I have reviewed them. These memorandum emanated from the Domestic Intelligence Division and were sent to Mr. Hoover through my office.

Chairman STOKES. With your initials appearing thereon, it would indicate at that time that you had seen those documents.

Mr. DELOACH. That is correct, sir.

Chairman STOKES. Therefore, you would have knowledge of the information contained therein; isn't that true?

Mr. DELOACH. It indicated that I had knowledge at that time, 11 years ago, Mr. Chairman, yes, sir.

Chairman STOKES. And now seeing it, does it or does it not refresh your recollection as to what you learned 11 years ago?

Mr. DELOACH. No, sir; it has been so long ago, ancient history.

Chairman STOKES. Mr. DeLoach, you know that Dr. King was not a Communist, don't you?

Mr. DELOACH. Mr. Chairman, I was not supervising the Domestic Intelligence Division.

Chairman STOKES. No, no, no. I just asked you a very simple question. The question is—I think you can answer this yes or no, and if you want to elaborate, I am not going to shut you off, but let's be honest here—the question is: You know he was not a Communist, don't you?

Mr. DELOACH. I will answer this to the best of my ability, Mr. Chairman.

I believe this committee has had before it an FBI informant who testified to the fact that if Dr. King was not a Communist, he was certainly close to it. I know of no indication that Dr. King was a card-carrying member of the Communist Party.

As I say, I was not supervising the Domestic Intelligence Division at the time and I was not privy to all the communications concerning this matter. Later on when I became Assistant to the Director in December 1965, I did learn more of the situation.

To the best of my recollection there was a high ranking member of the Communist Party, or certainly a man alleged or reputed to be a high ranking member of the Communist Party, who had great influence over Dr. King. Whether or not this means Dr. King was a puppet for the Communist Party, or for this man, I am not in a position to state. That would take a legal mind to do that Mr. Chairman. I only carried out my orders as given by Mr. Hoover.

Chairman STOKES. You have just made a very interesting statement. You told us there was a high ranking man in the Communist Party who had great influence over Dr. King.

Mr. DELOACH. As testified previously by an informant who appeared before your group.

Chairman STOKES. You are not testifying from your own knowledge?

Mr. DELOACH. I will testify from my own knowledge, Mr. Chairman. I don't know, frankly, in my own opinion whether Dr. King could be classified as a "member" of the Communist Party or not.

Chairman STOKES. And with reference to your statement about someone high in the party exerting influence over him, do you have any knowledge of that?

Mr. DELOACH. I recall, to the best of my recollection, there was such a man, Mr. Chairman.

Chairman STOKES. Would you tell the committee, then, how you know that this man had influence over Dr. King?

Mr. DELOACH. I was told, Mr. Chairman—and, again, I am testifying from facts of 10 or 11 or 12 years ago and even beyond that, Mr. Chairman—that this man wrote speeches for Dr. King, that this man gave financial advice to Dr. King, that this man made policy decisions for Dr. King, and consequently having been told that, there certainly would have been some association between this individual and Dr. King.

Chairman STOKES. Are you familiar at all with Dr. King's intellectual and educational attainments?

Mr. DELOACH. I have read some of Dr. King's sermons, Mr. Chairman. From the standpoint of my own knowledge, I know that he was a symbol of leadership of the civil rights movement. I have not gone into depth as to Dr. King's intellectual education, no, sir.

Chairman STOKES. Well, maybe it would help you if I said to you that Dr. King graduated from Morehouse College with honors, graduated at the top of his class from Prozier Theological Seminary, and acquired a doctorate in philosophy from Boston University.

Now, on what do you base the facts that someone else has influenced this man who has this kind of educational attainment? What evidence is there?

Mr. DELOACH. Mr. Chairman, I am not contesting Dr. King's brilliance in the least or his symbol of leadership. The only way I can answer your question is that the facts given to the Department of Justice and the Attorney General of the United States, and he felt they were sufficient to determine on the basis of electronic surveillance, not initiated by me because I was not in domestic intelligence at the time, or had supervision over that, but I was told the Attorney General had approved it, based upon those particular facts, that he wanted to find out further the extent of Communist leadership over Dr. King.

Again, I was not in a supervisory position at that time so my memory is quite hazy based upon facts determined so long ago.

Chairman STOKES. Well, with reference to infiltration of the civil rights movement by the Communist Party, you are aware, are you not, that they did not infiltrate the movement?

Mr. DELOACH. Mr. Chairman, it is my opinion that the Communists desperately tried to infiltrate the civil rights movement but failed miserably.

Chairman STOKES. Failed miserably?

Mr. DELOACH. Yes, sir. I still believe that.

Chairman STOKES. And their failing miserably, the only credit that could be given for their having failed miserably would be both to the leadership of the civil rights movement and the people involved in the movement and not the FBI; isn't that true?

Mr. DELOACH. I think the FBI investigation in internal security matters and in civil rights matters assisted greatly at that particular time, Mr. Chairman. But as to the specific answer to your question, as to the FBI preventing the Communist Party from

infiltrating into the civil rights movement, yes, I think the FBI assisted there. I think the FBI investigative efforts assisted greatly.

Chairman STOKES. What did they do to stop the infiltration? They were running around bugging Dr. King's home, SCLC's headquarters, and Dr. King's hotel rooms. What did they do to stop the infiltration of the civil rights movement by the Communist Party?

Mr. DELOACH. Well, I think the FBI communications both to the Attorney General and to the White House on occasion caused the Department of Justice to brief civil rights leaders as to the dangers involved.

To the best of my recollection—and I am not clear on this, Mr. Chairman—I think the FBI communications to the White House caused the White House officials on occasion to brief the civil rights leaders of the dangers involved. In my opinion, even at this late date it certainly would have assisted the civil rights leaders in knowing who was trying to undermine and infiltrate them and it caused them to be worried.

I think Mr. Hoover's meeting with Dr. King where Mr. Hoover indicated he should be very careful of his associations with certain people assisted Dr. King from then on in being wary of such associations.

Chairman STOKES. Then you really feel that a man who had the education and intelligence that Dr. King had, that he needed Mr. Hoover or somebody else to tell him about the dangers of the Communist Party infiltrating the civil rights movement in America?

Mr. DELOACH. Not that isolated example, Mr. Chairman, but I feel that men with equal brilliance over the years have been taken in by the Communist Party and by Communist supervision. I do feel there have been unfortunate incidents in our society where great men of stature have been taken in and have possibly even become Soviet espionage agents.

Therefore, I say, with some gratification that the Communists, in my opinion, failed miserably to take over the civil rights movement or make a dent in the civil rights movement.

Chairman STOKES. Mr. DeLoach, you were familiar with the conditions existing in this Nation that brought about the civil rights movement, aren't you?

Mr. DELOACH. Yes, sir.

Chairman STOKES. You know that in that period of history all over the South that Blacks and whites were segregated by law, they had separate drinking fountains for Blacks and whites in public accommodation places. Blacks had to get on the back of buses.

You are aware of Selma when dogs were put on the civil rights marchers and cattle prodders were used on them and things of that nature.

You don't think, do you, that a race of people subjected to that kind of condition in this country needed Communists or anybody else to tell them about their status in this country, do you?

Mr. DELOACH. Absolutely not, Mr. Chairman. That is why I say the Communist attempt failed miserably.

But let's look at the facts, Mr. Chairman, over the years in our society. The Communist Party has attempted to undertake any

campaign or to enter into any venture which is going to, at an emotional moment particularly, gain them any stature in the United States, particularly from a political and philosophical standpoint. That is why they were so interested in the civil rights movement as they were any movement that would give them added stature.

Chairman STOKES. I am really intrigued by your giving the Bureau some credit for what you describe as this miserable failure to infiltrate the civil rights movement.

Did you ever participate in any briefing where Negro leaders were being briefed and given this kind of information about the Communist Party?

Mr. DELOACH. Yes, sir.

Chairman STOKES. And do you want to name some of the leaders that were briefed?

Mr. DELOACH. I don't recall the leaders specifically, Mr. Chairman, but I do know that on one or two incidents I talked to Black leaders. I don't recall their names. I know Mr. William C. Sullivan, the Assistant Director in charge of the Domestic Intelligence Division, on occasion talked to Black leaders.

Chairman STOKES. Do you know anything about the tape that was mailed to Mrs. King, a letter that was sent to Dr. King subsequently from the FBI suggesting that he commit suicide?

Mr. DELOACH. No, sir, Mr. Chairman. I heard it rumored that there was such an incident. I have seen such an account in the papers, but those tapes were not in my possession and consequently I had nothing to do with it and have no recollection of the situation to the best of my knowledge.

Chairman STOKES. You had attended a meeting between Dr. King and Mr. Hoover. There is a memorandum which indicates that you suggested to the Director that there was no need then to further transcribe other tapes which, at that point, had not been transcribed, and that the Director even after that meeting indicated that he thought differently and that he felt that the tapes should be transcribed while they were still fresh in the agent's mind. Do you recall that?

Mr. DELOACH. No, sir.

Chairman STOKES. Mr. Hoover was a strong man, wasn't he?

Mr. DELOACH. Yes, Mr. Chairman, Mr. Hoover was a strong man. He was a genius in many respects. I think he created the best law enforcement agency in the world, but I think he stayed on in office too long.

Chairman STOKES. And you and other agents, knowing of his intense feeling about Dr. King, carried out his orders with a certain degree of fear?

Mr. DELOACH. Certain degree of what, sir?

Chairman STOKES. Fear.

Mr. DELOACH. Well, Mr. Chairman, I would answer that on the basis that unless you didn't carry them out, you would lose your job, yes, sir. But I would like for the record to clearly state, clearly reflect, that on two different occasions I did disagree with Mr. Hoover and did cause in one instance, cause him to refrain or at least not attack Dr. King, and I would hope that men with Mr. King would have caused the same thing toward Dr. King, because

in my opinion it was a most unfortunate feud. But when he repeated the second time that in his opinion Dr. King was the most notorious liar in the world, I asked him to recant that and he did. I did fail in the women's press conference that I testified about previously.

Chairman STOKES. I know you did. That was the occasion when you sent him three notes asking him to refrain from such an accusation. He finally even said to the women present that Mr. DeLoach has advised me on three separate occasions not to make this statement, but I am going to make it anyway. Isn't that true?

Mr. DELOACH. That is basically correct, sir.

Chairman STOKES. So to go back to my original question to you, your answer, then, would be yes, that with the knowledge that even if you stood up to him, when he made the final decision, and that the rest of you would react out of fear for the loss of your jobs if you did anything different?

Mr. DELOACH. Mr. Chairman, he was the Director and we had to follow his orders or else we would not stay in our positions.

Chairman STOKES. Thank you, Mr. DeLoach. I have nothing further.

Mr. DELOACH. Thank you.

Chairman STOKES. The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. Thank you, Mr. Chairman.

Mr. DeLoach, I gather that your theory on assassination is that James Earl Ray was the lone assassin and that his motive was racism. It would have to be pretty hard racism to cause him to track Dr. King across the country at a time when he was an escapee and had a long prison sentence hanging over him should he be picked up at any moment.

Certainly there is considerable evidence in the record of James Earl Ray's racist attitudes, but it has been somewhat troublesome that there is evidence which I think the FBI was aware of that seems to cut the other way. It would seem to show that he was not such an intense racist, that is, the motive could have been something else, for example, money.

For example, I believe the FBI was aware that he had frequented a bar in Los Angeles for some period of time when he was there and that that bar was about a one-third Black clientele. Apparently he visited there regularly without expressing any racial feelings.

There is evidence of a liaison with Miss Morales in Mexico, possibly with Miss Marie Martin in Los Angeles, both of whom appear to be women of color.

My question is: Did these incidents raise any questions in the minds of the FBI concerning racism as a motive? Do you consider those consistent with racism as a motive for the killing?

Mr. DELOACH. Mr. Preyer, I don't remember those specific incidents. I do remember that Dr. King, while in prison, according to the investigation to the best of my recollection—I am sorry, sir, when James Earl Ray was in prison, to the best of my knowledge, he refused to go on work orders out on the prison farm with blacks because of his dislike of blacks.

I think, also, that to the best of my knowledge that on one occasion he told an inmate in prison that he was going to get Dr.

King. He did have a general reputation, I believe, in prison as being bigoted, anti-Black.

As to specifically answer your question, then, and I would like to do that, sir, if I had the knowledge, but I don't recall the specific incidents you mentioned such as frequenting bars, Black women, or attempting to engage in social activities with Black women. I don't recall that, sir.

In my opinion, he definitely hated Blacks. He definitely was a loner. He was a bumbling yet at the same time a very cunning individual. I think because of being a bigot, a racist, that he wanted to kill, in his opinion, the biggest man he could find in order to make a name for himself as more or less suggested by the fact that his brother on one occasion told, whether it was FBI agents or not I am not sure—he said: "Why is the FBI making all this fuss trying to find my brother. All he did was to kill a nigger."

This, in my opinion, expresses the anti-Black feeling not only of King but that of his family.

Mr. PREYER. I would certainly grant you there is ample evidence of that sort of racist attitude and there is evidence from his prison experience of the kind that you mentioned. There is also evidence on the other side from his prison experience indicating that he was not as intense a racist.

But I gather from your answer that the question of intensity of his racism, whether it was sufficient to motivate a killing, would seem to be against all of his interests as far as staying out of jail and it was not a matter that was discussed with the FBI.

You knew of no evidence going against the idea that he was an intense racist?

Mr. DELOACH. As of this late date I don't recall that, those particular incidents, Mr. Preyer. I do hope they were fully investigated by the FBI. I am not aware of the fact whether they were or not to tell you the truth but I don't recall the matter.

Mr. PREYER. Just one other area.

The Ray brothers, you mentioned earlier, there is evidence that John Ray visited James Earl Ray the day before he escaped from prison, that Jimmy Ray on two occasions made statements tending to show that there was a conspiracy involved, and perhaps most important, that one of the brothers or that James Earl Ray when he exchanged his rifle for a heavier rifle and made the statement that it was done on his brother's advice.

Those statements would seem to indicate a considerable involvement of the brothers in James Earl Ray's activities. Did the FBI ever attempt to link the brothers of James Earl Ray in the assassination? Do you recall any discussion in the FBI concerning these remarkable coincidences in James Earl Ray's activities?

Chairman STOKES. The time of the gentleman has expired, but the witness may respond.

Mr. DELOACH. Thank you, sir.

Mr. Preyer, I recall the intensive efforts to interview the brothers and all members of the family as exemplified by the fact that they were uncooperative to some extent. One woman refused to testify or refused to give us any information, and further the FBI felt so strongly about it that they recommended to the Attorney

General the electronic surveillance that I testified to previously here today.

So to answer your question, at all times the FBI had this in mind in my opinion and attempted to get corroborative evidence from the brothers, but that has not come to light.

Mr. PREYER. Thank you.

Mr. DELOACH. Thank you, sir.

Chairman STOKES. The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Mr. DeLoach, for purposes of the record, could you outline for the committee the jurisdiction of the Bureau as it relates to Dr. King, both preassassination, during assassination, and postassassination? How did the Bureau get involved? Start with the preassassination. Was that purely on a security issue?

Mr. DELOACH. That is correct, Mr. Devine, and the orders of Attorney General Kennedy to establish the electronic surveillance. The investigation did go on prior to that, but that culminated in the authorization by Attorney General Kennedy. It was conducted as a security investigation or what I believe was security matter—C, security matter—Communist, to determine the extent of infiltration by the Communist Party.

At the time of the assassination, of course, as has been testified to earlier, the Department of Justice gave the FBI jurisdiction by order of the Attorney General under the civil rights statutes that Dr. King's civil rights had been interfered with and consequently the FBI should determine who had perpetrated this particular incident—the assassination.

The FBI could, as I testified to earlier, Mr. Devine, could have done a fugitive investigation under the Fugitive Felon Act, as passed by the Congress, giving the FBI the authority to investigate a fugitive case when local law enforcement officials determine that a felony has been committed and possibly the fugitive has crossed State lines. They may step in and ask the FBI to investigate the matter and the FBI does that at their specific request.

Mr. DEVINE. Was it true Mr. DeLoach, that following the apprehension of James Earl Ray that the Bureau virtually lost interest in the case? I ask that question on the basis of that chart to your far right showing FBI activity both as far as dollars are concerned and automobile mileage are concerned, that measurably, dramatic drops occurred in Bureau activities following the apprehension. Would you care to comment on that?

Mr. DELOACH. Yes, Mr. Devine.

With all due respect to the committee, I believe that would be a gross exaggeration insofar as possible loss of interest is concerned. I am not with the FBI today and I have not been for 9 years, but I think the FBI is still interested in this case and will still carry out any leads with respect to conspiracy, not only this case but the Kennedy case and any other major case.

To my knowledge that case is still pending in the FBI and will never be closed as long as leads are being received.

But the fact that the fugitive investigation has been completed certainly would curtail some use of automobiles and curtail to some extent expenditures. It does not mean the FBI has lost interest in the case. It means that one phase of the case has been

completed and they are still working on other phases of the case such as conspiracy angle.

Mr. DEVINE. While you were still in the Bureau, and still in the high supervisory capacity, did you issue any orders or direct any orders from Mr. Hoover to discontinue active participation in the investigation of the King case following the apprehension?

Mr. DELOACH. No, Mr. Devine.

To answer your question, I believe that Inspector Joseph Sullivan, who was the major case inspector, was called off for other duties following the location of James Earl Ray because the FBI felt he was the man who assassinated Dr. King.

Whether any other curtailment of activities went on at that time or not, I don't recall, but definitely the case was still kept in a pending status and every lead was still investigated very thoroughly.

Mr. DEVINE. On another issue, Mr. DeLoach, earlier I think you testified that you never heard of Agent Murtagh prior to his appearance before this committee.

If I accurately recall some of Mr. Murtagh's testimony, he said that he had never met Mr. Hoover personally, although he had been in the Bureau for 10 or 11 years. But he did at one time describe Mr. Hoover as a maniac.

I would ask you, Mr. DeLoach, as one of the highest officials in the Bureau under Mr. Hoover's supervision—probably there was no one much closer to him than perhaps Mr. Tolson and then you in your capacity as Assistant to the Director—would you care to make any descriptive analysis of Mr. Hoover during the time you were under his direction and control?

Mr. DELOACH. Yes, sir. I testified previously, Mr. Devine, that I think Mr. Hoover was a genius in many respects, that he created, in my opinion, the best law enforcement agency in the world. I think, however, he stayed on too long. I believe Mr. Hoover should have retired some years earlier than he did. I believe Mr. Hoover had somewhat of a towering ego as a lot of men have in our society, but by the same token I think he was a humanitarian to a great extent.

I have seen Mr. Hoover break down and almost cry on occasions, at moments of emotion, when cases were solved, or when an agent had a tragedy happen to him. I think the man was a deeply religious man in many respects, but at the same time he was somewhat egocentric in his handling of matters and his personality. He came from a very strict religious background and he was a prime mover in his church, always had been, in the Boy Scout movement, and many other activities.

I think that Mr. Hoover in creating the FBI and giving his life to it sometimes mistakenly felt that this was more or less his baby, to put it crudely, or his agency. He overreacted to any allegations that concerned the organization.

Mr. DEVINE. I think you have responded to the inquiry, Mr. DeLoach. Just one more question, please.

Mr. DELOACH. Yes, sir.

Mr. DEVINE. I think you made reference either in your direct testimony or during the questioning by someone that a meeting was arranged between Director Hoover and Dr. King and I think

Mr. Fauntroy or Dr. Abernathy and some others. Would you please tell the committee for purposes of the record who made the actual arrangements for the meeting and what brought about the meeting?

Mr. DELOACH. I did for the FBI, sir.

Mr. DEVINE. You made the arrangements personally?

Mr. DELOACH. That is correct, sir.

Mr. DEVINE. Do you recall what year this occurred roughly, how long before the assassination perhaps?

Mr. DELOACH. No, sir, I don't recall a specific incident, Mr. Devine, but it was some period of time prior to the assassination.

Mr. DEVINE. What brought about your arranging the meeting?

Mr. DELOACH. I told Mr. Hoover, and I believe the FBI records will reflect this, that I felt this feud was very unfortunate, that I felt there should be a meeting with Dr. King, and for both of them to discuss the matter and to possibly come out with some basis of—I didn't say friendship, Mr. Devine—but some feeling of mutual trust insofar as this name calling was concerned.

Mr. DEVINE. I would suggest the date of December of 1964. Would that refresh your recollection?

Mr. DELOACH. I don't recall the specific date, but it could have been, Mr. Devine.

Mr. DEVINE. Do you recall who was there specifically, Mr. Hoover, Dr. King, Mr. Fauntroy, Dr. Abernathy?

Mr. DELOACH. Dr. Abernathy and I believe the current Ambassador to the United Nations. I was with Mr. Hoover at the time and took notes on the meeting at his specific orders.

Mr. DEVINE. Would you say the meeting was reasonably cordial and no hostility was displayed?

Mr. DELOACH. I have termed the meeting before Mr. Devine as more or less of a love feast. The men discussed matters very cordially; they parted very cordially. Dr. King went to Mr. Hoover's reception room and gave out a press release indicating accordingly.

Mr. DEVINE. Finally, you have heretofore testified, I believe, before the Warren Commission?

Mr. DELOACH. No, sir; I did not testify before the Warren Commission.

Mr. DEVINE. Before the Church committee in the Senate?

Mr. DELOACH. Yes, sir; I did.

Mr. DEVINE. Before any other investigative agencies on the King matter?

Mr. DELOACH. I believe before a Federal grand jury, Mr. Devine. I'm not certain. Since I left the FBI—I might state for the record, Mr. Devine—I have been down here for approximately—to the best of my recollection—17 times, to testify to the activities of the FBI during the time I was in the FBI. Most of the testimony has been duplication, time and time again. I'm always glad to help out.

Mr. DEVINE. You testified before this committee here in executive session at an earlier time?

Mr. DELOACH. That's correct.

Mr. DEVINE. That's all, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. Thank you, Mr. Chairman.

May I request that the witness be provided with MLK exhibits F-437A, F-438A, F-438B, F-442J, F-442K, F-444A, F-444B, and F-450B?

Mr. DELOACH. Mr. Fauntroy, do you wish me to review these one at a time, or do you wish me to read all of them?

Mr. FAUNTROY. I think perhaps we can probably have you to scan them as I bring them up.

Mr. DELOACH. All right.

Mr. FAUNTROY. MLK F-437A is, of course, a response to a request by Mr. Hoover that the agency initiate an investigation into Communist influence in the civil rights movement among Blacks, and this memo—as it indicates—is Mr. Sullivan's synopsis that the Communist Party has not influenced the civil rights movement.

This memo and several others are designed to refresh your memory on when the FBI began its campaign with respect to Dr. King, and I was just wondering if you recall discussions with Mr. Hoover during this period, this memo dated August 23, 1963, just prior to the historic March on Washington, at which a response was tendered by him similar to the one which appears on this memo.

It is in his own handwriting, that this reminds him of a memo that Mr. Sullivan did on Castro and suggesting that he go back and do a better job.

Were you aware of that at that time?

Mr. DELOACH. No, sir; I was not, Mr. Fauntroy.

As you can see from this memorandum, this was not sent through me, going up to Mr. Hoover; so, therefore, I had nothing to do with it. After Mr. Hoover reviewed it, sent it back to Mr. Belmont, and to Mr. Mohr, and other individuals, it was later sent to my office simply for information. I do not recall the memorandum.

Mr. FAUNTROY. Turning to exhibit F-438A, were you aware of a conference which was called, in a memo dated Christmas Eve in 1963, a conference held in the Atlanta office with the seat of government personnel which had as its purpose how best to carry out an investigation to produce results without embarrassing the administration, the Bureau, and how to come up with a complete analysis of the avenues and approaches to neutralize King as an effective Negro leader, and concerning some development of his continued dependence upon the Communists? Were you aware of that?

Mr. DELOACH. No, sir, Mr. Fauntroy, I was not.

As you could observe from the memorandum, this was not sent through me for consideration or approval and was only sent to my office later on, for review or just simply for information, after Mr. Hoover had already approved it, or after the action had taken place.

Mr. FAUNTROY. MLK F-438B is a list of questions to be explored at that conference in 1963. Are you aware that these questions were posed:

Can colored agents be of any assistance to us in the Atlanta area, and if so, how many will be needed?

Could we convert any of their weak points to strong points for us?

Mr. DELOACH. No, sir; Mr. Fauntroy.

As observed by the previous memoranda, I was not on the investigative side of the house at the time; I was strictly on the administrative side, and had little or no knowledge, or wasn't consulted, regarding such matters.

Mr. FAUNTROY. I am trying to refresh your memory.

You were not aware at this period?

Mr. DELOACH. No, sir.

Mr. FAUNTROY. They asked:

What do we know about King's housekeeper? Can we use her? What do we know about the background of people presently employed in the office of SCLC and can we use any of them? Are there any disgruntled employees at SCLC and/or former employees who may be disgruntled or disgruntled acquaintances?

You weren't aware that they were considering those things at that time?

Mr. DELOACH. No, sir; I was not a party to that.

Mr. FAUNTROY. Were you aware of any comment or memo after the march on Washington that Dr. King's speech was a demagogic one and proved that he was dangerous to the country?

Mr. DELOACH. Which exhibit is that, Mr. Fauntroy?

Mr. FAUNTROY. That is actually exhibit F-437B—I'm sorry—which you do not have and which I will not trouble you with.

Mr. DELOACH. All right.

Mr. FAUNTROY. But you don't recall Mr. Sullivan ever having expressed that view, or Mr. Hoover?

Mr. DELOACH. No, sir.

Mr. FAUNTROY. Do you recall 438D?

Mr. DELOACH. "D" as in David, Mr. Fauntroy.

Mr. FAUNTROY. "D" as in David, which references—

Mr. DELOACH. I don't see that, sir.

Mr. FAUNTROY. Sorry. We do not have 438D; and I won't trouble you with that, save to reference a memo of January 8, 1964, which began, "It is your responsibility as Assistant Director in charge of and having the DID to report to you," a reference to the importance of developing a new leader once you had discredited Dr. King—not you, but the FBI—according to the memo.

It might be important if you have 438D, to provide it to the witness, because here in Mr. Hoover's writing he indicates that he is glad to see that Mr. Sullivan has finally seen the light, though it is dismally delayed, that he struggled for months to convince him that the Communists had very definite influence over Dr. King.

I would like to move now, Mr.—

Mr. DELOACH. Mr. Fauntroy, before you move on, this memo apparently was not sent to me, and I was not a party to it.

Mr. FAUNTROY. So you were not aware of it?

Mr. DELOACH. No, sir; it was sent back to my office, for information apparently after Mr. Hoover had ordered the action to be taken.

Mr. FAUNTROY. But now you are aware, at least from the record, that a campaign was underway at that time?

Mr. DELOACH. From what you told me, yes.

Mr. FAUNTROY. I would like to turn now to 442J. You mentioned the fact that electronic surveillance was approved by Mr. Kennedy. Were you aware in January of 1964 of this memo and the intent to install microphone surveillance of Dr. King at the Willard Hotel

when it was reported through Mr. Sullivan that Dr. King had plans to stay there?

Mr. DELOACH. To the best of my knowledge, Mr. Fauntroy, I was not aware of this situation. Again, this memorandum was not sent through my office and was simply apparently sent by Mr. Hoover over to my office for information after the action had been ordered. In other words, I was a party after the fact.

Mr. FAUNTROY. But were you aware of it?

Mr. DELOACH. No, sir; not to my knowledge.

Mr. FAUNTROY. Even though the memo was sent to you, you weren't aware of that happening?

Mr. DELOACH. No, sir.

Mr. FAUNTROY. Were you aware that once the transcript, memorandum, from that surveillance was prepared, that a memo came from Mr. Sullivan indicating that they should hide this fact from the Attorney General, lest he inform Dr. King of the kind of surveillance that was being accorded him?

Mr. DELOACH. I don't recall any such incident, Mr. Fauntroy.

Mr. FAUNTROY. You don't remember this language:

The attached document is classified "Top Secret" to minimize the likelihood that this material will be read by someone who will leak it to King. However, it is possible despite its classification, the Attorney General himself may reprimand King on the basis of this material. If he does, it is not likely we will develop any more such information through the means employed. It is highly important that we do develop further information of this type in order that we may completely discredit King as a traitor of the Negro people.

Mr. DELOACH. I don't recall any such language. Again, I was not on the investigative side of the House, would not have been privy to such planning.

Mr. FAUNTROY. They sent no copy to the AG. Were you aware that the practice was, on matters like this, to hide it from the Attorney General?

Mr. DELOACH. I don't recall any such practice, Mr. Fauntroy.

Mr. FAUNTROY. You see the note on the bottom of the memo—

Mr. DELOACH. Which exhibit are you referring to now, sir?

Mr. FAUNTROY. F-442K.

Mr. DELOACH. Yes, sir; I see that. But, again—

Mr. FAUNTROY. Is that Mr. Hoover's handwriting?

Mr. DELOACH. That looks like Mr. Hoover's handwriting, Mr. Fauntroy.

Mr. FAUNTROY. Of course, you weren't talking to him, so you weren't aware of that?

Mr. DELOACH. I don't recall this.

Mr. FAUNTROY. Now I would like to move to efforts to discredit Dr. King at a time when you were officially the Assistant to the Director and had at least Mr. Sullivan to report to you.

Are you aware of 444A?

Mr. DELOACH. I have it in front of me, sir.

Mr. FAUNTROY. It was an effort to publish an article apparently written by the FBI in an effort to discredit Dr. King. You will note that it says, "Can be given to a friendly newspaper contact such as David Lawrence, who is the editor of the U.S. News & World Report."

You were aware of—

Mr. DELOACH. I don't recall this, sir. It obviously was emanated by Mr. Baumgardner and sent—after approved by Mr. Baumgardner—was sent to Mr. Sullivan for approval as Assistant Director in charge of the Domestic Intelligence Division, which handled the program, and then was sent to my office, and this does appear in my handwriting: "U.S. News & World Report will not use article of this nature. Suggest Ray McHugh of Copley Press."

It was sent on to Mr. Hoover and Mr. Hoover apparently ordered the action be taken.

Mr. FAUNTROY. So you now recall that you were aware of it and that you did pencil it at that time?

Mr. DELOACH. I don't recall the memorandum or the action, Mr. Fauntroy.

Mr. FAUNTROY. Is that your handwriting there?

Mr. DELOACH. Yes, sir, it is; but I don't recall the action.

Mr. FAUNTROY. You don't recall that—

Mr. DELOACH. No, sir.

Mr. FAUNTROY. But you don't deny this is your handwriting, that you wrote it?

Mr. DELOACH. I do not deny it.

Mr. FAUNTROY. 444B has reference to an article which the FBI wanted circulated that would try to create the impression that Dr. King was attempting to blackmail the Teamsters Union into giving contributions to SCLC because of some 450,000 members of Hoffa's union who were Black.

Were you aware of that effort to circulate—

Mr. DELOACH. No, sir; I don't recall this specific memorandum. It has been 12 years ago, Mr. Fauntroy, and it appears that this is a memorandum that, again, was initiated by Mr. Baumgardner, his idea, went to Mr. Sullivan; Mr. Sullivan approved and sent it to my office, and I sent it in to Mr. Tolson, who sent it to Mr. Hoover; and Mr. Hoover apparently—I don't see Mr. Hoover's initials on it; I see Mr. Tolson's initials.

Mr. FAUNTROY. Why did they send it to you?

Mr. DELOACH. Because I was Assistant to the Director at that time, and the natural flow of mail would go through my office, on into Mr. Tolson and Mr. Hoover.

Mr. FAUNTROY. And you made no judgments on the advisability of these things?

Mr. DELOACH. Well, I was under instructions on such matters to always send them in to Mr. Hoover for approval.

Mr. FAUNTROY. You were instructed by whom?

Mr. DELOACH. By Mr. Hoover.

Mr. FAUNTROY. I see; and you don't recall these now; but you do recall that you did not send them with your recommendations?

Mr. DELOACH. No, sir; I made no recommendation on this particular memorandum.

Mr. FAUNTROY. OK. If you will look at MLK F-450A, this is another memo which suggests using an article written by a Black newspaper editor discrediting Dr. King, and you wanted to expand the coverage of that by disseminating it to friendly news sources?

Mr. DELOACH. That is not correct, Mr. Fauntroy. You say "You wanted to expand it." This is a memorandum that was initiated by Mr. Brennan—

Mr. FAUNTROY. I'm sorry. Please forgive me. I didn't mean you. I meant the gentleman, Mr. Sullivan, apparently?

Mr. DELOACH. No, sir; Mr. Brennan.

Mr. FAUNTROY. Mr. Brennan was under Mr. Sullivan's supervision?

Mr. DELOACH. Yes, sir.

Mr. FAUNTROY. Mr. Sullivan was under Mr. Hoover's supervision; is that it?

Mr. DELOACH. Supposedly, yes, sir. At times I wonder, but supposedly.

Mr. FAUNTROY. Sometimes then they sent you memos and you had no input on them?

Mr. DELOACH. But this is a memorandum that Mr. Hoover apparently approved, because he said, "OK. H" and Mr. Hoover ordered that Mr. Wick and the Crime Records Division handle the matter.

Mr. FAUNTROY. But the instruction that it was felt if this article is given widespread publicity on how thinking Negroes would feel about King, that you would accomplish two objectives: One publicizing King as a traitor to his country and race and, second, it reduces income from these shows because he has five more performances to give—in reference to Harry Belafonte's concert designed to raise funds for SCLC?

Mr. DELOACH. I am not familiar with the newspaper article, Mr. Fauntroy, but apparently that was Mr. Brennan's idea.

Mr. FAUNTROY. But you were aware of the effort to portray Dr. King as a traitor to the country?

Mr. DELOACH. No, sir; I don't recall.

Mr. FAUNTROY. Even though it appears frequently in memos at a period when you had some responsibility for at least overseeing the work of DID, whence this memo came?

Mr. DELOACH. I think you'll agree, sir, that the majority of the memoranda reflect that I was on the administrative side of the House at the time and therefore would have had no decisionmaking policy in connection with that?

Mr. FAUNTROY. Mr. DeLoach, one of the things that the committee is seeking to determine is whether the FBI created a moral climate in which the assassination of Dr. King, as unthinkable as it is, became not only thinkable but also could be thought of being justified in the Nation; and I wonder if you think the FBI officials should have known their conduct in not only writing articles like this and seeing to it that they were disseminated around the country could have unjustifiably risked the life of Dr. King?

Mr. DELOACH. What was the last part of your question, sir? I'm sorry.

Mr. FAUNTROY. Is it your opinion that the FBI should have known that the kinds of activities to which we refer in these memos would unjustifiably risk the life of Dr. King?

Mr. DELOACH. Mr. Fauntroy, I think it would be absolutely ridiculous to assume that any of the FBI's few attempts to discredit Dr. King, as ordered by Mr. Hoover, Mr. Sullivan, or whoever participated in that, caused an atmosphere which would have resulted in his assassination—I doubt if James Earl Ray had ever seen any of the articles—that Mr. Hoover had wanted two or three articles to

be put in the newspaper which you have explained to me here today. No one has shown me the articles. I don't know whether they appeared or not, to tell you the truth; but I doubt that James Earl Ray—or I doubt that anyone to amount to anything—had ever seen the articles, if they did appear, that would have been perpetrated by the FBI or knew of a discreditation program to any extent. Consequently, in my opinion, the facts would overwhelmingly indicate that the FBI did not create any atmosphere which would cause harm to Dr. King from a physical standpoint or, in my opinion, any other standpoint.

Mr. FAUNTROY. In your testimony, Mr. DeLoach, you alluded to the fact that over the years the FBI compiled files on death threats directed at Dr. King. Is it fair to say that at the time of this period, between 1963 and 1968, that it would not have surprised you that Dr. King received death threats?

Mr. DELOACH. I wouldn't have been surprised, sir. I think almost any individual in the public limelight, as Dr. King was, or any public leader in our society today, receives death threats.

Mr. FAUNTROY. Again, in view of those death threats and in retrospect, didn't the release of derogatory and inflammatory information describing him as a traitor to the race and the country run the risk of further poisoning the minds of people who might violently oppose what Dr. King stood for?

Mr. DELOACH. Again, sir, I was not on the investigative side of the house at the time that language was used and, frankly, I am not aware of the fact that such language was ever given out from a public standpoint. That appears to be Mr. Sullivan's usage of inflammatory language, and whether or not it was given out or not, I am not aware of that fact, Mr. Fauntroy.

Mr. FAUNTROY. I just read to you, and you have before you, Martin Luther King exhibit F-450A, which has to do with the Houston article.

Were you not—

Mr. DELOACH. I don't recall the article, sir.

Mr. FAUNTROY. You don't recall?

Mr. DELOACH. No, sir.

Mr. FAUNTROY. You don't deny the FBI did that, do you?

Mr. DELOACH. I don't deny that Mr. Sullivan, Mr. Brennan, made this request, and that Mr. Hoover ordered that it be done; but—

Mr. FAUNTROY. Is that your initial at the end of that memo?

Mr. DELOACH. It is, sir; yes, sir. In the natural flow of mail, it went through my office, and then on in to Mr. Tolson, and then on in to Mr. Hoover; and in these particular cases Mr. Hoover indicated that anything pertaining to this matter he should see personally and make the decision.

Mr. FAUNTROY. So you didn't read this?

Mr. DELOACH. I beg your pardon?

Mr. FAUNTROY. You didn't read this?

Mr. DELOACH. I do not recall reading it.

Mr. FAUNTROY. What does your signature mean?

Mr. DELOACH. My signature?

Mr. FAUNTROY. I mean your initial.

Mr. DELOACH. My initial means that this piece of mail was received in my office and I read it, and I sent it on in to Mr. Tolson's office, approximately 11½ years ago.

Mr. FAUNTROY. And it doesn't mean approval?

Mr. DELOACH. It means that I thought that Mr. Hoover should see this piece of mail. That was my duty, to weed out mail which he should not see and to approve it and send it on my own, or else send it on to him for final approval.

Mr. FAUNTROY. So, finally—Mr. Chairman, I do appreciate the extent on which you have allowed me to go on—in your view, the FBI was not sensitive to the possible implications of the derogatory information it attempted to disseminate around the country about Dr. King as a traitor to the race and to the Nation for his own life?

Mr. DELOACH. No, Mr. Fauntroy, I simply stated this, that the few attempts on the part of the FBI to discredit Dr. King, as ordered by Mr. Hoover, did not result, in my opinion, in an atmosphere which would have caused physical harm to Dr. King.

Mr. FAUNTROY. I appreciate that opinion, but that is not the question I asked.

The question is: Whether you believed it or not, were you or any of the other persons responsible for these kinds of memos and the carrying out of this campaign against Dr. King—were you aware or sensitive to the fact that this might result in creating a climate within which Dr. King's life might well be taken?

Mr. DELOACH. Mr. Fauntroy, I can't answer that question because, as I testified previously, the greater majority of these memorandums took place prior to my assuming any supervision of the Investigative Divisions of the FBI; but I am not aware of any overall feeling of hysteria as a result of the FBI's actions; just sheer speculation at this late date.

I am trying to testify to the best of my ability.

Mr. FAUNTROY. But you recall never having anyone—either in discussion or by memo—expressing some concern about the effect that this campaign could have upon Dr. King's life?

Mr. DELOACH. I have no such recollection, Mr. Fauntroy.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

I would like to have the clerk provide the witness with MLK exhibit 438E, please.

Mr. DELOACH. Do you want me to read the entire memorandum?

Chairman STOKES. I just want you to refresh yourself and then I will refer to certain parts of it. This is a memorandum prepared by you?

Mr. DELOACH. That is correct, sir.

Chairman STOKES. It went to Mr. Mohr?

Mr. DELOACH. That is correct. He was my superior at the time.

Chairman STOKES. And the date of the memorandum?

Mr. DELOACH. Is December 2, 1964.

Chairman STOKES. The subject matter?

Mr. DELOACH. Is Martin Luther King. Appointment with Director 3:35 p.m., December 1, 1964.

Chairman STOKES. Bearing upon the part of your reply to Mr. Devine with reference to how the meeting came about, would you read us the first paragraph of that memorandum.

Mr. DELOACH. Yes, sir.

At Reverend King's request, the Director met with King; Rev. Ralph Abernathy, Secretary of the Southern Christian Leadership Conference (SCLC); Dr. Andrew Young, executive assistant to King; and Walter Fauntroy, SCLC representative here in Washington, at 3:35 p.m., 12-1-64, in the Director's Office.

Chairman STOKES. The memorandum goes on in the next paragraph and makes reference to the fact—

Mr. DELOACH. May I interrupt just one second? I would like the privilege of stating, despite the fact this specifically reads at "Reverend King's request," I made overtures to Mr. Hoover to have this meeting take place, as I have testified to the best of my recollection previously. I still insist on that.

Chairman STOKES. What overtures did you make to Mr. Hoover to try to get him to comply with Dr. King's request for such a meeting?

Mr. DELOACH. No, sir. That too took place, but prior to that I made the suggestion that such a meeting take place.

Chairman STOKES. I am sort of at a loss as to why you would, in your own written memo, say at Dr. King's request.

Mr. DELOACH. Only for the record, Mr. Chairman. Obviously Dr. King initiated the request also for a specific date and time.

Chairman STOKES. Wouldn't it be logical in these circumstances that you would say pursuant to my request to the Director, or something of this sort, rather than at Dr. King's request?

Mr. DELOACH. No, sir. Not on the basis of the telephone call that I received in my opinion—again I am testifying to something that is about 14 years ago—telephone call, to the best of my recollection, I received from the current Ambassador to the United Nations, Mr. Young, who asked the meeting take place, and they wanted it to take place, and I previously tried to contact Dr. King personally, and Dr. King had not returned my calls but obviously had Ambassador Young call me.

Chairman STOKES. Be that as it may, it also appears to me from the way your memo reads that it seems to give further weight to Dr. King having made the request, because in the second paragraph you mention the fact you met King and associates in the hallway and attempted to rush them into the Director's office through the reception room. "King slowly posed for cameras and newsmen before proceeding."

Then you say:

Upon being introduced to the Director, Reverend King indicated his appreciation for Mr. Hoover seeing him and then stated that Reverend Abernathy would speak first.

And then you tell us what Reverend Abernathy told the Director. Then your next paragraph—why don't you read the next paragraph for us, paragraph 4.

Mr. DELOACH.

Reverend King spoke up. He stated it was virtually necessary to keep a working relationship with the FBI. He wanted to clear up any misunderstanding which might have occurred. He stated that some Negroes had told him that the FBI had been ineffective, however, he was inclined to discount such criticism. Reverend King asked that the Director please understand that any criticism of the Director and the FBI which had been attributed to King was either a misquote or an outright misrepresentation. He stated this particularly concerned Albany, Ga. He stated that the only time he had ever criticized the FBI was because of instances in which

special agents who had been given complaints in civil rights cases regarding brutality by police officers were seen the following day being friendly with those same police officers. King stated this, of course, promoted distrust inasmuch as the police sometimes "brutalized Negroes."

Chairman STOKES. Then, of course, on the second page Reverend King goes into telling the Director he personally appreciated the great work the FBI had done in many instances and refers to what they had done in Mississippi, and so forth. In the next paragraph he specifically states he had never made any personal attack upon Mr. Hoover; is that correct?

Mr. DELOACH. Which paragraph are you referring to now?

Chairman STOKES. Paragraph 2 on the second page. That is the paragraph that reads—

Mr. DELOACH. Yes, sir, I see that.

Chairman STOKES [reading]:

Reverend King stated he had never made any personal attack upon Mr. Hoover. He stated he had merely tried to articulate the feelings of the Negroes in the South in order to keep a tradition of nonviolence rather than violence. He added that the Negro should never be transferred from a policy of nonviolence to one of violence and terror.

Mr. DELOACH. Excuse me, sir, which page are you reading from?

Chairman STOKES. The second page of the memorandum, 438.

Mr. DELOACH. I have the same memorandum but—are you referring to the second paragraph or the first paragraph? Mine starts off: "The Director told Reverend King that the FBI had put the 'fear of God' in the Ku Klux Klan."

Chairman STOKES. That is the third page. You don't have the second page.

Mr. DELOACH. It is the second page of my memorandum, Mr. Chairman. I am sorry, sir.

Mr. FAUNTROY. Mr. Chairman, that may be an error with respect to the Xerox machine. My second page is a blank.

Chairman STOKES. We will take a moment to get this straightened out.

[Additional copy handed to witness.]

I think they have given you now the correct second page which starts out, "Reverend King stated he personally appreciated the great work of the FBI which had been done in so many instances." Is that the way your first paragraph of the second page reads?

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

Chairman STOKES. Prior to making reference to this next section on that second page, I would like to have the record clear that this committee has not received any evidence whatsoever or testimony from any informant, as you stated earlier today, relating to the fact that such an informant had said to this committee Dr. King, if not a Communist, was almost a Communist. There has been no such testimony before this committee. Are you aware of that?

Mr. DELOACH. I am not aware of that, sir.

Chairman STOKES. Since you were dictating this memo, I think it is important for us to make reference to the fifth paragraph there, which I would ask you to read:

Mr. DELOACH. Certainly, sir.

Reverend King stated he has been, and still is, very concerned regarding the matter of communism in the civil rights movement. He stated he knew that the Director was very concerned because he bore the responsibility of security in the

Nation. Reverend King stated that from a strong philosophical point of view he could never become a communist inasmuch as he recognizes this to be a crippling totalitarian disease. He stated that as a Christian he could never accept communism. He claimed that when he learns of the identity of a communist in his midst he immediately deals with the problem by removing this man. He stated there have been one or two communists who were engaged in fund-raising for the SCLC. Reverend King then corrected himself to say that these one or two men were former Communists and not Party members at the present time.

Shall I read the names?

Chairman STOKES. I think we can leave it blank.

Mr. DeLoach [reading]:

He then identified (blank) as an example. He stated that he insisted that (blank) leave his staff because the success of his organization, the Southern Christian Leadership Conference, was more important than friendship with (blank).

Chairman STOKES. This is what was said there in your presence; is that correct?

Mr. DeLoach. To the best of my knowledge, sir, I took copious notes of what was said in my presence.

Chairman STOKES. I have nothing further at this time.

The gentleman from Indiana, Mr. Fithian.

Mr. Fithian. Thank you, Mr. Chairman. I am sorry I had to step out for a previous commitment.

Mr. DeLoach, was the Justice Department modus operandi different in the King case from other special investigations?

Mr. DeLoach. To the best of my knowledge, sir, I believe there was more emphasis placed on this major case than on previous major cases because of the importance of it. As to the modus operandi, I believe that the FBI, trained as it was in investigative matters, carried out very much the same procedures that they would in any case of a similar nature or matter pertaining to this or a similar nature.

Mr. Fithian. During counsel's questioning much was made of the potential failure, I guess, to convene a grand jury and interview the Ray family, et cetera or even interview Ray later. The implication at least I gather from the staff's question was they thought it would have been a good idea, particularly regarding John Ray, Jerry Ray, and so forth. As a law enforcement official, what was your view? Do you think it would have or would not have? I am not asking now whose jurisdiction it was or the territorial turf question. I am really not interested in that at all.

Mr. DeLoach. In my opinion, Mr. Fithian, I think the matters at this particular stage in the fugitive investigation, which was characterized as a civil rights-type investigation but looking at all phases including conspiracy, I think a grand jury would have been very laborious, inefficient, and I think it would have slowed down the investigation.

Mr. Fithian. That is the conspiracy thing you think would not necessarily have been furthered by the grand jury?

Mr. DeLoach. Not in my opinion.

Mr. Fithian. Tell me, have you ever worked with or supervised or been associated with or known about a conspiracy investigation conducted by the Bureau?

Mr. DeLoach. I do not recall when I was an agent in the field—and I came up from the ranks just like every other agent in the FBI does—ever working on a conspiracy case, Mr. Fithian. When I

became Assistant to the Director I don't recall any, but I am sure there must have been hundreds of them passing through my office where I read the memorandums.

Mr. FITHIAN. As a career professional, if I were a new agent and I was being indoctrinated in working with you, and so on, and I asked you how would we be going about conducting a conspiracy investigation in case X, Y, or Z, what kind of steps would you recommend that I undertake if I am to conduct the investigation of a conspiracy?

Mr. DELOACH. First I would want you to tell me whether or not there were any facts which would lead to a conspiracy rather than wasting the taxpayers' money and the time of the FBI going on a fishing expedition. If you could give me facts, then certainly it should be investigated very thoroughly to determine if there was a conspiracy involved.

Mr. FITHIAN. That didn't answer my question, though, did it?

Mr. DELOACH. No. I am sorry, that is the best I can answer it.

Mr. FITHIAN. You said if there were facts, then you would give me some advice. Setting aside the preamble, give me the advice. How would you conduct a conspiracy investigation? That was the question.

Mr. DELOACH. Mr. Fithian, I think that all parties should be interviewed to determine the proof or negative aspects——

Mr. FITHIAN. All parties would mean what?

Mr. DELOACH. All parties involved in the possible or potential conspiracy.

Mr. FITHIAN. So if you had a prime suspect or even had him in hand, or you were on his trail, and somebody said this job couldn't have been pulled off by a single person, let's simultaneously as we hunt for him conduct a conspiracy investigation, or now that we have him in hand let's conduct a conspiracy investigation. How would you go about it?

Mr. DELOACH. Again you would interview all parties concerned with it.

Mr. FITHIAN. By parties you mean whom—his acquaintances?

Mr. DELOACH. If you had indications indicating they were involved in a conspiracy, yes, sir.

Mr. FITHIAN. You said you wouldn't go on a fishing expedition. If I thought that you were engaged in a crime and you had friends, contacts that might have helped you escape from prison or conduct this crime, I don't think I would have to have any evidence that your friend there might have helped you. I would go sort of surveilling him or start questioning him or bringing him in for interrogation. Isn't that the logical way you would go about it?

Mr. DELOACH. If you start surveilling him, Mr. Fithian, you would certainly be violating his civil liberties. If you start an investigation without any facts, you would be wasting hundreds of thousands of dollars considering the fact that the FBI at that time had over 300,000 investigative matters.

Mr. FITHIAN. What you are saying is even if you had reason to believe there had to be a conspiracy involved, you wouldn't do anything until somebody gave you the evidence that there was conspiracy involved?

Mr. DELOACH. Not necessarily, I think I would first look to see if there are any facts indicating whether or not there was a conspiracy. In the particular instance you are talking about, as the committee report reflects, there was intense emphasis put—

Mr. FITHIAN. Let me cut you off there. You said the first step would be to interview all the parties potentially involved?

Mr. DELOACH. That is correct.

Mr. FITHIAN. What else would you do?

Mr. DELOACH. Based upon the knowledge or information you gained there, you would determine the next step of the investigation, and that would be the possibility of going to the Department of Justice and presenting the facts to them to see what they would suggest if a grand jury was necessary or any other type of investigative activity.

Mr. FITHIAN. So then, if you really thought there was a conspiracy involved, you might have used a grand jury in case X. I am not talking about the King case. I am not a lawyer and not a law enforcement person. I would like to figure out how people in your profession would track down a conspiracy.

Mr. DELOACH. Mr. Fithian, the former Attorney General of the United States has testified, as has the Assistant Attorney General in charge of the Criminal Division that they feel a grand jury would be laborious, inefficient and ineffective.

Mr. FITHIAN. So you would not have used a grand jury?

Mr. DELOACH. No, sir.

Mr. FITHIAN. But you would have interviewed anybody that you thought might have been involved or any acquaintances?

Mr. DELOACH. To the best of my knowledge, yes, sir.

Mr. FITHIAN. Would you have done anything else?

Mr. DELOACH. I don't know anything else that could be done, unless you had proof of the fact that they were certainly involved.

Mr. FITHIAN. Let me sketch out for you what it looks like to a layman. A man escapes from prison, he might have been able to do that without any help; right, possibly?

Mr. DELOACH. Yes, sir.

Mr. FITHIAN. He sustains himself over a very long period of time, and the FBI did a marvelous job, by the way, tracking down how much money he had spent here and there. I compliment you for whatever part you had in that. I think it was a superb investigation on that level.

Mr. DELOACH. Thank you, sir.

Mr. FITHIAN. But the man did sustain himself a considerable period of time and spent a considerable amount of money over that time. Shouldn't it have loomed in someone's mind that he had to get that money from somewhere?

Mr. DELOACH. Yes, sir, and it did in our minds, Mr. Fithian. I allude to the possibility of a bank robbery investigation in Illinois, and there was an intensive investigation by the FBI to determine whether or not James Earl Ray was involved in that bank robbery. As a matter of fact, to the best of my recollection, several witnesses indicated that his physical characteristics very closely resembled one of the bank robbers in that bank robbery. Again, if I may complete this, excuse me, but to the best of my knowledge there was some \$44,500 involved in that bank robbery, or even more,

which would have given him ample funds to carry out his various travels in stalking Dr. King.

Mr. FITHIAN. So is it your best guess that is the way he financed himself?

Mr. DELOACH. That is my opinion, Mr. Fithian.

Mr. FITHIAN. And the passport that he managed to manufacture, that did not raise any problem for you?

Mr. DELOACH. If you will recall, sir, in Canada at that time—the law has since been changed—but it was very easy to get a passport.

Mr. FITHIAN. So you don't think there had to be any assistance on that score?

Mr. DELOACH. Not as far as passports are concerned, no, sir.

Mr. FITHIAN. You made one request to surveil family members, as I understand it, with electronic surveillance. I didn't quite understand. Are you saying that if you suspect person X in having been implicated in a crime, that you couldn't do a stakeout without violating his civil rights?

Mr. DELOACH. No; my answer did not allude to the Ray brothers, Mr. Congressman; it referred to any instance where the FBI might initiate a physical surveillance without having ample proof as required.

Mr. FITHIAN. I understand that. You are saying, then, that you could not have said, you know, I think he had some help from the family, so let's put a couple agents out there in that neighborhood to just kind of watch and see what happens and watch his or her motions? You couldn't have done that legally?

Mr. DELOACH. Yes, sir, that could have been done, in my opinion, legally, and whether or not it was done I don't recall. I know that when I was in the field in a bank robbery and espionage cases we previously had stakeouts.

Mr. FITHIAN. What other kinds of things could you have done, what other observations could you have made on the Ray brothers without having violated their constitutional rights and their civil rights that might have shed light? It's difficult 10 or 15 years later for us to go back and reconstruct that. It seems to me it would have been easier at the time, with the thousands of agents you had in the field, to do, quite frankly, considerably more than I believe you did.

Mr. DELOACH. I believe if you will read the record, Mr. Fithian, you will find that hundreds and hundreds of interviews were conducted not only with members of the Ray family, as the committee indicated in their report, in an intensive effort to get information from them, but all associates of that family that were known to the FBI, hundreds of interviews. An intensive effort was made in that regard to find out if there was conspiracy involved or if there was any effort to assist their brother; furthermore, to find out the exact location of James Earl Ray.

Mr. FITHIAN. Two other questions, Mr. Chairman, if I may.

One: Is it then your opinion that if James Earl Ray robbed a bank in Alton, he did it alone?

Mr. DELOACH. I don't know that, sir. To the best of my knowledge—

Mr. FITHIAN. Didn't the police cite two individuals involved?

Mr. DELOACH. Yes; to the best of my knowledge, there were one or two other individuals, but, you see, James Earl Ray had a record of—again to the best of my knowledge—attempting to rob grocery stores with other individuals, to do this and that. He had a record of crime. So I wouldn't put it past him to have lined up other individuals to assist him in this regard, if in fact a man closely resembling him committed the robbery as our witnesses indicated.

Mr. FITHIAN. Did you pursue the possible participation of John or Jerry in the bank robbery at all?

Mr. DELOACH. I don't recall that, sir. I feel the record will reflect that but I am sure—I can't say I am sure but I certainly think it would have been a logical investigative lead for the FBI to follow.

Mr. FITHIAN. Finally, then, what is your best judgment; do you think that James Earl Ray killed Martin Luther King, and if so, that he did or did not have any assistance in that whole matter?

Mr. DELOACH. Mr. Fithian, I think the evidence is overwhelming to prove James Earl Ray killed Martin Luther King, and to the best of my knowledge there are no facts to indicate a conspiracy at this date in time.

Mr. FITHIAN. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired. The Chair recognizes Professor Blakey.

Mr. BLAKEY. Mr. Chairman, I wonder if I could ask Mr. DeLoach at least two questions.

Mr. DeLoach, I am sure you will recall in 1965 and 1967 you and I worked with the President's Crime Commission, you representing the Bureau and I was a consultant to that Crime Commission.

Mr. DELOACH. That is correct, sir.

Mr. BLAKEY. At least my concern in that Commission was on the Crime Task Force.

Mr. DELOACH. That is correct.

Mr. BLAKEY. I am sure you recall that. That task force recommended to the Commission and the Commission ultimately adopted a recommendation that said that the investigation of sophisticated conspiracies required the integrated use of compulsory process in the context of a grand jury, community techniques and electronic surveillance. I am sure you recall those recommendations.

Mr. DELOACH. I don't recall them specifically, Mr. Blakey, but it sounds logical.

Mr. BLAKEY. You have testified here this morning that you were satisfied with the contours of development of the King conspiracy case even though it did not involve, except perhaps for one small suggestion, the use of the grand jury, it never involved any effort to secure testimony through immunity grants, and the only electronic surveillance was the one that was suggested by the Bureau but not adopted by the Department, they could not have obtained lawful evidence of a conspiracy.

That is correct, isn't it?

Mr. DELOACH. I have given my opinion concerning that, Mr. Blakey, yes.

Mr. BLAKEY. I am sure that you may also recall with me that in 1968 the Congress passed the Crime Control Act of that year. It gave to the Department of Justice a fairly extensive immunity

power in 18 U.S.C. 2514, and wiretapping authority in 18 U.S.C. 2516. Do you recall that?

Mr. DELOACH. I don't recall that, no, sir.

Mr. BLAKEY. Would you accept my statement that it, in fact, did occur?

Mr. DELOACH. Certainly, sir.

Mr. BLAKEY. Suppose I were to tell you, Mr. DeLoach, that this committee, since it began its investigation of this year, utilizing its executive session as if it were a grand jury, and utilizing its congressional subpoena power as if it were a grand jury subpoena power, and utilizing the immunity techniques that were granted to the Congress by the Organized Crime Control Act of 1970, was able to pick up on information that reasonably could have been available to the FBI in 1967, and, utilizing those techniques recommended by the President's Crime Commission in 1967 but not utilized by the FBI or the Department of Justice together or separately in 1968, was able to develop even 10 years after the fact the outlines of a conspiracy case, that may well have involved individuals who plotted the death of Dr. King and may well have involved actually bringing about the events in Memphis.

If that were true, would that lead you to reconsider your judgment that what was done in 1968 was satisfactory?

Mr. DELOACH. Mr. Blakey, I have testified to the fact that to the best of my knowledge I know of no conspiracy involving the assassination of Dr. King, and to the best of my knowledge, also in my opinion, definite opinion, James Earl Ray committed this crime. I am not aware of any conditional facts and you have not given me any additional facts which would indicate there is a conspiracy.

Mr. BLAKEY. Let me see if I can't go back again. Suppose I suggested to you that this committee had been able to obtain that kind of evidence, utilizing in however a fashion in a congressional context those techniques—in other words, I am telling you in fact that that evidence was developed—would that lead you to reconsider your judgment that you are satisfied with what happened in 1968?

Mr. DELOACH. If you could show me any facts which indicated a conspiracy, Mr. Blakey, I would certainly be glad to reconsider. But as your report indicates, you have no evidence indicating a conspiracy.

Mr. BLAKEY. Mr. DeLoach, I am not aware that report indicates that.

Mr. DELOACH. You would not rule out a conspiracy but you did not indicate that you had facts indicating a conspiracy, to the best of my knowledge, after scanning your report.

Mr. BLAKEY. I suspect the record will have to speak for itself on that.

In response to Chairman Fauntroy's question, you indicated that you did not feel that the FBI's harassment or propaganda campaign directed at Dr. King in fact so created an atmosphere that the assassination may have occurred as it did in Memphis because no evidence had been brought to your attention that James Earl Ray or others that he may have been associated with had ever been reached by that propaganda.

Suppose I were to tell you that this committee has, in fact, developed evidence that to some degree at least, that circle of people who may have plotted the death of Dr. King and whose actions may have contributed to James Earl Ray's conduct in Memphis were, in fact, touched by the FBI propaganda campaign?

Mr. DELOACH. I am not aware of that.

Mr. BLAKEY. But, Mr. DeLoach, the question is, suppose I told you that this committee has developed that evidence; would that lead you to reconsider the degree to which the FBI may be responsible in some degree for Dr. King's death?

Mr. DELOACH. Mr. Blakey, if you can show me indisputable facts, certainly I would reconsider. But you have shown me no such facts. You asked me for my opinion and I gave you my opinion.

Mr. BLAKEY. I have no further questions, Mr. Chairman.

Chairman STOKES. Mr. DeLoach, you have indicated there were certain documents that you would like to provide for the record and have included in the record here today.

Mr. DELOACH. Mr. Chairman, it is only a letter which I read from Attorney General Clark, and I would certainly be glad to turn that over, and any other letters that I have, plus a statement from Mr. Hoover concerning my personal handling of this case along with Mr. Rosen and others, but I see no need for it unless the committee wants it. I read the letter to Mr. Clark, and that is sufficient, in my opinion. But you are certainly entitled to have this if you wish.

Chairman STOKES. It is up to you. If you would like to have it included in the record, we would be glad to mark it appropriately and have it entered into the record.

Mr. DEVINE. Mr. Chairman, I would like to have it included in the record.

Chairman STOKES. Without objection, then, the documents will be marked appropriately MLK F-530, F-531, F-532, F-533, F-534, and F-535 and made a part of the record at this point.

[The information follows:]

DEPUTY ATTORNEY GENERAL

December 5

Dear Keke,

Warmest congratulations
on your appointment as Assistant
to the Director. This is a high
and well deserved honor indeed.

It is a privilege to be
associated with you in the
Department and reassuring to
know that the great Bureau will
now employ your talents to even
higher purposes.

Sincerely
Ramsey

MLK EXHIBIT F-530

DIRECTOR OF PUBLIC INFORMATION
DEPARTMENT OF JUSTICE
WASHINGTON

December 2, 1965

JACOB ROSENTHAL

Dear Deke:

A fine news manager you are--leaking the story of your own promotion to Ben Bradlee.

Seriously, let me offer my warmest congratulations on your promotion. I know that in your new position you will, as you have in your present position, bring great credit to the Department, the Bureau and yourself.

Best wishes.

Sincerely,



Mr. Cartha D. DeLoach
Assistant Director
Federal Bureau of Investigation
Washington, D. C.

MLK EXHIBIT F-531

ASSISTANT ATTORNEY GENERAL
WASHINGTON

J. WALTER YEAGLEY

December 6, 1965

Mr. Cartha D. DeLoach
Assistant to the Director
Federal Bureau of Investigation
Department of Justice
Washington, D. C.

Dear Deke:

I was delighted to learn that the Director intends to promote you to the position of Assistant to the Director. Heartiest congratulations and best wishes. It is a tremendous job but I know you will come up with a top flight performance.

Whenever we can be of any assistance here please let me know.

Good luck and with best personal regards,
I am

Sincerely yours,



J. Walter Yeagley

MLK EXHIBIT F-532

ASSISTANT ATTORNEY GENERAL
INTERNAL SECURITY DIVISION

Department of Justice

Washington

20530

DEC 6 1965

Mr. Cartha D. DeLoach
Assistant to the Director
Federal Bureau of Investigation
Washington, D. C. 20535

Dear Deke:

I could not let this occasion pass without extending to you my sincere congratulations on your new appointment to the position of Assistant to the Director.

In you, once again Mr. Hoover has selected a dedicated and devoted public servant to assist him in the maintenance of the high standards which has made the Federal Bureau of Investigation great.

Best of luck and Godspeed to you and your family in your new assignment.

Sincerely,



John F. Doherty
First Assistant

MLK EXHIBIT F-533



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

Room 3266
Dec. 7, 1965.

Dear Dexo,

Congratulations on your well-
merited promotion. No finer, better
qualified and ^{more} personable individual
could have been found for that
eminent post. I take pride in having
your acquaintance.

May the good Lord grant you
and your grand family many years
of good health and happiness. As in
the past, I feel certain you will in the future
contribute much to the safety,
security and welfare of our
beloved United States of America.

Sincerely,
Ben Pollack

P.S. A merry Christmas and a very
happy New Year.

MLK EXHIBIT F-534

ASSISTANT ATTORNEY GENERAL
WASHINGTON

December 29, 1965

Dear Deke —

I have just learned of your so well-deserved promotion; am delighted and offer heartiest congratulations. And what a perfect time for it to come. Actually congratulations are most in order to the Bureau and the Department which are the big winners in this new move.

I am very proud to have you as my friend.

all the best and continued success in 1966.

As ever,

Ed Weir-L.

Mr. BEESON. Mr. Chairman.
Chairman STOKES. Mr. Beeson.

Mr. BEESON. Along those lines, Mr. Stokes, if I could ask officially at this time that Martin Luther King exhibits F-441B, F-507, F-508, F-509, F-510, and F-511 be incorporated in the official record of this hearing.

Chairman STOKES. Without objection, they may be entered into the record at this point.

[The information follows:]

MLK EXHIBIT F-441B

UNITED STATES GOVERNMENT
Memorandum

MLK #441B J-8

Tolson	
DeLoach	
Mohr	
Bishop	
Casper	
Callahan	
Conrad	
Felt	
Gale	
Rosen	
Sullivan	
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

TO : Mr. W. C. Sullivan
FROM : C. D. Brennan
SUBJECT: COMMUNIST INFLUENCE IN RACIAL MATTERS - A CURRENT ANALYSIS

1 - Mr. C. D. DeLoach
1 - Mr. J. P. Mohr
DATE: April 10, 1967
1 - Mr. R. E. Wick
1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan
1 - Liaison
1 - Mr. Shackelford
1 - Mr. D. M. Wells

PURPOSE:

To obtain authorization for high level dissemination of a document captioned as above which shows the degree of communist influence on Martin Luther King.

Enclosed is a document captioned as above, which depicts communist influence in the civil rights field, emphasizing the key role of Martin Luther King, Jr. This document is a current revision of the previous analysis captioned "Communism and the Negro Movement - A Current Analysis, prepared and disseminated in November, 1964. In updating it, we have emphasized these areas: (1) continued reliance of King upon former Communist Party, USA, members, particularly [redacted]; (2) facts relating to King's [redacted] and (3) [redacted]

King's strong criticism and condemnation of the Administration's policy on Vietnam in a speech he made at New York on 4/4/67 shows how much he has been influenced by communist advisors. His speech was a direct parallel of the communist position on Vietnam.

It is felt that the President would be interested in a summary on King which shows the degree of communist influence on him. The attached paper constitutes a complete picture and strong indictment of King in that regard.

RECOMMENDATIONS:

It is recommended that

- (1) The attached letters, with enclosures, to the White House and the Attorney General be forwarded to Assistant to the Director DeLoach for transmittal to Mrs. Mildred Stozall, the White House, and the Attorney General.

Enclosure
100-442529

CONTINUED - OVER 7

RLS:DMW/jav/cst.

56 MAY 22 1967

(9) This document is prepared in response to...
Your Committee and its content may not be discussed

5
revised by person

Memorandum to Mr. Sullivan
Re: COMMUNIST INFLUENCE IN RACIAL
MATTERS - A CURRENT ANALYSIS
100-442529

(2) The attached letters, with enclosures, to the Secretary of State, the Secretary of Defense, and the Director of the Secret Service be forwarded to the Liaison Section for transmittal.

*SMU
ref*

AK

P

NA

d

W: 2/5

✓

GH

X

ROUTED IN ENVELOPE

#101,243

F-507

The Attorney General

JUNE

May 13, 1968

Director, FBI

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. McGowan
- 1 - Mr. Long

ST
HT

ASSASSINATION OF MARTIN LUTHER KING, JR.

James Earl Ray has been identified as the subject in the case involving the murder of Martin Luther King, Jr.

Extensive investigation has been conducted, and no information has been developed indicating his present whereabouts. In order to possibly assist in locating and apprehending the subject, it would be of extreme value to know if the subject has made any contact, either personal or by telephone, with his sister, Carol Pepper, as well as his brother, John Larry Ray.

Ro-BK

F-41-68
X
from SAC
PWR

In view of the above, it is requested that you authorize installation of a technical surveillance at the residence of Carol Pepper and at the Grapevine Tavern, owned by Carol Pepper and operated by John Larry Ray. It is also requested that you authorize installation of microphone surveillance on the residences of Carol Pepper, and John Larry Ray, as well as the Grapevine Tavern.

These installations could assist in the early apprehension of the subject, which could possibly be instrumental in reducing the stresses and tension placed on our national security subsequent to the death of Martin Luther King, Jr.

clb

REL:vez
(7)

Card

NOTE: See memorandum A. Rosen to Mr. DeLoach dated 3-9-68, captioned "MURKIN," RE:arg-EX-115

44-38861 3509

MAY 17 1968

MAIL ROOM

SENT FROM D. O.
TIME 5:20 PM
DATE 5-13-68
BY

MAY 24 1968 TELETYPE UNIT

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

259

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI

DATE: 10/11/68

FROM: ^{RHJ}_{10/11} SAC, Memphis (44-1987) (P)

SUBJECT: MURKIN

Enclosed are two Xerox copies of a letter and envelope addressed by subject JAMES EARL RAY to Mr. ARTHUR HANES, SR., Attorney, 617 Frank Nelson Bldg., Birmingham, Ala. This letter was written by RAY, 10/3/68, while incarcerated in Shelby County Jail, Memphis, Tenn.

Copies of this letter are furnished to the Bureau for information only.

^C
ENCLOSURE

- 2 - Bureau (Enc.-2)
 - 1 - Memphis
- RGJ:ME
(3)

COPIES MADE, DATE 3-11-72 BY
FOR REVIEW AT HOME OFFICE
TO KNOW RE MEMPHIS INVESTIGATION
(SEE BUFILE 62-11720)

EX-100

44-38861-5235
REC-38

OCT 14 1968

*1 Seal Det
+ MEMPHIS
EA. RAY
10/7/68
f*



OCT 18 1968

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

J. RAY
COUNTY JAIL
MEMPHIS, TENN.



To Mr. Arthur Hanes Jr. Attorney,
617 First Nelson Bldg.,
Birmingham, Alabama

35203

10-3-68
Dear Mr. Hanes,

I'll just write a short letter to let you know everything is alright, am still gaining weight and sleeping 8 1/2 hrs a day. Ling is coming down slowly, but ongoing to have him visit until I see you again. since I want to give him the papers also if you have one of them black papers of attorney I want him to have one of them I will cheer for now.

Sincerely,
J. Ray

ENCLOSURE

44-32861-523

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6
UNITED STATES GOVERNMENT

Memorandum # 259
262

TO : Director, FBI (44-38861) DATE: 10/14/68
FROM : SAC, Memphis (44-1982) (P)
SUBJECT: MURKIN

Submitted herewith for the Bureau's information are two copies of an Order issued by Judge W. PRESTON BATTLE, Memphis, Tenn., relative to seating accommodations in the courtroom in anticipation of forthcoming trial.

Also submitted are two copies of an "Order on Scire Facias," issued by Judge BATTLE.

In addition to the above Orders issued by Judge BATTLE, there are enclosed two copies each of the following:

Letter prepared by subject JAMES EARL RAY to his brother JERRY, dated October 14, 1968.

Letter dated October 9, 1968, addressed to subject by his brother, JERRY RAY, St. Louis, Mo.

Letter dated October 14, 1968 from subject to Attorney ARTHUR HANES.

2 - Bureau (Enc.-10) *ENCLOSURE*
1 - Memphis
RGJ:ME
(3)

REC 53

001-13

14 OCT 15 1968

10 OCT 25 1968

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

J. NAY
MEMPHIS, TENNESSEE
COUNTY JAIL



To Mr. Arthur Hones
Att. at Law.
Birmingham, Alabama
35203

Dear Mr. Hones;

oct. 14-68

I will just write a short note,
everything is about the same, the paper
has been surety about 2 articles early
about the case, the last article took up
the whole front page of the 2nd section,
I guess they had a late bring from
the state attorney office as they come
up with a couple new theories, also
bring me up a set of books as one
suppose to be a hippie according
to the last article, the main reason
I am writing this letter is to say

Oct - 14 - 68

to you on art. Ben. Ch. from England.
 I read in the paper a couple of days ago
 the federal court are using this tactic to
 get convictions.
 Well I suppose that's all for now

Sincerely,

Jimmie E. Ray.
 Memphis County Jail

260
FBI
Date: 10-24-68

Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

Transmit the following in _____
(Type in plaintext or code)
AIRTEL AM (Priority)

TO: DIRECTOR, FBI (44-38861)
FROM: SAC, MEMPHIS (44-1987)

MURKIN

Foreign Govt Agency info

Submitted herewith for the information and assistance of the Bureau are three items of correspondence. The first is [redacted] the second letter was prepared by JAMES EARL RAY and forwarded to Honorable W. PRESTON BATTLE, Criminal Courts Building, Memphis, Tennessee. The third is from subject RAY to his attorney, ARTHUR HANES.

Of significance, RAY in his letter to HANES requests that Mr. HUIE not go to any of the addresses in Miami until after the trial. In this connection, RAY also states "that part of the story just covers a few days anyhow and is not too important."

The above material is being furnished for the Bureau's information.

ENCLOSURE
3 BUREAU (Enc. 6) (AM)
MEMPHIS

EGJ:RS
(4)

*EX-102
Rec. Div. to
Dir. 11/13/68
of 6*

44-38861-5321
12 NOV 7 1968

C. C. Bishop

9 NOV 14 1968
Special Agent in Charge

Sent _____ M Per _____

To Mr. Arthur Hanes, etc.

617 - Frank Nelson Bldg.

Birmingham, Alabama

35203

10-18-63

Dear Mr. Hanes;

I was thinking about the long list of
witnesses yesterday. It seems most of
them resulted from Mr. Hain going to Chicago.
Therefore ask him not to go to any of
the addresses in Miami until after the
trial starts. That way if Clark needs
a couple divisions down there it will be to
lets to put them on the witness list.
That part of the story just covers a
few days anyhow and is not too important,
also if you don't desire these papers just
send all of them to Jerry.
That all for now.

Sincerely,
S. L.

121
317

1:05 PM

June 20, 1968

MEMORANDUM FOR MR. TOLSON
MR. DE LOACH
MR. ROSEN
MR. BISHOP
MR. SULLIVAN

Smurkin

While talking to Attorney General Ramsey Clark on another matter, he asked how the James Earl Ray investigation looked now. I said I thought it was more or less stymied in legal technicalities in Great Britain as it has to go through a long process on extradition. I commented that, of course, the lawyer who has gone over to represent Ray is a former FBI Agent; that he is no good and was the attorney in the Mrs. Viola Luzzo case, but, of course, we got convictions in that, but his lawyer has always been strongly pro-Klan. I said he was Mayor of Birmingham, Alabama, at one time and at that time he was a strong supporter of "Bull" Connor and I thought it significant that Ray should get a fellow who has certainly a strong smell of the Klan about him. I said he denies that he is a Klansman or that he ever attended any of their meetings and he claims he does not know how Ray came to ask for him as his lawyer. I said that Ray claims he read about him in the newspaper when he was in the penitentiary in Missouri. The Attorney General said he does not see how Ray would remember that. I agreed and told the Attorney General that the lawyer and his son, who is a partner, went over to England and we alerted our London Office to alert the British as to his background so they would know with whom they are dealing.

The Attorney General asked how long ago the fellow was with the Bureau and I stated it must have been before the war. The Attorney General then asked how long he was with the Bureau and I told him about three years and that he then went into the practice of law and got into politics in Birmingham and, as I had said, he was a very strong supporter of "Bull" Connor in the use of police dogs, et cetera, in civil rights matters. I said he was the lawyer in the Luzzo case and won in the local court and then it went into the Federal court on civil rights and he lost. I said he has made many public statements against Martin Luther King when King was living and he has strong animosity against King and against Kennedy. I said it was significant that he is the attorney selected by Ray to represent him in the trial in this country. I said

JER:redm (8)
135/p
JUN 28 1968
FBI

XEROX
JUN 20 1968

REC 6 44-38861-4660

JUN 25 1968

REC'D UNIT

Memorandum for Messrs. Tolson, DeLoach, Rosen, Bishop June 20, 1963

he does not intend to ask for a change of venue if he is to be tried in Memphis. The Attorney General asked if we were getting any evidence that Ray had somebody helping him and supporting him and I told him none whatsoever. I said we were checking various lines as to Ray and Sirhan Sirhan in the Robert F. Kennedy case as to the mysterious woman in the pantry of the Ambassador Hotel and so far they have all fallen through. I said the girl in the Sirhan case has refused to take a lie detector test, but I thought the police were going to give her one although so far she has refused to take one. The Attorney General asked if this were the woman in the polka dot dress and I told him it was the one who claimed she saw the woman in the polka dot dress. The Attorney General said he had read the report on her and got the feeling she was unbalanced. I commented that she was seeking publicity.

I continued that we are also checking as to who was with Sirhan Sirhan at the rifle range when he was practicing with the revolver as well as persons with him when he bought the ammunition. I stated in these instances they were men.

I stated that in Ray's case, we have not found a single angle that would indicate a conspiracy. I said the only significant thing is the money he had and which he spent freely in paying bills and I thought that could have been obtained from a bank robbery. The Attorney General said that if we could show he robbed the bank at Alton, it would be helpful. I said we are working on that because he was paying his bills with \$50 bills up to his arrest. I said on the other hand he stayed at flop houses and never stayed at a first-class hotel but at the same time he spent, I thought, \$1200 or more in buying guns and the car, which I thought was \$1500, and then he took dancing lessons, bartender lessons, and lessons in picking locks, and that is why I think security is so exceedingly important not only in England but on the way back to this country and when he gets here.

The Attorney General commented that he hoped my men can bring him back and asked if that were satisfactory. I told him it was and that I would be strongly of the opinion, unless there is a compelling reason to the contrary, that he ought to be brought back by military plane; that I could not see any difference between a military plane, a Cunard liner, or Pan American; and on the Military plane we would have our Agents and have Ray confined with

Memorandum for Messrs. Tolson, DeLoach, Rosen, Bishop June 20, 1963

leg irons and handcuffs. I said he is a dangerous individual and is not a damn fool; that he is desperate and will make any effort to escape that he can. I said I thought he should be landed at the Naval airport in Memphis and not the regular airport. The Attorney General asked if we should have a representative of the Memphis Police Department on board or not, and I said I would not think so. I said I would think we would be responsible for taking him from the British and arrange with Frank Holloman to have the Memphis Police at the airport in Memphis on arrival, but to do it almost on an "eyes only" basis so there will be no leak as to where or when he is coming in because we will be plagued by the press, as they are trying everything they can in England to get a line on when he is being moved. I said I noted the lawyer says he expects to be advised exactly when and where he will depart. The Attorney General commented that he will know when he gets in.

I said there is a military airport in London and I thought that is where the military plane should land if it goes from this country with absolute silence on the part of the Commanding General as to its departure; that the first knowledge in this country would come when he is delivered to the Memphis Police with sufficient time to get him into jail. I said the plane should arrive so as not to allow them to go through the city in the daytime but to arrive around 2:00 or 3:00 in the morning. The Attorney General said he was sure that was exactly right. I said otherwise there will be efforts to kill him if there is a conspiracy and if there is no conspiracy, the supporters of Dr. King will do everything in their power to kill him. I said the same thing is true in the case of Sirhan Sirhan in Los Angeles because the feelings on behalf of the Kennedy followers is so strong that they will have to take great precautions to see he is not killed. I said it would be a horrible thing as it would be charged it was done by the Federal Government or something like that and for that reason it must be very carefully handled both as to transportation of Ray from London and incarceration, if he is ever extradited as I think it is going to drag on for five or six weeks. I said what I am afraid of is that there is going to develop in this country criticism on the part of the British in getting this fellow back here. I said people have asked how soon he will be brought back and I have told them it is up to the British as it is not our responsibility as we have done everything so that he has legal representation.

Memorandum for Messrs. Tolson, DeLoach, Rosen, Bishop June 20, 1968

The Attorney General stated that Assistant Attorney General Fred Vinson, Jr., will be going back over to England Monday night as the Home Secretary and our Ambassador asked that he come back. He said that we have urged in every way that it be speeded up because of the strong feeling in this country about it.

The Attorney General asked then if I thought a military plane is better than leasing a commercial plane and I said I did because when you lease a commercial plane, you would have a crew, unless you put a military crew on it, but there would be no purpose putting a military crew on a commercial plane. I said I could not see any legal difficulty as the method of getting him back does not make much difference as to the legality of the thing or the image of it. The Attorney General commented that he had been thinking the other way. I said he is a dangerous man and has proven himself to be very clever as he headed for various parts of the world as I thought he was headed for Brussels to join the mercenaries and he had plans to go to Rhodesia and he was in Lisbon where he laid around for about a week and came back to London. I said the London Police have never been able to pick up what he was doing for the balance of the time. I said he is a slippery, shrewd individual and he is most contemptuous in manner and action with the prison authorities over there. I said another thing about the British is that they are not tight on security as they do not search a person unless he is convicted and they do not search anybody visiting someone in jail, but that is the old British procedure. The Attorney General commented that it is absolutely wrong. I said I thought any person visiting a prisoner ought to be searched. The Attorney General said he thought my men talked them into doing that. I said they finally did, but they always talk about traditions over there. The Attorney General commented that they were about as strict as anybody on those.

I said I thought we have a very serious problem in moving this fellow and we ought to do it with very carefully laid out plans and take him into the Naval airport in Memphis and arrange to turn him over to Holloman and then announce he is in the custody of the Memphis Police. The Attorney General said he hoped my men were working on that so we will be ready and I told him we were.

Memorandum for Messrs. Tolson, DeLoach, Rosen, Bishop June 20, 1968

I told the Attorney General that the men who were in London were back here, as one man's father had a serious heart attack. I said one is Special Agent Zeiss, whom he may remember, and the Attorney General said he did, that he was a close friend of his father's and his son knows him, too. I said he will be on the plane and so would John T. Minnich. The Attorney General commented this would be ideal.

The Attorney General asked how we thought Ray got the three names he used. I said this again shows his astuteness as all three are living people residing in Canada who never knew him and never heard of him. I said on the other hand, Ray spent last year, when he was wandering around the country, a great portion of the time in Canada and I thought he was planning this thing and seeking a double identity like Snayd, Galt, and Bridgeman and checking out those names so if there were any check made on his application for a birth certificate, they could ascertain such a person existed. I said this shows his shrewdness. I said I think we are dealing with a man who is not an ordinary criminal in the usual sense, but a man capable of doing any kind of a sly act. The Attorney General said he was exceptionally clever.

I said Sirhan Sirhan is a different individual as he is a fanatic and killed Robert Kennedy because he spoke in favor of Israel and this fellow being an Arab became intensely bitter against Kennedy and felt he should be killed, which he did, but he is a fanatic and Ray is not a fanatic in that sense. I said I think Ray is a racist and detested Negroes and Martin Luther King and there is indication that prior to the Memphis situation, he had information about King speaking in other towns and then picked out Memphis. I said I think he acted entirely alone, but we are not closing our minds that others might be associated with him and we have to run down every lead.

I said we are getting more crank letters and letters about other people who are going to be killed who are in high office, such as Senator Edward Kennedy, et cetera. I said one does not realize how many nuts are loose in this country until we have a case like this. The Attorney General said it brings them out. I said we have to be careful of all of them; that we take about three away a week who come to my office who complain about persecution and sometimes they are armed and we send them to the hospital and then they are sent to St. Elizabeth's and in two or three months they are back on the streets. The Attorney General said we are going to have to find new ways to deal with that problem as it is not effective now. I said it

Memorandum for Messrs. Tolson, DeLoach, Rosen, Bishop

June 29, 1963

is a problem for the psychiatrists but they are apparently doing little to cure them, but they are mentally unbalanced. The Attorney General said it is a public safety problem now. I said I do not favor the view that the country is depraved and all that. I said I think we have a great block of fine people in this country; that there may be some depraved citizens, but it is not a depraved society. The Attorney General said he thought there was too much emphasis today in the press that society is sick; that it is the fashionable thing to do.

I said I hoped the new Commission the President has appointed will keep a balanced viewpoint as to that because the other Commission went far astray in regard to white racism. I said there is racism but not as predominantly as the Kerner Commission found it to be. The Attorney General said he had never found it so. I said as an example take the meeting yesterday (Solidarity Day); that more than 50% of those who attended were white and it was not predominantly Negro. The Attorney General said that was surprising to him and he felt better to see it that way. I said this shows that white racism is not as predominant as we have been led to believe. I said I hope the Eisenhower Commission when they get around to their findings view it with an unemotional attitude. The Attorney General said there are some good people on the Commission. I said it seems it should be done without emotionalism or crying fire. I said I get annoyed with the editorials about our sick society as I do not believe there is such a thing in this country although there are some sick citizens. The Attorney General said that if I could make this point in the Law Enforcement Bulletin on the Director's page, he thought it would be helpful. I said I have been working on that just recently; that the idea was given to me by McGill of the Atlanta Constitution. I said he had a fine editorial about the attacks on the FBI because we had not found the King murderer after two months and the cracks that we were not trying to find him and then he quoted several verses of the Bible which portrayed Christ as not interested in the poor, but it showed again that there is always an effort to tear down and destroy. I commented that I thought there was a tendency to debunk our Patriots in history. I said it was that sort of thing that I thought drove President Johnson from running for a second term and the Attorney General agreed.

Memorandum for Messrs. Tolson, DeLoach, Rosen, Bishop June 20, 1968

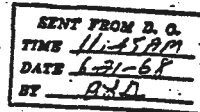
I mentioned the Students for a Democratic Society as a minority group dominating and the Attorney General said it was a tiny group. I said it is a bad group and it played a big part yesterday at this meeting as they attended but it was just like the Columbia University thing. I said that was staged by only about thirty individuals who closed the university which has thousands of students. The Attorney General said they are a pretty clever and effective group and have to be watched carefully. I said they are more effective than out and out communists. The Attorney General said they are doing more harm. I said they are moving into every area they can and we have been watching them closely and we have some good informants. The Attorney General said he thought that is really vital because they are a dangerous group.

The Attorney General expressed his appreciation and said he would keep me posted on this registration of guns.

Very truly yours,

J. E. H.

John Edgar Hoover
Director



- 7 -

Chairman STOKES. It would also be appropriate to enter into the record the following additional materials, having to do with the Bureau's COINTELPRO news media efforts, at this time.¹ They will be designated MLK exhibits F-515, F-516, F-517, F-518, F-519, F-520, F-521, and F-522.

¹ These and other materials bearing on the FBI's use of the news media to further COINTELPRO efforts are found in the section of the committee's final report which discusses the Bureau's preassassination investigation of Dr. King.

FBI Tried To Hide Ties With Globe-Democrat

By CURT MATTHEWS
and ROBERT ADAMS
Washington Correspondents
of the Post-Dispatch

WASHINGTON, Dec. 1.—The Federal Bureau of Investigation took steps to keep secret its relationship with the St. Louis Globe-Democrat during the 1960s and late 1960s, according to FBI documents and late news articles.

Agents in St. Louis were reminded repeatedly in messages from FBI headquarters in Washington that the identity of the bureau as the source of news tips and editorial suggestions to the Globe-Democrat must be kept secret.

The FBI documents show that the bureau considered its access to the Globe-Democrat an important part of the counter-intelligence operation in St. Louis against so-called "new left" organizations, dissidents, and persons suspected of being Communists.

Numerous FBI messages marked "urgent," some sent in code, discuss the use of the Globe-Democrat to expose or

embarrass individuals in St. Louis.

The FBI papers cover the period — the 1960s and early 1970s — during which the bureau's special counter-intelligence program Contintelpro was in operation. The documents were among 52,000 pages of material about the program that were made available to the Post-Dispatch and other news organizations under the Freedom of Information Act.

The documents say that the newspaper cooperated with attempts by the FBI to attract public attention on a visit to St. Louis by the bureau's special investigators.

Exposed the identity of two men who attended the 1968 convention of the Communist Party in New York.

—Question individuals, under surveillance by the FBI.

At least one reporter and a night-level news executive at the Globe-Democrat were looked upon by the St. Louis FBI office as key outlets in the mid-1960s for news the bureau wanted published, according to the FBI documents.

Denny Walsh, a former Globe-Democrat reporter now working in Sacramento, Calif., confirmed that he was the reporter referred to in a number of FBI documents stating that the Globe-Democrat was helpful in carrying out counter-intelligence operations in St. Louis.

Walsh said also that the late Richard H. Amberg, then the publisher of the Globe-Democrat, had a "very cordial" relationship with the FBI office in St. Louis. Walsh said Amberg was "beyond doubt" the news executive referred to in numerous FBI documents as "very cooperative and discreet." (Amberg died on Sept. 4, 1971.)

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cooperative.

Before making the documents available to the Post-Dispatch, the bureau blacked out all names to protect the privacy of individuals mentioned. However, in one document relating to the Globe-Democrat, the name of Amberg is readable through the blackout.

The memo says: "On 8/24/68 MR. RICHARD H. AMBERG, publisher of the St. Louis Globe-Democrat, SLMO, was furnished information regarding LAND — BERG'S attendance at the DCA Convention and CP Convention, and the possibility of a news article based on an interview with him following his return to St. Louis."

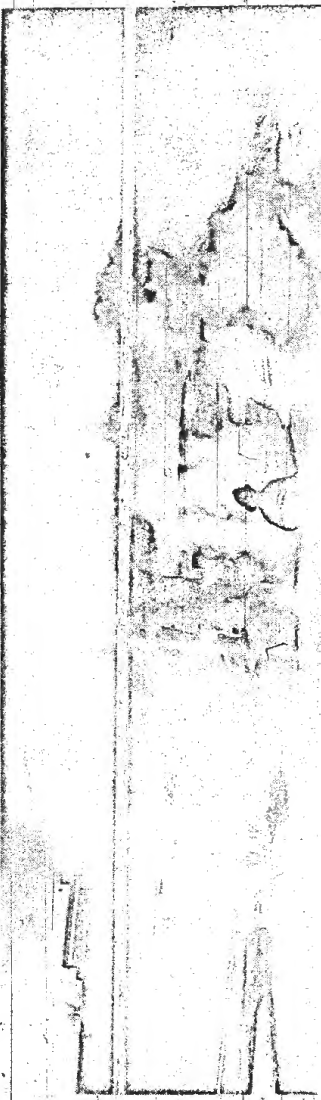
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See GLOBE, Page 6



UNITED STATES GOVERNMENT
Memorandum

MLK EX.F.516

New Left - I
CM

TO : DIRECTOR, FBI

DATE: 5/28/68

FROM : SAC, ST. LOUIS (100-21213) P

SUBJECT: ~~CONFIDENTIAL~~ - INTEL PRO - NEW LEFT

COUNTERINTELLIGENCE PROGRAM
INTERNAL SECURITY
DISRUPTION OF THE NEW LEFT

ReBulet to Albany, 5/10/68.

New Left activity in the St. Louis Division is concentrated in the headquarters city. Principal organizations involved in this movement are as follows:

(ACTION); Action Committee to Increase Opportunities for Negroes

Students for Democratic Society (SDS);

St. Louis Draft Resistance (SLDR);

The Committee to Support Draft Resistance (CSDR).

ACTION is basically a racial type organization. It consists of a small group of individuals who split from the St. Louis Chapter of the Congress of Racial Equality (CORE) several years ago in belief that CORE was not sufficiently militant. Its activities are irregular, depending almost entirely on its chairman, ~~_____~~ Communist Party efforts to cultivate him have so far appeared unsuccessful; however, some influence is exerted through ORVILLE LEACH, veteran Communist Party member, who is chairman of the Community Relations Committee of ACTION.

An immediate Counterintelligence Program concerning the latter three organizations would be restricted because these organizations are all campus-type organizations and Washington University and St. Louis University will close for summer vacations in the first week of June. These organizations will be virtually out of existence until the schools reopen in September.

1-900
2 - Bureau (RM)
1 - St. Louis
HCJ:mjb
(3)

MCT
REC-12
100-449698-42
447178
MAY 31 1968

54 JUL 5 1968

SL: 100-21213

St. Louis has pending investigations on these four organizations and their leadership and will be alert to any circumstances or conditions which might be utilized to good advantage for Counterintelligence purposes.

In the past this office has used to good advantage anonymous mailings in connection with Communist Party Counterintelligence. However, at this time the office has no specific publications in mind which might be suggested for Bureau approval.

The feeding of well chosen information to the St. Louis Globe Democrat, a local newspaper, whose editor and associate editor, are extremely friendly to the Bureau and the St. Louis Office, has also been utilized in the past and it is contemplated that this technique might be used to good advantage in connection with this program.

With specific regard to the St. Louis Draft Resistance, which is a one-man organization headed by [redacted] a Washington University graduate student, the following circumstances occurred:

[redacted] turned in his Selective Service draft card at a public meeting on [redacted]. Investigation at his local board determined that a few days later he wrote to the board requesting a duplicate card. If this type of information could have been publicized, it might have pointed out the insincerity of [redacted]. Nothing, however, was done at the time because of the confidential nature of draft board records and the fact that publicity may have jeopardized prosecution presently pending against [redacted].

St. Louis will carefully analyze these organizations under this program in an effort to affect the disruption of the New Left and specific suggestions of Counterintelligence action will be submitted to the Bureau for approval by separate letter.

MLK Ex. F-517

SAC, St. Louis (100-21213)

10/18/68

Director, FBI (100-449698)

COINTELPRO - NEW LEFT

Reurairtel 10/4/68 captioned "Students for a Democratic Society, IS - SDS."

Authority is granted to contact Mr. [redacted] in the event information is received that a specific high school is being targeted for organizing by the SDS. This may be done only in the event that such a contact will not jeopardize your investigation of SDS or your sources therein.

Enclosed herewith are one copy of a pamphlet entitled "Students for a Democratic Society, Front Runner of the New Left" and ten copies of a leaflet entitled "Campus or Battleground? Columbia is a Warning to All American Universities." As these publications may be of value to [redacted] in providing him with background on the SDS, you may furnish copies of this material to him at that time.

During your contact with [redacted] you should impress upon him that the Bureau's interest in this matter is to be kept in strictest confidence.

Enclosures - 11

SHH:jcs (5)

100-449698-42-7

EX-102

REC-51 100-449698-525

NOTE:

By reairtel St. Louis reported that SDS, locally, has announced its intentions to make inroads in local high schools. In one effort at one school, SL notified [redacted] the [redacted] who conducted an expose which countered further attempts by SDS to infiltrate this school. SL suggested that should information be received concerning efforts by SDS to infiltrate other high schools, this information be furnished to [redacted] who would use it to frustrate their efforts by exposing them in his paper. The "St. Louis Globe-Democrat" has been especially cooperative

NOTE CONTINUED PAGE TWO

OCT 21 1968

MAIL ROOM TELETYPE UNIT

Letter to SAC, St. Louis
RE: COINTELPRO - NEW LEFT
100-448698

NOTE CONTINUED:

with the Bureau in the past. Its publisher Mr. [REDACTED] is on the Special Correspondents List. The information contained in enclosures contains background on SDS which can be of value to Mr. [REDACTED]. It contains public source material. We have previously submitted these documents to outside agencies.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum ~~CONFIDENTIAL~~

TO : DIRECTOR, FBI (100-3-104-42)

DATE: 10/14/66

FROM: SAC, ST. LOUIS (100-16708)

SUBJECT: COMMUNIST PARTY, USA
COUNTERINTELLIGENCE PROGRAM

Re Bureau letter, 9/13/66.

*Shackel
Duffin
Hodder*

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP (S) OF INITIAL
DATE 10/14/66

[REDACTED]

There have been some minor complaints among various CP members who feel he is currently devoting an excessive amount of time to "peace" activities especially in The St. Louis Citizens for Peace in Viet Nam.

[REDACTED]

In June, 1966, the St. Louis Division received Bureau authority to send an anonymous letter to GUS HALL, General Secretary, CP - USA, complaining that delegates from St. Louis to the National Convention were selected in undemocratic fashion. The anonymous letter said that one delegate is a "sloppy narcotics user" while another individual under consideration is an "ex-con rumored mixed up in narcotics". The former individual is [REDACTED] for the W.E.B. DuBois Clubs of America and a CP youth leader, while the latter is [REDACTED]. This letter was designed to embarrass [REDACTED] primarily with the National CP leadership since HALL is reported to be intensively opposed to the use of narcotics by Party members. HALL did discuss the anonymous letter with [REDACTED] but the details of [REDACTED]

2 - Bureau (RM)
1 - St. Louis
WAH/jtc
1910 99-D
REC 30
3-1-4-42-96
DATE OF DECLASSIFICATION
AUTHORITY

100-16785

LANSBURG

this conversation are not known. [redacted] was transferred to Detroit shortly after his return from the National Convention and [redacted] appears to have dropped from the local Party scene.

LANSBURG

Possible additional counterintelligence action against [redacted] has been considered carefully and discussed among special agents conversant with local Party activities. Consideration is being given to requesting Bureau authority for a published feature article in the "St. Louis Globe-Democrat", St. Louis daily newspaper. Appropriate background information and suggested questions would be furnished to an SAC contact who has cooperated previously in this program.

The Bureau will be advised when it is felt the time is propitious for such action. In the meantime, inner Party activities will be scrutinized carefully and continually for possible other type counterintelligence action.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

MLK Ex. F-519

~~CONFIDENTIAL~~

Memorandum

TO : DIRECTOR, FBI (100-3-104-42) DATE: 7/14/66

FROM: SAC, ST. LOUIS (100-16708)

SUBJECT: COMMUNIST PARTY, USA
COUNTERINTELLIGENCE PROGRAM
INTERNAL SECURITY - C

Sheets
Hobbs
Dotson

Re St. Louis letters to Bureau 4/14/66 and 6/15/66, St. Louis airtel to Bureau 7/12/66, Bulet to St. Louis 4/25/66, and Burad to St. Louis 6/21/66.

POTENTIAL COUNTERINTELLIGENCE ACTION

[redacted] described in St. Louis letter 4/14/66 as a recent releasee of the Missouri State Penitentiary where he reportedly served time for a narcotic violation, has now been identified as [redacted]. He has been using the name [redacted] interchangeably. The Kansas City Division was advised he was released from the Missouri State Penitentiary 11/26/65 where he was serving a seven-year sentence for robbery. He is described as a [redacted].

[redacted] that he has prior arrests for suspected stealing and suspected robbery. No dispositions are shown.

It appears therefore that information which was circulating among Communist Party (CP) members that he served time for a narcotics violation is not true. Other information which has been developed now casts some doubt on statements by [redacted].

[redacted] received his initial indoctrination in Marxism at a class held in the Missouri State Penitentiary. It may be noted that the Kansas City Division in its letter 6/16/66 states [redacted] served part of his robbery sentence at reformatories and away from the Missouri State Penitentiary.

[redacted] activities in the CP will be followed closely for possible counterintelligence action based on his past criminal record.

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) OF [redacted] DATE [redacted]

- 2 - Bureau
 - 1 - St. Louis
- WAH/rc
(3)

F165
JUL 25 1966

100-3-104-42-95

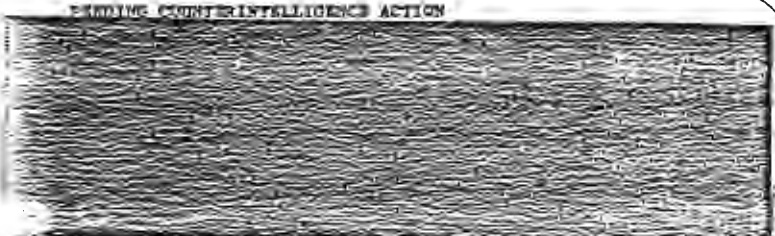
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE



~~_____~~ 17-16705

We will continue to watch the CP's involvement in The St. Louis Citizens for Peace in Vietnam. A cominfil investigation is being conducted regarding this organization. ~~_____~~ has been very active in this group and has encouraged other members to be similarly active.

CALIFORNIA
L.A.



PENDING COUNTERINTELLIGENCE ACTION

TANGIBLE RESULTS

ONE OTHER MAN TO INVESTIGATE - FLOYD WALK

young
man!!
20'

An anonymous letter was sent GUS HALL, General Secretary, CP-USA, on June 22, 1966. This letter is described in St. Louis letter June 15, 1966. Upon his return from the National CP Convention, ~~_____~~ stated HALL discussed this letter with him and gave it to him. ~~_____~~ furnished no other details regarding his conversation with HALL and it is not known to what extent, if any, HALL queried ~~_____~~ regarding the possibility that narcotics users and an ex-convict are being placed in positions of leadership by the CP in St. Louis. ~~_____~~ expressed a desire to determine the identity of the writer of the letter. He did not indicate what action, if any, he might take if the culprit is uncovered.

It appears therefore that the full impact of this counterintelligence action may well lie in the future.

As a result of the second proposed counterintelligence action recommended in St. Louis letter June 15, 1966, an article appeared in the "St. Louis Globe Democrat", July 2-3, 1966, containing a photograph of RONALD LANDBERG, DCA Coordinator and CP member, with the headline "DuBois Man Attends Red Convention-- Ronald Landberg Observer at Party Meeting in N.Y." The article

11

[REDACTED] 100-16708

states LANDBERG admitted representing St. Louis at a National DCA Convention in Chicago and then traveled to the CP Convention in New York as an "unofficial" observer. The article contains an insert "See Editorial Page 2F".

An editorial in this issue of the newspaper is titled "The Communist Line" and states the implications of the LANDBERG story are clear; that they forecast the CP line for the next few months in DCA "and other organizations".

It appears possible that adverse publicity of this nature may well stifle efforts of DCA to launch units in the St. Louis area, particularly at the local colleges and universities.

In a recent press interview following LANDBERG's return to St. Louis, he announced that he has been transferred to Detroit by DCA. He in effect conceded failure in the St. Louis area, complaining of an excessive number of right-wing organizations and local conservatism.

It is not known to what extent, if any, our counter-intelligence action may have been instrumental in his decision to leave St. Louis.

'I'm Not Firing It—I'm Only Pulling the Trigger'



ST. LOUIS GLOBE-DEMOCRAT

-

MARCH 30-31, 1968

GLOBE-DEMOCRAT PUBLISHING CO.

Twelfth St. at Delmar (1) Published Daily, Monday through Friday, and Weekend GARFIELD 1-3112

G. DUNCAN BAUMAN, Publisher

HAMILTON THORNTON, Editor of the Editorial Page

GEORGE A. KILLENBERG, Managing Editor MARTIN L. DUGGAN, Associate Managing Editor

BEN MAGDOVITZ, Advertising Director

The Globe-Democrat is an independent newspaper printing the news impartially, supporting what it believes to be right and opposing what it believes to be wrong without regard to party politics.

THE REAL MARTIN LUTHER KING

The Rev. Martin Luther King has long posed as America's foremost exponent of non-violence to advance the cause of civil rights for Negroes.

Surrounding himself with a sanctimonious air and basking in the afterglow of his Nobel Peace Prize, he has assumed an attitude of injured innocence when violence erupts after his inflammatory speeches and when he organizes and leads protest marches—such as the most recent uprising in Memphis, Tenn.—that explode into violence.

Memphis was Chicago and Birmingham all over again. King came into Memphis when it already had become a racial tinderbox. The need was for a call to reason; striking Negro city sanitation workers already were in a rebellious mood.

Rev. King knew that the Memphis march could push the tense situation above the boiling point. He had made advance plans for this. When 20 or 30 youths broke away from the march of some 6000 Negroes and started smashing windows and looting, King sprinted down a sidewalk to an awaiting automobile and sped away.

It seems to us this was but one of many instances where the Kings, the Carmichaels and the Browns have hoofed it to safety and then blamed everyone but themselves for events of a "long, hot summer." Obviously summer is not needed, nor the reason for such riotous outbreaks.

It is time that all Americans look at Martin Luther King and see him not as they wish him to be, but as he is. By his actions he is proving to be one of the most menacing men in America today.

Rev. King is more dangerous than Stokely Carmichael because of his non-violence masquerade. He continues to talk non-violence even as it erupts all about him. He purports to be genuinely distressed when it breaks out after his incendiary speeches or during marches he leads.

This deception no longer hoodwinks intelligent Americans. Still Rev. King goes on.

Memphis could be only the prelude to a massive bloodbath in the national's capital in several weeks as Rev. King moves ahead with plans for a "camp-in" of 3000 Negroes to pressure Congress into passing a special \$20 billion welfare program for the poor, including a guaranteed income.

In an attempt to enforce his dictates on Congress King has said his "Poor People's Army" may stage sit-ins at the Department of Health, Education and Welfare, Department of Agriculture and Department of Labor. As a "last resort," he says he may use "human barricades" to block the bridges and other arteries coming into Washington in order to halt the machinery of government in Washington, D.C.

Rev. King also has been reported meeting with black power militant H. Rap Brown and with Stokely Carmichael, who toured the Communist world vowing to overthrow the "imperialist, capitalist, racist structure of the United States."

A King lieutenant is quoted as saying, "It may be necessary to create such disruption and disturbance in the system that it will have to reform itself or destroy us."

The Johnson Administration, of course, should not permit Martin Luther King to carry out this seditious "camp-in." Every government has the inherent duty to protect itself, and ours has better not lose any more time in exercising this fundamental obligation.

This is not a matter of race. Responsible Negroes have disavowed Rev. King.

In criticizing King's plans for the "camp-in," Roy Wilkins, executive director of the National Association for the Advancement of Colored People, told the Reader's Digest that King is "bowing to the trend" of rights militants to give once peaceful demonstrations an "alarming twist."

"Today," says Wilkins, "the goal seems to be not the exercise of freedom to dissent, but the disruption of services to other citizens. Obviously, there is present today the threat of bodily harm. This is not freedom of speech but Mafia-like dictatorship."

This is the real Martin Luther King—a man who stoops to using anti-Democratic and dictatorial means to try to force his will on the highest legislative body in the United States, a man who hides behind a facade of "non-violence" as he provokes violence.

Rev. King has lost all claim to being a responsible leader of his people. Unless he is checked, he could wipe out most of the impressive civil rights gains made by Negroes in recent years and further divide Americans at a time when unity and moderation are desperately needed.

MLK EXHIBIT F-521

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson	
DeLoach	
Mohr	
Bishop	
Casper	
Callahan	
Conrad	
Felt	
Gale	
Rosen	
Sullivan	
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

TO : Mr. Sullivan

DATE: 3/28/68

FROM : G. C. Moore *han*

SUBJECT: SANITATION WORKERS STRIKE
MEMPHIS, TENNESSEE
RACIAL MATTERS

C. Moore

A sanitation workers strike has been going on in Memphis for some time. Martin Luther King, Jr., today led a march composed of 5,000 to 6,000 people through the streets of Memphis. King was in an automobile preceding the marchers. As the march developed, acts of violence and vandalism broke out including the breaking of windows in stores and some looting.

This clearly demonstrates that acts of so-called nonviolence advocated by King cannot be controlled. The same thing could happen in his planned massive civil disobedience for Washington in April.

ACTION:

REC-19
EX-105
157-9746-73
15 APR 3 1968

Attached is a blind memorandum pointing out the above, which if you approve, should be made available by Crime Records Division to cooperative news media sources.

- Enclosure
- ENCLOSURE**
- TDR: fhd (6)
- 1 - Mr. DeLoach
 - 1 - Mr. Sullivan
 - 1 - Mr. Bishop
 - 1 - Mr. G. C. Moore
 - 1 - Mr. Deakin

Wies.
OK
N

strictly confidential

APR 5 1968

Hand Del. per 3/20/68 per

D. P. Sullivan
RACIAL MATTERS

UNRECORDED COPY FILED IN

Martin Luther King, Jr., President of the Southern Christian Leadership Conference, injected himself into the sanitation workers' strike in Memphis, Tennessee, and the result of King's famous espousal of nonviolence was vandalism, looting, and riot.

Previously, King involved himself in this strike, called for a general strike, and called for a mass march. Today he led the mass march in an automobile at the head of the line. Negroes began shouting "black power" and trouble began. King, apparently unable or unwilling to control the marchers, absented himself from the scene; window breaking and looting broke out.

Police officers were forced to use gas to break up the march and to control the crowd. It was necessary to activate the National Guard. Martin Luther King claims his much-heralded march on Washington, scheduled for April 22, 1968, will also be "nonviolent." He says he has persuaded militant black nationalists to abandon violent extremism in Washington, D. C., during the march. Memphis may only be the prelude to civil strife in our Nation's Capitol.

157-9146-38

ENCLOSURE

XEROX

APR 4 1968

1381

An Editorial

FOR HANOI? OR FOR AMERICA?

The St. Louis Globe-Democrat and the St. Louis Post-Dispatch are unmistakably opposed philosophically; i.e. on matters of government, especially fiscal responsibility; on matters of welfare, particularly where immorality is involved, and on other notable issues. Many fine newspapers throughout the nation share the views of The Globe-Democrat.

The Globe-Democrat accepts the inevitability that reasonable persons, and thus, reasonable media organizations, will differ. Difference of opinion is indigenous to a rational world.

Thus, The Globe-Democrat has refrained, as a matter of policy, from commenting — favorably or unfavorably — on the conduct or opinions of other members of the media.

In Wednesday's issue, the St. Louis Post-Dispatch published a cheap shot, a biased and slanted item about The St. Louis Globe-Democrat. In its normally hypocritical manner, the Post-Dispatch presented material about The Globe-Democrat as a news story, when in fact it was an editorial in a bogeyman's costume. Had the Post-Dispatch had the journalistic character and professionalism to publish its Federal Bureau of Investigation story as an editorial, The Globe-Democrat would have respected the afternoon paper's prerogative to express its opinion, and we would not have commented about it.

The Post-Dispatch editorialized story said The Globe-Democrat in recent years had published news material about student dissidents, especially in St. Louis County at Lindbergh High School. The Post-Dispatch story said the student dissident stories were "planted" by the FBI and implied they were the result of "conspiratorial" ties between The Globe-Democrat and the FBI. The story blatantly implied a nefarious alliance between The Globe-Democrat and the FBI for unworthy purposes.

It is most certainly true that The Globe-Democrat has published news stories in the past about dissident student activities; in the St. Louis area, in the Midwest and throughout the United States and the world. To the best of my knowledge and recollection, these stories originated in the normal manner incident to any news story: from an interested reader who notified the city editor, a parent, a student, a witness or scores of other sources.

For the Post-Dispatch news story to state that the FBI arranged stories in The Globe-Democrat through contacts with the publisher of The Globe-Democrat is a villainous lie typical of the depraved thinking of a Communist "Big Lie" technique — designed to undermine the fabric of a country. It is true that I personally knew J. Edgar Hoover, the long-time, respected director of the FBI, and enjoyed an hour or more visit with him in Washington only a few days before his death in May of 1972. It is a privilege to identify Clarence M. Kelley, present FBI director and former chief of police of Kansas City, as a friend. Neither Mr. Hoover nor Mr. Kelley at any time provided me any information relative to any news stories, past or present. Mr. Hoover and Mr. Kelley have never at any time communicated news material to, or made any request of Martin L. Duggan, editor of the editorial page of The Globe-Democrat, or George A. Killenberg, managing editor of The Globe-Democrat.

We are at a loss to account for the FBI memoranda, unless the explanation is that some overzealous agent sought to advance himself by taking credit for what The Globe-Democrat produced in its normal pursuits.

In the normal course of community, social and business activities and news work, we have known a succession of FBI agents in charge in the St. Louis office. At no time has any of these men

of impeccable character and ability ever "planted" a story in The Globe-Democrat by way of my office or that of Mr. Duggan's or Mr. Killenberg's. Quite the contrary, the St. Louis office of the FBI has consistently maintained a frequently frustrating reluctance to release news material to The Globe-Democrat.

The Post-Dispatch story, to the contrary, emits a barnyard stench which is a measure of a good deal of that paper's pretense at news coverage: Rot.

This is an appropriate occasion to offer a statement expanding on The Globe-Democrat's news and editorial policy, expressed daily in our masthead. The Globe-Democrat's purpose is to serve the interests of our community, state and nation. The Globe-Democrat's intention is to be supportive, generally, of community institutions. It is not, as it appears to be with the other daily in St. Louis, nitpickingly destructive, denigrating and demeaning by repeated irresponsibility and uninformed criticism. We believe in the United States of America.

We believe in the integrity and the future of the United States, including the integrity and objectives of the FBI. During the late 1960s and early 1970s

when universities were being bombed and burned, and in some cases innocent citizens murdered; when banks were being bombed and burned; when a hall in Congress was bombed; when peaceful, personal access to national political conventions was being denied to orderly Americans, The Globe-Democrat believed and still believes that it was the duty of the FBI to apprehend those threatening the internal security of the nation.

If The Globe-Democrat played a constructive role during this period, this newspaper is proud of its participation and contribution.

The Globe-Democrat cherishes its role as a supporter of the American system. The Globe-Democrat suggests that the frequently slanted news coverage in the Post-Dispatch, most especially its recent 10-part, Page One Dugan series paying tribute to North Vietnam's oppressive and dehumanizing leadership out of Hanoi, is a shameful disservice to St. Louis and America.

We prefer pro-Americanism.

G. DUNCAN BAUMAN
Publisher

St. Louis Globe-Democrat

Chairman STOKES. Mr. DeLoach, at the conclusion of a witness' testimony before our committee, the witness is entitled to 5 minutes. During the 5-minute period either the witness or his counsel may address the committee and in any way amplify or further expand upon your testimony before the committee. I would extend to either you or your counsel at this time 5 minutes for that purpose, if you so desire.

Mr. DELOACH. Mr. Chairman, I simply would like to state I appreciate the respect shown me by this committee, and I hope I have been able to be of some service to the committee and to the Congress, and that is all I have to say, sir.

Chairman STOKES. We certainly thank you very much, Mr. DeLoach, for your appearance here and for the testimony you have given us.

There being nothing further at this time, you are excused, sir.

Mr. DELOACH. Thank you, sir.

Chairman STOKES. The Chair at this time desires to make a statement.

During the Kennedy assassination hearings, when we turned to evidence of association and its implications for conspiracy, it occurred to me that it might be appropriate to discuss certain general principles that seem applicable. "Conspiracy is founded in association," I said then, "but more than association is required to establish conspiracy." I hoped at that time to assist those who followed

our hearings or read our record to understand the significance of what we were doing.

It seems to me now that it would be appropriate to discuss for the record the moral or legal standards the committee might want to use in evaluating the evidence on the ultimate question, as it has been put to us, did the FBI kill Dr. Martin Luther King, Jr.?

Our earliest legal traditions, those rooted in English common law, reflect an abhorrence of the unjustifiable taking of a human life. Lord Coke, a 17th century textbook writer, formulated the classic definition of murder:

When a man of sound memory and of an age of discretion unlawfully kills any reasonable creature in being and under the king's peace with malice aforethought, either expressed or implied by the law * * *

Much of our legal learning on homicide has been based on the concept of malice aforethought. The distinction between murder and manslaughter turned on it: unjustified killing with malice aforethought constituted murder; unjustified killing without malice aforethought constituted manslaughter. Behind all of this legal thought has been our traditional Judeo-Christian teachings; they are the bedrock on which our law ultimately rests. Men act freely, and they are responsible for the results of their actions. They ought not harm one another, and the ultimate harm that you do to another is deprive him of his life.

Modern legal thinking treats homicide accordingly. The model penal code of the American Law Institute embodies generally accepted definitions of the elements of criminal homicide—state of mind, conduct, causation and result. These same elements are reflected in mature moral thought.

Homicide is not a simple concept. Questions of degree are involved. Degrees of legal homicide are based, to begin with, on state of mind. A death that is consciously brought about—a murder, in the traditional sense—is termed intentional homicide. Reckless homicide, that is, a death not intended but consciously risked, when it does occur, is what has traditionally been called manslaughter. And there is a third classification in modern law: Unjustifiable conduct, under circumstances where death might occur, should have been foreseen, and does occur; it is called negligent homicide.

On this last point, additional comment is necessary. There are sound reasons in morality and law not to permit the imposition of personal or criminal liability based on a standard of negligence. I recognize, of course, negligence is a familiar standard for the imposition of civil liability—money damages assessed for harm done, even wrongful death.

But civil liability is a thoroughly different matter from criminal liability. It often embraces little more than a shifting of the burden of risk of injury, a risk that can best be met by insurance. Someone, usually the person with the deepest pocket, may pay damages, but no one goes to jail. Yet personal or criminal liability, it is argued, ought to rest on subjective factors, that is, intent or conscious risk taking, and not be assessed on an objective standard, that is, a standard that speaks in terms of what a person should have known.

It is not necessary to belabor the argument. Suffice it to say that these considerations have not carried the day in our society, so the concept of criminal negligence is part of our legal framework. It is widely employed, particularly where deaths occur in the operation of motor vehicles.

Getting to the subject at hand—the role of the FBI in the King assassination—the facts that have been developed before the committee are literally unprecedented. Never before has an agency of our Government, least of all a police agency, apparently set out to destroy a prominent citizen, perhaps not directly to kill him, but to destroy his moral standing nevertheless. Heretofore, our law in the area of reckless or negligent homicide has dealt with the conduct of private citizens, usually engaging in ordinary occupations, such as operating an auto on the highway, hunting with a dangerous weapon, providing medical treatment, and so on.

Unusual cases have, of course, been brought before the courts that have involved operating a night club where numerous patrons die in a fire; playing Russian roulette, where players are held responsible for the death of another; participating in a drag race in which a death occurs.

Analogies between these usual or exceptional cases and the evidence in these hearings are strange and uncomfortable, but compelling.

Can it legitimately be said that the FBI, like the night club owner, consciously risked or should have foreseen, not a fire in a firetrap, but that others might be inflamed by its unlawful propaganda and do what the Bureau itself did not do: Fire a deadly shot into Dr. King?

Can it legitimately be said that the FBI, like the player of Russian roulette, consciously risked or should have foreseen not that one chamber of the revolver would be loaded but that others might be encouraged by its unlawful participation in another kind of roulette in which the stakes included Dr. King's life?

Can it legitimately be said that the FBI, like the participants in a drag race, consciously risked or should have foreseen, not that high speed racing can culminate in a fiery accident, but that others might be encouraged by its unlawful participation in a dangerous political contest to take Dr. King's life by violence?

I do not know how far these general principles should be extended here, but I do feel that they are applicable. We face an unprecedented challenge. We have no clear-cut guides available. Yet we must decide.

Other factors, too, must be considered. Apart from state of mind, the nature of one's conduct in the commission of a homicide can also affect how responsibility is assessed. The law has always taken very seriously the consequences of conduct that is unlawful, and it has easily, perhaps too easily, found responsibility for ensuing deaths.

If the conduct is otherwise felonious—as in the case, for example, of an armed holdup—and it results in a death, it is termed a felony-murder. If, on the other hand, the conduct is only a misdemeanor, a resulting death is termed a misdemeanor-manslaughter.

How do we apply these principles here? Do we place special emphasis on the illegal character of the FBI conduct?

The basic meaning of causation is not difficult to comprehend. A human being must always be held responsible for the consequences of his conduct, even when his conduct is not the sole factor in bringing about a result for which he can be held legally responsible.

The possibility of joint responsibility has always been recognized, although difficult questions are raised when more than one individual's conduct contributes to the result, say a death. Should it be held that the death was jointly caused? Or should the conduct of the actual perpetrator be held to be the intervening and, therefore, the sole cause?

Responsibility for a death is always assessed based on the interplay between state of mind, conduct, cause, and result. These elements have been applied consistently to all persons in that they stand equal before the law. Given a certain age and a degree of mental and physical capacity, every person has to be held to the same minimum standard of responsibility.

This being said, however, certain classifications of people have been held to a higher degree of responsibility: Parents with respect to their children; guardians with respect to their wards; trustees with respect to their beneficiaries; Government officials with respect to citizens. This is merely another way of saying that larger responsibility goes with higher authority.

What I have outlined here are some of the moral and legal ideas upon which our moral and legal concepts of responsibility are based. They are raised here with the thought that they may be appropriate as a framework for questions we ought to try to answer as the committee analyzes the evidence presented in these hearings: Did responsible officials of the FBI intend by their conduct to bring about Dr. King's death?

Did FBI officials recklessly engage in provocative conduct, consciously risking Dr. King's death, even though they did not intend to bring it about?

Can we say that these FBI officials should have known that their conduct was unjustifiably risking Dr. King's death?

Should the committee take special note that the conduct of the FBI in this conspiracy of harassment of Dr. King was not only unjustified as policy, it was also illegal and unconstitutional?

Did the conduct of the FBI contribute in any significant degree to the sequence of events that occurred in Memphis and led to Dr. King's death, that is, did they help create the moral climate in which such an act was not only thinkable, but could be thought of as a justifiable course of conduct?

If so, to what degree did the conduct of the FBI so contribute?

Should the actions of those persons who may have actually plotted Dr. King's assassination and carried it out be considered intervening causes in the chain of events that could be tracked, even in part, back to the FBI itself?

Would they have acted as they did without regard for the conduct of the FBI?

I realize, of course, that I have posed questions that are easier to ask than to answer. I know, too, that we have no precedents here to give us firm guidance and the answers that we give will be debated for years to come.

Yet we have no choice but to do the best we can with what we have available to us. I hope that these standards and questions may serve as an acceptable moral or legal framework for our analysis when the committee comes to grips in its final deliberation with the ultimate question which might well be rephrased: Should the FBI bear some responsibility for the death of Dr. King?

The Chair recognizes the gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

I have no prepared remarks, yet I would like to point out that I think this select committee has operated with great harmony during your chairmanship. I would hope that we could continue in that category.

I don't necessarily take exception to the statement of the chairman. However, I did want to point out that this does not necessarily represent the conclusions nor necessarily the views of all members of the select committee.

I would hope that the media in handling this and that the American people listening to these hearings recognize that the chairman in making this statement was primarily posing questions that must be resolved ultimately by the whole committee.

Now, in listening to this, and the chairman did afford me the courtesy of showing me this statement prior to making it, I would describe the statement as a scholarly dissertation replete with professional theories of law, morality and rationalization.

I would hope that no one would come to any thought that this select committee may have arrived at conclusions and are now seeking through testimony and theories to justify any such a conclusion.

There are, however, what I would consider provocative wordings in these rhetorical questions such as "responsibility for a death is always assessed based on the interplay between state of mind, conduct, cause, and result," et cetera, of mature moral thought.

A question was asked, but it almost was in the terms of a conclusion which I am sure the chairman did not mean to convey that any conclusions have been reached, but it does mention the fact that conduct of the FBI in this conspiracy of harassment was not only unjustified as policy, it was also illegal and unconstitutional.

I would like to have the record quite clear, Mr. Chairman, that this was put in the form of a question that we must resolve rather than a conclusion of the Chair or of the select committee.

Chairman STOKES. I would certainly concur with the gentleman's statement and underscore the fact that the Chair nor members of this committee have yet had an opportunity to deliberate on these questions.

What the Chair hoped to do was to put into some perspective the scope of the discussion and dialog which I feel that the committee must ultimately come to grips with in terms of its firm conclusions.

If there is nothing further at this time, the Chair would like to announce that the committee would like to meet for a very brief open session in room 304 immediately, it will be open session but it will be immediately after we recess here, in room 304. It should not take us very long at all.

If there is nothing further before the committee at this time, the Chair will adjourn until 9 a.m. tomorrow morning.

[Whereupon, at 1:14 p.m. the committee adjourned, to reconvene at 9 a.m., Tuesday, November 28, 1978.]



INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

TUESDAY, NOVEMBER 28, 1978

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

The select committee met, pursuant to adjournment, at 9:11 a.m., in room 345, Cannon House Office Building, Hon. Louis Stokes (chairman of the select committee) presiding.

Present: Representatives Stokes, Devine, Preyer, McKinney, Fauntroy, Sawyer, Ford, Fithian, and Edgar.

Also present: G. Robert Blakey, chief counsel and staff director; Peter Beeson, staff counsel and Elizabeth L. Berning, chief clerk.

Chairman STOKES. The committee will come to order.

The Chair recognizes Professor Blakey.

NARRATION BY PROF. G. ROBERT BLAKEY, CHIEF COUNSEL AND STAFF DIRECTOR

Mr. BLAKEY. Thank you, Mr. Chairman.

Over the past 4 days of hearings, the committee has heard evidence relating to the performance of the FBI. The committee, however, must go beyond the FBI and examine the conduct of the Department of Justice, for the Bureau is in law, if not always in fact, a subsidiary agency of the Department.

The committee has taken a hard look at how the Department—more specifically the Attorney General—exercised supervision over the FBI in the surveillance of Dr. King and the investigation of his assassination.

By way of background, the position of Attorney General was created by law in 1789; its incumbent was to be the chief legal officer of the U.S. Government. Not until after the Civil War, however, did the role of the Attorney General begin to acquire its modern institutional forms. Since the post was (and is) appointive, the Department of Justice was established in 1870, to insure continuity from one administration to another. Over time, the Department has increasingly taken the lead in major Federal prosecutions and other Federal legal matters.

Yesterday the committee heard a summary of a staff report on the FBI investigation of the King assassination, one that identified a variety of possible deficiencies in that investigation. The purpose of today's hearing is to consider the extent to which the Department itself must share the blame for investigative failures, if such are found to be the case by the committee, lack of concern for

individual rights and organizational problems. Copies of the report have been made available to today's witnesses.

The report raised a number of questions, although, obviously, how they are settled is up to the committee.

For example, the investigation was apparently hampered from the beginning by a strained relationship between the FBI and Justice. No formal mechanism was established for the transfer of information, and unilateral decisions were made by Bureau personnel, to name but two particulars. Cooperation is, of course, a two-way street, but the responsibility for it, or its lack, must fall heavily on the agency of higher authority.

Some other problems that might not have occurred, had the Department and the Bureau established a better working relationship, and had proper leadership been exercised, are:

One, little regard was apparently shown for the constitutional rights of the defendant or his family. Ray's relatives were the target of proposed illegal electronic surveillance during the manhunt, though it was apparently never instituted.

After James Earl Ray was arrested, his communications with his lawyer were intercepted, apparently by local authorities and passed on to the FBI. Subsequent to his conviction, Ray was interrogated without being informed of his Miranda rights.

Two, following Ray's arrest, the investigation came to a virtual standstill, although questions of conspiracy at least remained open and some leads were followed out. But evidence that might have led to the discovery of a plot was in fact largely ignored by the FBI, or not imaginatively sought.

Three, not used were those investigative resources peculiarly available through the Justice Department, including interrogation under oath in Federal grand juries, immunity grants, and lawful, court-ordered electronic surveillance.

At the time of the assassination of Dr. King, the Attorney General of the United States was Ramsey Clark, who, when word first was flashed from Memphis, declared an intention to be directly involved on a daily basis, given the importance of the case.

He assigned responsibility for the investigation to the FBI, and he ordered that responsibility within the Department be shared by two Assistant Attorneys General, Stephen Pollak of the Civil Rights Division and Fred Vinson of the Criminal Division.

It would be appropriate at this point, Mr. Chairman, to enter into the record MLK F-514, and appropriately display a departmental organization chart, and appropriately display MLK exhibit F-515.

Chairman STOKES. Without objection it will be entered into the record at this point.

[The information follows:]

DEPARTMENT OF JUSTICE - 1968, 1969

1968

1969

ATTORNEY GENERAL Ramsey Clark	ATTORNEY GENERAL John Mitchell
DEPUTY ATTORNEY GENERAL Warren Christopher	DEPUTY ATTORNEY GENERAL Richard G. Kleindienst

Criminal Division

1968

1969

ASSISTANT ATTORNEY GENERAL Fred M. Vinson, Jr.	ASSISTANT ATTORNEY GENERAL Will R. Wilson
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Civil Rights Division

1968

1969

ASSISTANT ATTORNEY GENERAL Stephen J. Pollak	ASSISTANT ATTORNEY GENERAL Jerris Leonard
DEPUTY ASSISTANT ATTORNEY GENERAL D. Robert Owen	DEPUTY ASSISTANT ATTORNEY GENERAL D. Robert Owen

FEDERAL BUREAU OF INVESTIGATION	BUREAU OF NARCOTICS AND DANGEROUS DRUGS	IMMIGRATION AND NATURALIZATION SERVICE
COMMUNITY RELATIONS SERVICE	LAW ENFORCEMENT ASSISTANCE ADMINISTRATION	UNITED STATES MARSHALS
BUREAU OF PRISONS	UNITED STATES ATTORNEYS	

Mr. BLAKEY. Until Ray was arrested in London on June 8, 1968, departmental attorneys were little involved in the case, even though the department had within it a tradition of successful collaboration in conspiracy investigations in the antitrust and organized crime fields. When it was necessary to extradite Ray from England, Mr. Vinson went to London to oversee the proceedings, although it is somewhat unusual for the Department to handle extradition in a State murder case. It did so because there was an allegation of conspiracy to violate civil rights, a Federal crime (18 U.S.C. Sec. 241) and because two States—Tennessee and Missouri—were active in the case.

From Ray's apprehension forward, the role of the Department of Justice was most conspicuous for its absence.

In January 1969, the Nixon administration came to power. While stated policy was to pursue conspiracy leads, Attorney General John Mitchell, in fact, apparently did not participate actively in the case. Mitchell apparently did not argue with the FBI's lone assassin conclusion, and Ray was, after all, in prison.

Assistant Attorney General Jerris Leonard of the Civil Rights Division did propose that Ray be interviewed in connection with a conspiracy investigation. But no representative of his office was present for FBI interviews, and a suggestion by Leonard that Ray appear before a grand jury on the conspiracy charge was never followed through.

Ramsey Clark is a key official whose exercise of responsibility as Attorney General must be carefully examined.

Mr. Clark was appointed in 1961 Assistant Attorney General in the Land and Resources Division of the Justice Department. Even in this capacity, he worked extensively in the Kennedy administration's high-priority civil rights program in the South.

Mr. Clark was named Deputy Attorney General in 1965 and Acting Attorney General in 1966. He held the top position in the Department from 1967 to the change in administration in January 1969. He is now in private practice in New York City.

It would be appropriate at this time, Mr. Chairman, to call Mr. Clark.

Chairman STOKES. The committee calls Mr. Clark.

Will you stand, raise your right hand, and be sworn?

Do you solemnly swear the testimony you will give before this committee is the truth, the whole truth, and nothing but the truth, so help you God?

TESTIMONY OF WILLIAM RAMSEY CLARK, FORMER ATTORNEY GENERAL OF THE UNITED STATES

Mr. CLARK. I do.

Chairman STOKES. Thank you. You may be seated.

The Chair recognizes staff counsel, Mr. Peter Beeson.

Mr. BEESON. Thank you, Mr. Chairman.

Mr. Clark, will you state your full name for the record, please?

Mr. CLARK. My full name is William Ramsey Clark.

Mr. BEESON. Would you give the committee a brief rundown on your professional background up until the time when you left the Department of Justice in January of 1969?

Mr. CLARK. Well, I finished law school at the University of Chicago, December 1950; returned to Texas, took the bar and began practicing in 1951; remained in general practice in Texas until 1961 when I joined the Kennedy administration as Assistant Attorney General. I remained Assistant Attorney General until February of 1965 when I became Deputy Attorney General. I remained Deputy Attorney General until September, roughly, of 1966. I became Acting Attorney General. I was nominated to be Attorney General in February of 1967.

Mr. BEESON. From that time until the change of administrations in January of 1969 you were Attorney General of the United States, right? As Deputy Attorney General from February of 1965 until September of 1966, who was the Attorney General at that time?

Mr. CLARK. Nicholas Katzenbach.

Mr. BEESON. Mr. Clark, I would like to direct your attention to the time of the assassination of Dr. King in April of 1968. I wonder if you would give the committee a brief description of your initial official reaction as Attorney General of the United States on hearing the news of Dr. King's assassination in Memphis?

Mr. CLARK. Well, it is hard to have an official reaction to such a tragedy. My recollection is that we were having a staff meeting in my office discussing the usual miscellany. A phone call came in which is fairly rare. You know, when I have all these people in there they don't interrupt these meetings all the time.

I was told that Dr. King had been shot and seriously wounded. I think that call was from Jim Lowry who was a young man working in the Community Relations Service.

We stayed in the office for what seemed an awfully long time and received numerous calls, including a number of calls from the hospital in Memphis, if not directly or indirectly they were being communicated to us contemporaneously and we finally were told that Dr. King had died.

Mr. BEESON. What action, if any, did you take to investigate the matter, Mr. Clark?

Mr. CLARK. I authorized an immediate Federal investigation under the then Section 241, Title XVIII, which was we believed a rather inadequate statutory provision. We had congressional recommendations to enlarge it at the time.

We sent a formal letter that evening, I believe, to the Director of the FBI to make an exhaustive investigation and during the course of the evening which I spent in my office at the Department I decided to go to Memphis personally. I flew down early the next morning.

Mr. BEESON. You mentioned that the statutory provision, 18 U.S.C. 241, you described it as somewhat inadequate. Do you recall any significant concern on your part or the FBI's part that there was not a clear statutory jurisdictional basis for Federal investigation?

Mr. CLARK. We had an obligation to proceed by law. I think throughout the investigation the lawyers particularly were concerned about the factual adequacy of our investigation under the laws that existed; 241 required evidence of conspiracy among other things, but it seemed so inherently a civil rights matter in a

nonlegal sense at least, this great leader of our civil rights movement assassinated, that I don't believe any legal concerns that we had impeded our pursuit of the facts.

Mr. BEESON. You mentioned that the next morning you went to Memphis. What was the purpose of that trip and who did you go with?

Mr. CLARK. The purpose was to be sure that everything possible was being done in a fairly difficult context and to be sure that people understood we cared. The people that went with me were Roger Wilkins who was the Director of the Community Relations Service; Clifford Alexander who is the Chairman of the Equal Employment Opportunity Commission; Deke DeLoach who was an Associate Director of the FBI.

I called Mr. Hoover early that morning, maybe two or three, to tell him I wanted to take a high official of the FBI with me.

That is all I can remember right now.

Mr. BEESON. For purposes of the record, Mr. Clark, I believe Mr. DeLoach's title was Assistant to the Director and not Associate Director. Mr. Tolson was Associate Director at that time.

Mr. CLARK. They use a little different terminology. I never bothered to get it straight.

Mr. BEESON. Do you recall a news conference at the airport in Memphis after arriving there, Mr. Clark?

Mr. CLARK. I recall a sea of press and being involved in the middle of it. I don't recall a stated press conference in the sense that it was preplanned. I think it was unavoidable, the focus of the country's attention was on that place and matter.

Mr. BEESON. You were reported to have stated during the meeting with the press at the airport that: "All of our evidence at this time indicates that it was a single person who committed this criminal act." This was a statement that you were making on the 5th of April, the day following the assassination of Dr. King.

Do you recall making that statement or one similar to that?

Mr. CLARK. There were several meetings with the press on that day. I think during the course of that day probably more than once I stated that from the evidence presented to me there was nothing indicating more than a single actor. That remained my evaluation of the evidence through various encounters with the press over the next several days.

Mr. BEESON. What was the purpose of making a comment on the state of the evidence at such an early stage? As I imagine you know, that comment and similar comments have been referred to by some as an initial official effort by the Government to hide involvement of others.

Did you consider comments of that type possibly backfiring in that way when you made it?

Mr. CLARK. The considerations were quite different at the time. I believe in the importance of the integrity of the investigation. I also believe in the public's right to know something that concerns it desperately and the public's desperate concern about the murder of Martin Luther King which was one of the finer reflections on our national character in my time impelled me to tell them what I knew. I believed it was important then. Hindsight does not change my view.

Mr. BEESON. Mr. Clark, I would like to read to you from a copy of an article in the Washington Star that appeared on April 28, between 3 and 4 months following the assassination. This article is found in MLK exhibit F-512 if the committee clerk will give Mr. Clark a copy of it.

[The information follows:]

9-46 (Rev. 7-27-67)

F-512

W

4769

- Tolson
- DeLoach
- Mohr
- Bishop
- Casper
- Callahan
- Conrad
- Felt
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Holmes
- Gandy

Murkin

KING'S MURDERER VIEWED AS LONER
 ATLANTA, Ga. (AP)—Atty. Gen. Ramsey Clark said yesterday there is no significant evidence that the assassination of Dr. Martin Luther King Jr. goes beyond the single act of the fired the fatal shot.
 Clark made the statement in reply to a question concerning reports of a possible conspiracy of Southern businessmen who might have been involved in the shot firing.

I do wish the a.g. would stop talking about this case until it is solved.

MURKIN

- The Washington Post
- Time Herald
- The Washington Daily News
- The Evening Star (Washington)
- The Sunday Star (Washington) *ATG*
- Daily News (New York)
- Sunday News (New York)
- New York Post
- The New York Times
- The Sun (Baltimore)
- The Western
- The New Leader
- The Wall Street Journal
- The National Observer
- World's World

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MAY 6 1968

79 MAY 6-1968

JL 6-94

Mr. BEESON. I misspoke myself. It was 3 or 4 weeks after the assassination.

If you could read with me, the article is headlined "King's Murderer Is Viewed as Loner," dateline, Atlanta. It reads:

Attorney General Ramsey Clark said yesterday there is no significant evidence that the assassination of Martin Luther King, Jr. "goes beyond the single actor" who fired the fatal shot.

Clark made the statement in reply to a question concerning reports of a possible conspiracy of southern businessmen who might have been involved in the King slaying.

Do you consider this article an accurate reflection of your views of the evidence as the case developed and in this case approximately a month after the assassination itself?

Mr. CLARK. Yes.

Mr. BEESON. At any time during the assassination investigation, did your views change on the status of the evidence concerning the conspiracy issue?

Mr. CLARK. I don't recall any presentation of evidence, as distinguished from circumstances, that ever implied direct involvement of another person, and simultaneously I believe I saw an enormous amount of evidence of the direct participation of a single person whose identity was fairly consistently established because I felt I should go on the facts available rather than the circumstances.

Mr. BEESON. Let me ask you this, Mr. Clark: You stated before the day of the assassination an official authorization was transmitted to the FBI to investigate this matter under 18 U.S.C. 241, conspiracy to violate Dr. King's civil rights.

Approximately 2 weeks later, on the 17th of April, Eric Starvo Galt, an alias for Mr. Ray, was formerly charged in Alabama under the provisions of 18 U.S.C. 241. The complaint read essentially charging Mr. Ray and a person alleged to have been his brother with a possible violation of—the conspiracy to violate Dr. King's rights.

In view of your agreement with the April 28 article that the evidence demonstrated no significant signs of conspiracy, and your feelings throughout the investigation that that was the status of the evidence, could you explain the factual basis and the purpose for filing the Federal complaint on the 18th of April charging a possible conspiracy to violate Dr. King's rights?

Mr. CLARK. I can tell you why I did it. To me it was of great importance that there be the most thorough possible investigation and the apprehension of the murderers. And I did not have a great deal of confidence in that happening without Federal investigation.

We had one statement, hearsay, that was the basis for the Federal complaint that was filed insofar as I can recall, and that was a statement attributed to the person who bought the rifle in the hardware store in Birmingham, by the personnel in the store from whom he purchased it, that he and his brother were going hunting in Wyoming, or that his brother did not like the gun sight, or something like that.

Now that was the factual basis on which I was able to sign that complaint or authorize its signature. I do believe that I was personally directly responsible for its being filed whether I signed it or not. Without that allegation, I don't know what I would have done.

That was the basis on which I invoked Federal jurisdiction and the authority to continue the FBI in the investigation.

Mr. BEESON. Would it be fair to conclude that you did not credit the factual basis underlying the complaint?

Mr. CLARK. I thought it was at the very least suspicious, but I didn't think I had to be the judge and jury and executioner on that issue. I believe then and now, always, in a healthy skepticism and try to avoid being misled by assumptions.

Mr. BEESON. Again, to clarify the record, the statement of the Aeromarine clerk attributed to Mr. Ray was, as it was reported initially to the FBI, that Mr. Ray stated when he exchanged the rifle and bought a more powerful rifle that was ultimately found outside of the rooming house, that he exchanged the rifle after a conversation with his brother, hence the reference to the brother, reflected in an FBI interview of Mr. Wood, the clerk at the Aeromarine.

Do you recall any additional evidence of references by Mr. Ray to a brother surrounding his trip East to Atlanta, Ga. approximately weeks before the assassination of Dr. King, or at any other time during the pre-assassination period which might have—which were consistent with—this reference to a brother by Mr. Ray in the Aeromarine Supply Co.?

Mr. CLARK. I have a broader recollection than you state for the record of what was said about a brother in the hardware store. Whether it has just grown or turned in my mind or whether it is an accurate recollection I can't say, but it was a fairly elaborate story as I recall being told to me that he was going hunting in Wyoming or Montana, but I think Wyoming was mentioned, with his brother.

Mr. BEESON. To be fair, there are several versions, in interviews, of that brother story.

Mr. CLARK. Beyond that, I recall, apparently being told, because I recall thinking that I knew that he had brothers. That they—like he had some history of maybe petty crime, that they were a part of his awareness, that he referred to his brothers, talked with his brothers from time to time.

Specifically, I don't think I can recall being told or knowing that he had said he was going to Atlanta to be with his brother. I probably knew it, that that had been alleged. But the only awareness I retain is that he had brothers that he referred to from time to time and that we were not able to find any proximity between them and him before the time of or after the assassination in terms of days or weeks.

Mr. BEESON. Do I characterize your testimony fairly in saying that the possibility of family involvement in the assassination never appeared to be significant to you during the course of the investigation?

Mr. CLARK. I think you do. I think that is right. The feeling that I have now is that it was one of those sad and troubled families that had members that got caught up in things like that.

Mr. BEESON. Mr. Clark, do you recall any dissent within the FBI on the conspiracy issue or is your recollection that their view of the evidence was essentially consistent with yours?

Mr. CLARK. I don't recall anyone from the FBI suggesting evidence or even a strong view that there was a conspiracy.

Mr. BEESON. Would you characterize the FBI's willingness to investigate conspiracy possibilities in this investigation? Were they open to pursue conspiracy leads in the investigation?

Mr. CLARK. The thing that I recall—and these things do get embellished in your mind—is suggestions very early on of every conceivable type of conspiracy. I remember the suggestion that a Soviet freighter had landed in Mobile and somebody slipped off the side to come up and kill Dr. King. I remember suggestions that his close associates had done it, the Ku Klux Klan had done it, the FBI had done it, pick your favorite target.

The nature of the events and the emotions involved conjures all that up. I would be sure that the major purpose of the FBI was to try to catch the person who pulled the trigger.

I think simultaneously, however, it was concerned and investigated the possibility of economic support and even direct participation, although the evidence of any direct participation was so noticeable by its absence. I think that particularly Steve Pollak of the Civil Rights Division expressed a continuing concern that there be a full conspiracy investigation and I assume that until this day from time to time, the FBI goes out and tracks down some allegation of conspiracy.

Mr. BEESON. Let me shift the focus of the questioning somewhat.

As we have established, this was investigated as a possible civil rights violation. You referred to Mr. Pollak as head of the Civil Rights Division within the Department of Justice. I believe that Mr. Fred Vinson, who was the Assistant Attorney General of the Criminal Division, was also brought into the case at an early stage to review reports along with you and Mr. Pollak.

Do you recall any other Department of Justice attorneys who carried significant responsibilities within the assassination investigation?

Mr. CLARK. Well, I think there were a number who spent a great deal of time on it. I am sure the Deputy Attorney General, Warren Christopher, was fully and contemporaneously apprised, as were the three of us, myself, Mr. Vinson, and Mr. Pollak. I think their principal assistants, Bob Owen, perhaps Telly Kozsak, in the Criminal Division were constantly involved and concerned.

Mr. BEESON. What did you consider to be an appropriate role for the Department of Justice attorneys to play in the ongoing investigation of the FBI?

Mr. CLARK. This seemed at the time to be the largest, most urgent, and perhaps difficult investigation within my experience. Unlike President Kennedy's assassination, there was not an immediate apprehension of the person accused. The country was in a turmoil. We spoke of 100 cities where pain from the murder had caused rioting. The manpower of the FBI was enormous, and in my judgment, as far as I can tell, certainly my desire was unsparingly employed.

My opinion as to both the proper and most effective way to pursue such an investigation as this was to spur the FBI on as effectively as we could and review what they did as quickly as possible. The capacity to suggest is fairly limited realistically—

alternatives, different courses of investigation. But it seemed to me to fall in the general area of a criminal investigation, in which the FBI would ordinarily pursue and complete an investigation before it refers it to the legal staff, so to speak, for prosecutorial determination.

Here I thought it was important that we have a more contemporaneous opportunity to evaluate its progress and try to establish that.

Mr. BEESON. The investigative files reviewed which were developed during the investigation indicate that, can be taken to indicate that, on a day-to-day basis the FBI's field investigation was directed and focused out of FBI headquarters in Washington. The Department of Justice attorneys and yourself received a substantial amount of paperwork in the form of monthly reports from field offices, formal letterhead memorandums, which would sum up the resolution of certain investigative leads.

The paperwork which appears to have passed on a daily basis is far more superficial than that which came periodically on a monthly basis or after the resolution of some specific lead.

Would you agree with the assessment of the investigation which I have given to you, the fact that day-to-day conduct was exclusively or primarily in the province of the FBI with the Justice Department and yourself remaining in the background to be informed but not taking an active part within the investigation?

Mr. CLARK. I think that is certainly correct. I don't think the memos necessarily reflect the true nature of the flow of communication. I doubt if on a working day—and they tended to run six or seven a week—went by from the April 4 to the June 9 in which I did not have some direct oral communication about the progress of the investigation. I have not seen government by memorandum working too well.

Mr. BEESON. Did you ever consider the possibility of having a departmental representative review the incoming AIRTEL's, memorandums, along with the FBI in order to maintain a more contemporaneous idea of the investigation?

Mr. CLARK. No.

Mr. BEESON. In retrospect, would you consider that an advisable thing to do? Do you think that would be a wasted effort?

Mr. CLARK. Knowing what I know tells me it would have been helpful and it would have probably been costly in terms of already strained relations.

Mr. BEESON. In terms of appearing to attempt to supervise too closely the ongoing FBI investigation?

Mr. CLARK. In terms of directly injecting or more directly injecting lawyers into the progression of FBI investigation.

Mr. BEESON. On the same general line, Mr. Clark, let me ask you a few background questions and then get into specific questions on the use of the grand jury in this investigation.

How extensively was the grand jury used during your term as Deputy Attorney General and Attorney General in the criminal investigations generally? By this I mean as a means of investigating the case, as opposed to a receptacle for the presentation of evidence?

Mr. CLARK. It is hard to know how to characterize it. It would vary with the type of crime. I would say in an antitrust violation they might use a grand jury fairly extensively. In a bank robbery not at all. We had investigative usage of grand juries, but overwhelmingly they screened evidence, developed and even packaged long before a lawyer at the Department of Justice ever heard of the alleged crime.

If you went through the 90-odd Federal judicial districts, I would assume that the vast majority of the grand juries in their daily operations did no real investigative function. They reviewed evidence that was developed by investigators and presented to them through witnesses.

Mr. BEESON. What do you consider the ideal characteristics of a case which would merit grand jury investigation?

Mr. CLARK. Well, I think it is rather hard to determine facts sitting around in a room talking. It is certainly hard to find fugitives that way. So what the grand jury has really come down to is the use of coercion to testify. The grand jury has one advantage over the investigator and it may have some psychological advantage, but one—and a disadvantage to others is quite possible.

But the one clear advantage is that it can cause punishment to be inflicted for refusing to answer like granting immunity where the fifth amendment is invoked or by simply referring for contempt where that does not become an issue.

So its utility is where you have recalcitrant witnesses, sometimes where you have great difficulty getting documentary evidence, analyzing documentary evidence because of its completeness, where you believe people are concealing things and documents and the intimidating quality of the questions before the grand jury might elicit that.

Overwhelmingly, I believe the purpose of the grand jury is the protection of the innocent from the overzealous prosecutor.

Mr. BEESON. If evidence of a crime were in the hands of people with criminal backgrounds not prone to cooperate in a field interview with the FBI, would this be one situation where a grand jury might be effectively utilized?

Mr. CLARK. Yes; where you have a recalcitrant witness. Sometimes it helps. Sometimes they will do as Sam Giancana did and just sit in jail for 18 months.

Mr. BEESON. Specifically in a case such as the murder of Dr. King, if there had been indications of involvement of hate groups, or hate-type organizations, again you are dealing there with individuals who will probably not cooperate in a field interview; is that correct?

Mr. CLARK. Well, assuming your hypothesis, yes.

Mr. BEESON. So, again, assuming the hypothesis, that would be an appropriate area for a grand jury investigation?

Mr. CLARK. Yes; if those were the facts, if you had people who were not talking because of some affiliation or association. The fact here, as I recall, is that there was never any suggestion that the grand jury would have any utility, that someone was not talking. I recall no requests that a grand jury be utilized. We were running all around the country trying to find somebody and we were not going to find them in a grand jury room.

Mr. BEESON. Do you consider evidence reliable which is taken under the grant of immunity?

Mr. CLARK. I think it is very difficult evidence. It has a potential for distortion. It is involuntary. An individual under those circumstances may not, either unintentionally or intentionally, give you the full truth as they see it.

Mr. BEESON. Mr. Clark, I believe that during your administration as Attorney General you developed what was known as the strike force approach to the investigation of organized crime cases; is that correct?

Mr. CLARK. That is right.

Mr. BEESON. Is it not one of the components of the strike force approach to achieve early involvement of attorneys along with investigators, in the evaluation of evidence, the formulation of strategic decisions, the targeting of individuals in the investigative process?

Mr. CLARK. Yes; the theory of the strike force is that there has been some corruption or infiltration of some agency's criminal justice and therefore you need a coordinated team approach to liberate, so to speak, the captured elements. That involves the selected use of Federal, State and local police and investigative agencies and quite frequently a high and early use of a grand jury.

Mr. BEESON. Would this be an investigative grand jury?

Mr. CLARK. Preponderantly, yes.

Mr. BEESON. Did you ever consider implementing the strike force concept within the Civil Rights Division of the Department of Justice for the purpose of investigating conspiracy cases?

Mr. CLARK. I think it was February 8, 1968, at Orangeburg, S.C., 3 students of the South Carolina State College were shot and killed and 27 were seriously wounded that we know of because they were hospitalized.

We discovered it and several hundred law enforcement personnel were involved, including the presence of the FBI, National Guard, State police, county sheriffs, local police.

After considerable difficulty and finally learning of the involvement of the FBI, we took that particular investigation essentially away from the FBI and investigated it with young lawyers and others from the Civil Rights Division. So we had direct experience in that sort of thing.

I would not recommend it in many cases. It is a very, very difficult thing to do. The capacity of the entire Civil Rights Division did nothing else. It is very limited. Its experience in investigation was hardly extensive. But in Orangeburg it was essential because the failure of the FBI to reveal candidly its early presence and the horror of the scene.

In an investigation as sweeping as the murder of Dr. King, the decision that you could not use the FBI would have left you in extreme difficulty.

Mr. BEESON. If I understand the Orangeburg situation that you are describing, that was not a classic example of a strike force approach so much as a step that you took to remedy a specific problem in that case.

Mr. CLARK. That is the reason that we did it. The strike force approach, as far as I know, is as such limited to organized crime.

Mr. BEESON. But the strike force approach would assume cooperation between the FBI and Department of Justice attorneys in the organized crime investigation and not a replacement of the FBI?

Mr. CLARK. Sadly, the history of the FBI's role in strike forces tended to be nonparticipation. It is a fairly well known history. Mr. Hoover gave many reasons, but those that seemed to have the greatest strength were unwillingness to risk his manpower with other personnel, particularly where corruption was involved, and the sharing of the fame, success.

Mr. BEESON. Then would it be fair to conclude that one reason that the strike force concept did not spread was because of a perceived reluctance on the part of the investigative arm of the FBI to participate in that type of approach?

Mr. CLARK. Well, it may have spread further even with that. I think as time went on the FBI tended to get onboard because at least in the early years it seemed to be a winner. Indictments were returned and successful prosecutions completed. Still, it was very difficult for the FBI to engage in that sort of sharing arrangement.

Mr. BEESON. Was the heavy involvement of the Department of Justice attorney successful in the *Orangeburg* case?

Mr. CLARK. No. I say that with the greatest respect for all that were involved, but the prejudice—my interpretation—the prejudice was so powerful we had great difficulty persuading the Federal judge to convene a grand jury. Two successive grand juries did not obtain an indictment, although we had testimony of officers emptying six-shot service revolvers at helpless students yards away.

I signed an information, a painful comedown from the dimension of the crime, and some very able young lawyers in the Civil Rights Division went down to try the case but were unable to secure convictions.

Mr. BEESON. Mr. Clark, let me shift to one other possible investigative technique available in 1968, that of electronic surveillance. Will you start off by giving your views in general on the use of electronic surveillance in criminal investigations to the committee?

Mr. CLARK. Well, I opposed, as Attorney General, the use of electronic surveillance as un-American, if you will, as inconsistent with the idea of individual freedom, as an improper way for the Government to proceed against its people, against the meaning of human dignity.

President Johnson sent up a Right to Privacy Act which we struggled to secure passage for that failed that would have prohibited wiretapping. As Attorney General I had little knowledge of the actual practice until I became Acting Attorney General.

I think as far as I can tell, I essentially succeeded in eliminating the use of wiretapping in what you might call domestic affairs and in greatly curtailing its use in international or foreign national security affairs.

Mr. BEESON. Did you perceive of any investigative losses involved in that decision?

Mr. CLARK. Well, we try to tell ourselves we are right so I perceived just the opposite, substantial gains across the board.

My view was and is that in addition to being unacceptable as contrary to the spirit of the American Bill of Rights, it was terribly wasteful, inefficient, and finally corrupting investigative tech-

niques, the idea of having grown people sit around listening days on end to what other people may or may not be talking about, hoping they will say something they should not, is not the way to prevent or control crime, that in fact it is wasteful of resources. They could be out protecting the people.

Mr. BEESON. Isn't it a fact, though, Mr. Clark, that the nature of certain criminal offenses, and specifically conspiracy which is often based really on conversations, requires the use of electronic surveillance, or to state it otherwise, isn't it at least far more difficult to prove an offense which is based solely on conversations together with an overt act, of course, without the ability surreptitiously to overhear these conversations?

Mr. CLARK. Well, the crime is the overt act, not the conversation, because we have a first amendment. I would prefer to see us investigate the overt acts and proceed on acts. Conspiracy may be hard to prove anyway.

It is my judgment a testament to the intelligence of the American jury that most of the major conspiracy prosecutions of the Nixon years failed on the conspiracy counts. They could not get convictions in Chicago; they couldn't get convictions in Harrisburg, Gainesville, or any of those places. There is something insidious about that use of conspiracy law and wiretap tends to compound it.

I have looked at the logs of more wiretaps than a person who cares about freedom ought to have to, both in office and since. I am constantly amazed at the religious fervor of those who favor wiretapping because I don't see the evidence that it is effective if you are willing to engage in worse than a dirty business.

Mr. BEESON. In your experience as a prosecutor, you have no recollection of cases where the evidence was based substantially on the interception of conversations through wiretapping, and in fact cases that could not have been brought without the use of wiretapping?

Mr. CLARK. I don't know of any such cases. No one has pointed any out to me. It is interesting to observe, and this can be read several different ways, that of the literally dozens of cases in 1966 and 1967 in which lawyers in the Department of Justice went before courts, including the Supreme Court of the United States, and said to our great embarrassment, we have discovered the presence of illegal electronic surveillance or wiretapping—and there were at least 35 such cases on remand to consider whether the wiretap produced evidence or leads that tainted the trial—we did not find a single case.

Maybe we should have, but I prefer to believe that the FBI was fair about it and that there was in fact no utility. All it did was jeopardize good prosecutions.

We ought to believe we can find facts and move on them and not have to sit around and listen to people's conversations to enforce the law.

Mr. BEESON. Approximately 2 months after the assassination of Dr. King, the Omnibus Crime Control and Safe Streets Act was passed, which provided a statutory basis for legal or authorized electronic surveillance—electronic surveillance which would have been conducted under the scrutiny of a Federal magistrate or district judge and with the authorization of the Attorney General.

Following the passage of title III, were your views on the utility or the propriety of electronic surveillance in any way affected, or did they remain the same?

Mr. CLARK. Well, my views remain the same. My conduct may be questionable. I refused to use title III, did not authorize its use, during my remaining time as Attorney General. I justified it legally by saying it was discretionary. I was not mandated to use wiretapping, that I would either follow the law or resign if I were, but that in the exercise of my discretion I declined to use it.

Perhaps there really wasn't an exercise of discretion, in the sense that I looked at the case to decide because of a predisposition against the use of wiretapping.

Mr. BEESON. Had the FBI considered the use of the provisions of the new statute in this investigation or any other criminal investigation, you would have prevented that use, is that correct?

Mr. CLARK. I think so. If we wanted to conjure up all the horrors we can think of, you might come up with one where I would authorize it, but I doubt it. But the FBI hadn't waited for title III. There were a number of occasions in which it asked me to approve wiretapping or electronic surveillance of Dr. King before his assassination, including, I believe, as close to the assassination as April 2, 1968. I declined in those cases.

Mr. BEESON. We perhaps will get into that area a bit later.

Let me ask you to refer to Martin Luther King exhibit F-507, if I could. This is a copy—I believe you have seen this document before, Mr. Clark—it is a copy of an FBI memorandum to you, Attorney General, on May 13, 1968, approximately 5 weeks into the assassination investigation, in which they request your authorization for the use of electronic surveillance during the investigation of the assassination, essentially in order to ascertain the location of the fugitive, James Earl Ray.

When I asked about it previously, you didn't have any specific recollection of receiving this request. Is that still the case now?

Mr. CLARK. That's a hard question. I mean, you are talking about mental processes. You know, I have no doubt that I had this sitting in my desk drawer for some time.

Mr. BEESON. Was it ever your practice to solicit the views of the FBI on the legality of proposed electronic surveillance that they submitted to you, to ask them to analyze the legality of electronic surveillance before transmitting a request to you?

Mr. CLARK. There were several things that I did: I told them to always consider the relative importance of prosecution and discovery. This is in the national security field, obviously, because that was the only place that I was really considering wiretapping, because an authorization could well destroy the possibility of a legal prosecution, and sometimes I would override them on that ground, that I didn't think it was important, as we know—that we know certain information that we preserve a right to prosecute, why, there was some indication that there might be a serious Federal crime committed.

As far as just asking them for their view of the legality of a wiretap, I guess I felt as competent as they to evaluate that.

Mr. BEESON. Did you ever feel it would be useful to have them, by some sort of internal regulation, go through the process at least

of analyzing the legality of specific proposals before submitting it to you, to acquaint them with the laws, to force them to face the possible prejudice caused by a specified wiretap proposal?

Mr. CLARK. We did that in a number of areas. I can recall, I think, John Doar working at great length on the law of arrest, which is such a critical and difficult area, and a number of others. Particularly in the urban riot situation, the use of deadly force, we spent a great deal of time with them, trying to narrow and discipline the circumstances under which enforcement officers were authorized to use "deadly force," as it is called, which means shoot somebody or hit them hard and in a way it might kill them.

As to wiretapping, before the Omnibus Crime Control Act, June 1968, the legality was so very ambiguous, anyway, that the utility of an effort to train or discipline on the law would be rather meaningless. As Attorney General, I had a hard time explaining how you could justify under the Constitution of the United States a wiretap on a foreign embassy—as an illustration—except by precedents. They have done it since Robert H. Jackson. So I don't know where that would have gotten us.

I rather think there was considerable legal work in the Criminal Division, and with the FBI, on legal procedures under title III of the Omnibus Crime Control Act after it became law.

Mr. BEESON. This specific proposal came before title III was enacted. A review of FBI files indicates that they did perform an internal analysis of the legality of the proposal, the constitutionality of it, and possible prejudice that it might do to the case, and came to the conclusion in the memos—I believe it is a fair summary of Mr. DeLoach's testimony yesterday—that in fact, at least according to the FBI's internal analysis, that proposal would, if implemented, have been unconstitutional and illegal as to the targets of the electronic surveillance.

Do I take it from your testimony that there were at least no internal procedures in effect in the Department of Justice in May of 1968 which were violated by their submission of that proposal to you, notwithstanding their own analysis of its illegality, or in submitting the proposal to you and withholding their analysis on its legality?

Mr. CLARK. I assume at all times, for all people knowingly recommending the violation of constitutional rights is unacceptable, and I don't know what kind of Ten Commandments you put out to prevent that.

The cause was probably this: The FBI's reputation was on the line because of its failure to apprehend someone more quickly, and that was the source of enormous agitation; and it may well be that this memo reflects greater interest in apprehending someone so the FBI has done its job than in a successful prosecution, because I think by May 13 the press was beginning to react unfavorably about the failure of the investigation to find the person that at least I had said earlier we had on the run.

Mr. BEESON. Just one final line of questioning, Mr. Clark.

You have referred previously to strained relations which existed between the FBI and the Department of Justice at the time of the assassination investigation, something which at least would have been a consideration, had you ever considered inserting a depart-

mental representative into the FBI to review incoming communications from the field. What was the cause of the strained relations, and how did it manifest itself?

Mr. CLARK. That's kind of a big question.

I guess I believe that there was always considerable tension between the FBI and the lawyers in the Department of Justice. "Time dissipates to shining ether the solid angularity of fact," and it became popular in later years to say that the relationship between Mr. Hoover and my father was always a bed of roses. But not only do I remember otherwise, from teenage experience, I have heard otherwise, both from my father and from Mr. Hoover. It's not all unhealthy and I would say here, as I have said other places many times, that more often than not Mr. Hoover was right about it, because he was dealing in highly sensitive information about people that had to be used with absolute integrity if we were to have a system of law, freedom under law.

I came to the office of Attorney General after Robert Kennedy and Nicholas Katzenbach, and those were fairly turbulent times between—in the relationship between the FBI and the Department of Justice. I came in particularly at a time when we were going through the very painful process of disclosing illegal FBI electronic surveillance in scores of cases—I referred to it earlier—and nobody enjoyed that, but least of all the FBI.

I came in with a Director who was Director of the FBI before I was born, and I think he rather wondered who this new kid was, saying you can't wiretap here and you can't blackbag here. I had never heard the phrase "blackbag" at the time; but they wanted to enter some places without a warrant. I said you can't do that because there is a fourth amendment to the Constitution, and I think there was some resentment about that.

But then, at least as I sense the epoch now, for all the turbulence of the early sixties, it had a glorious quality about it. I mean, the civil rights movement was in the ascendancy and there was a belief that we would overcome, and in the years when I was Attorney General, riots and violence and the fear of crime were high; and I think those things combined to make for a very difficult relationship between the FBI and the Department of Justice.

I think it can be overstated. I think at many levels there was a fine working relationship. I think at many levels there was a respect and, efficiency with Mr. Hoover, my relationship was always cordial, although we both understood profound differences. I think he understood my belief that whatever his contributions earlier, he had stayed on the job too long.

Mr. BEESON. In reviewing the history of the investigation, there is an absence of at least some investigative approaches which would have required close cooperation and collaboration among the Department of Justice attorneys and the FBI. For example, grand jury immunity, perhaps participation of the Department of Justice attorneys in significant interviews, such as the interview of Mr. Ray after his guilty plea, no evidence of an attempt to implement the type of strike force concept of earlier involvement, and closer involvement, of attorneys.

Is that situation understandable in terms of the strained relations that you are describing now, or is it simply a fact that to the

best of your recollection this investigation just did not warrant those investigative approaches?

Mr. CLARK. Well, you lumped a whole lot together there.

As I said earlier, I do not recall any suggestion that a grand jury would have utility, any proposal that a certain person be put before a grand jury. The impression I had was that we had hundreds, maybe even thousands, of FBI agents trying to act like hippies—which they couldn't do, because they came from a different background—to see whether they could pick up a trace of a guy who led us to believe he might be in hippie areas of different towns, of hundreds of agents looking through millions of passport applications, and things like that.

I didn't see a grand jury utility. It never—nothing I ever heard or saw or have seen indicates it would have had any utility.

On your other questions, I don't—I don't know what we could have contributed by having lawyers closer in than we did. The average FBI investigation is turned over to the Department of Justice lawyers as a fait accompli. You walk into the attorney's office with the file and say, "Here's the file. This kid stole a car"—whatever it is. This is not an analogy, merely to show a practice.

Now, here you had the need to have the most highly motivated investigation that you could have, and to create any disruptive quality by trying to inject people in, like you lack confidence in what they are doing and/or you are trying to overdo, my sense was our need was to motivate them to show our great concern, to review what they did, if we had ideas or suggestions to let them have them, but above all to have them out on the streets looking hard.

Mr. BEESON. Mr. Chairman, I have no further questions of the witness.

Chairman STOKES. Thank you, counsel.

At this time the full committee will suspend for about 5 minutes, for the purpose of permitting the King subcommittee to conduct a meeting in the same room here, which will be a public meeting.

So we will ask at this time if the witness will just remove himself from the witness table for a few moments, until we can transact this other business.

The full committee is in suspension.

[Whereupon, at 10:35 a.m., the proceedings were suspended.]

Chairman STOKES. The full committee will now come to order.

The Chair would request the witness to resume his place at the witness table.

[Whereupon, Ramsey Clark, former Attorney General of the United States, having been duly sworn previously, resumed the stand and testified further as follows:]

Chairman STOKES. The procedure at this point will be that the Chair will yield himself such time as I may consume, after which the committee will resort to the 5-minute rule.

TESTIMONY OF RAMSEY CLARK—Resumed

Chairman STOKES. Mr. Clark, let me first establish your period of service within the Justice Department. My understanding is that during most of 1965 and 1966 you were Deputy Attorney General under Attorney General Katzenbach. In the latter part of 1966 you

became Acting Attorney General, and in early 1967 you were confirmed as Attorney General, and you held that position until January of 1969; is that correct?

Mr. CLARK. That's correct.

Chairman STOKES. Now I would like to focus questions on the activities of the Department's major investigative agency, the FBI, during that period.

You were, of course, aware that the FBI had a Domestic Intelligence Division, that the responsibilities of that Division included investigation of individuals and organizations posing threats to national security within the United States; is that correct?

Mr. CLARK. That sounds correct. I am just puzzled about whether another division had some jurisdiction over threats to national security within the United States but that is essentially right.

Chairman STOKES. Would you tell the committee what steps, if any, you took in order to remain informed of the day-to-day activities of the Domestic Intelligence Division, if you took such action?

Mr. CLARK. You mean generally?

Chairman STOKES. Yes, sir. I guess, essentially what I am requesting of you is whether you set up some procedure whereby they were to keep you informed of their activities, whether or not this would have been on a daily basis of some kind.

Mr. CLARK. Well, they informed me of their activities essentially through the Director, I would assume, that what they chose to tell me came through memos that were at least processed through the Director's office.

I don't recall any distinct method of communication for any division of the FBI, except with reference to particular cases where there would be necessary communication between, say, the Criminal Division and the Internal Security Division and agents working on the case.

I think all the divisions reported as to their general activities through the Director.

Chairman STOKES. Did you know Mr. Sullivan who was head of that division?

Mr. CLARK. I came to know him at some time. I certainly knew the name. Whether I would recognize him if I saw him is questionable.

I endeavored early as Attorney General to establish a system of regular meetings with assistant directors, and Mr. Hoover expressed his desire that that not be done. My hope was that the assistant attorneys general and the assistant directors would have regular lunches in my office, with Mr. Hoover and Mr. Tolson, so we would get to know each other better.

Mr. Hoover said that he thought that would be difficult for him and a bad policy, and I dropped the idea.

Chairman STOKES. Did you read into that anything other than what he said?

Mr. CLARK. No. I thought it was his view of administration and the relationship that he thought most effective between the FBI and the Department of Justice. I disagreed, but I didn't believe that while he was Director I could meaningfully establish a relationship over his opposition.

Chairman Stokes. Mr. Clark, were you confident during your years as Deputy Attorney General and Attorney General that you had a thorough knowledge of the operations of the Domestic Intelligence Division?

Mr. CLARK. I never thought about it that way certainly, but if any Attorney General was ever confident that he had a thorough knowledge of what the FBI was doing, I would question his intelligence. I knew the six preceding Attorneys General and for reasons of affinity and consanguinity had great respect for them, and had occasion to ask them from time to time how much of their attention they were able to devote to the FBI; and none of them ever suggested more than 5 percent.

The FBI was running 700,000 or 800,000 investigations a year when I was Attorney General, to 7,500, 7,700 agents, and it would have been impossible, if you did nothing else, to know what the divisions were doing. It's a rare Attorney General, literally, who could sit down and name the divisions of the FBI.

Chairman STOKES. And that would be a situation you would think that nothing could be done about?

Mr. CLARK. I think something could be done about it probably. I shouldn't distinguish the Federal Bureau of Prisons from the FBI or the Immigration and Naturalization. I would say our ignorance of the Immigration and Naturalization substantially exceeded our ignorance of the FBI. It has to do with the nature of the Office of Attorney General and the capacity of an individual in a short and hectic period of time to master a huge bureaucracy, that there was not enough knowledge, was and is, in my judgment.

We tried to correct that in a number of ways. I think the major effort was an effort to institute what we called then the PPBS, Planning, Programing, and Budgeting, something that came out of Mr. Hitch's activities over at the Department of Defense, and was urged generally on executive agencies by the then-called Bureau of the Budget; and while Planning, Programing, and Budgeting didn't really fit precisely into law operations, it had high utility in helping you find out what you were doing, and why, where your resources were allocated.

We tried to initiate PPBS and we believed—I say “we”; I certainly believed, and, I think, the handful of people that were involved with me—that it would help us learn more about the FBI and indeed help the FBI learn more about the FBI; and we started down that road, but not a great deal of progress was made.

Chairman STOKES. Well then, if I understand your testimony, essentially you are saying that it pretty much leaves the FBI and some of these other agencies to operate under their own autonomy and without real supervision or jurisdiction of the Attorney General's Office; would that be correct?

Mr. CLARK. In the daily activities, that's correct.

Chairman STOKES. Then, again speaking in general terms, were you aware, during your years as Attorney General and Deputy Attorney General, of the counterintelligence programs, of CO-INTELPRO conducted by the FBI?

Mr. CLARK. The COINTELPRO came into my vocabulary in the early or midseventies. The idea that the FBI ever engaged in disruptive activities never occurred to me, and had it, I think I

would have acted. It is something I feel pretty strongly about; it is no proper function of Government.

Chairman STOKES. Let me ask, how did the COINTELPRO program come to your attention?

Mr. CLARK. Through the press, I believe. People started talking. There were documents leaked, both selectively and unselectively, and it became a part of the vocabulary.

Then through a number of lawsuits and investigations, publication of a little paperback called "COINTELPRO," as I recall, I came to know more and more about it, or at least have more information, accurate or not, about it.

Chairman STOKES. Now, Mr. DeLoach, who was assistant to the Director in the FBI, was your primary source of contact with the FBI, was he not?

Mr. CLARK. For daily activities he was.

Chairman STOKES. And in the course of this liaison between the Bureau and yourself, in his capacity as the liaison person, then are we to assume that Mr. DeLoach never briefed you about the COINTELPRO program?

Mr. CLARK. I have no recollection, and every confidence that my recollection is adequate, that there was ever the mention of the word "COINTELPRO" or any description of any of the disruptive or illegal activities of COINTELPRO made to me by Mr. DeLoach or anybody else while I was in the Department of Justice, from 1961 to 1969.

Chairman STOKES. I would like now to direct your attention to the FBI's investigation of Dr. King and his organization, the Southern Christian Leadership Conference.

When did the FBI's use of electronic surveillance against Dr. King and the SCLC headquarters first come to your attention?

Mr. CLARK. I have not been able to establish the date clearly. The occasion I remember vividly. I was Deputy Attorney General and it was late in the evening, and I was sitting up in my office, and John Doar came up, handed me an FBI memo and said, "What do you make of that?" And I looked at it and said, "Well, I guess you're saying it looks like this must have been picked up by electronic surveillance?"

He said, "That's what it looks like to me." And I said, "I'll go up and talk to the Attorney General about it."

I had been around for a long time, even before 1961, in a sense, but I must say the idea that the FBI would have wiretapped Dr. King was unbelievable. I worked for 4 years with Bob Kennedy, loved the man, had the highest respect for him, but this just was so inconsistent with my perception of how he saw Dr. King, how the FBI functioned, that I couldn't believe it.

I went up, however, and talked to Mr. Katzenbach, showed him the memo, and he said, roughly, "Well, there has been a problem. It's cleared up now and you don't need to worry about it." My guess is that that was August or September of 1965, and having plenty of problems and being told that this one was over, and that apparently being the fact, I didn't worry about it anymore until the disclosures came out.

When I became Acting Attorney General, I found some of the files in rather chaotic condition, and particularly those relating to

how the Attorney General retained information about authorized electronic surveillance.

My impression, roughly, was that Bob Kennedy must have been sitting there in the Attorney General's Office and the secretary would come by and Bob would sign something, put it in his pocket or stick it in his desk. We would find them all over the place.

The problem I have is, how do you know what has been approved and what is going on?

We began to organize them, even though it was my belief—I had been told by the President I wouldn't be Attorney General, but it seemed like I could do something while I was sitting around; and one of the things we tried to do was organize those files, and discovered the authorization of wiretap on Dr. King, as I recall, in October of 1963, and some others.

Chairman STOKES. Did it ever, Mr. Clark, come to your attention that the FBI was briefing Members of Congress, the White House, members of the press, private citizens, on the activities of Dr. King, based upon wiretaps?

Mr. CLARK. Mr. Chairman, from early youth I had witnessed how the FBI would operate on the Hill and with the White House—I remember the Harry Dexter White case well—and knew its relationship with the chairman of the Appropriations Subcommittees of the House of Representatives, the chairman of the Appropriations Subcommittees of the Senate, others.

Apparently many people knew—for whom I had and have the greatest confidence and respect—Bob Kennedy, Burke Marshall and others, became aware in 1964-65 that there had been preparation of memorandums and dissemination of them, perhaps playing of tape recordings. I don't know why. I guess I was just down working on something else. I don't think I was aware of it until I read about it in the papers later on.

Chairman STOKES. In 1966, after becoming Attorney General, I believe that you systematically reviewed all wiretapping done by the FBI in the recent years and found additional evidence of electronic surveillance on Dr. King. Would that be correct?

Mr. CLARK. That's correct. As best I recall, I found three one-page memos that appeared to have been authorized, that is, signed, by the Attorney General, in 1965, bugs, as I recall, as distinguished from wiretap, and on hotel rooms.

Chairman STOKES. In uncovering this evidence, were you made aware of the stated purpose for which these bugs were being placed?

Mr. CLARK. The memos themselves said very little, I'm sure. I had come to believe—and I am sure it was from conversations with some of the principals—that it related primarily to a belief in the FBI that the Communist conspiracy, so to speak, was infiltrating the civil rights movement, and particularly the Southern Christian Leadership Conference, and influencing Dr. King, and that for a variety of reasons that involved protecting the civil rights movement, protecting Dr. King, and perhaps placating the Bureau, and perhaps avoiding a controversy before an election year, 1964, that the original wiretapping was done.

My view has always been that when Bob signed that—Bob Kennedy—that he must have intended to take it off soon. Within a

month, his brother was murdered, and he just didn't think about things like that for a while; so it stayed on for quite a long period—1965, when I assumed, and I think I had the impression from conversations and all relating to the same sort of thing, although the nature of them had an inherent improbability about it, very unattractive.

Chairman STOKES. How about after you had become Attorney General, did the FBI come to you with requests that they be permitted to put electronic surveillance on Dr. King in his home at Atlanta, on the SCLC in Atlanta?

Mr. CLARK. They sent memos out. Mr. Hoover didn't like to be told no, directly, which is understandable, and when he thought he was going to get a "no," he would send them over; and rarely would he go to battle.

I can only remember one time when he asked me to reconsider breaking and entering. I don't believe he ever asked me to reconsider a wiretap directly and personally; but I got, I would say, at least four requests from the fall of 1966 through April 2, 1968 to authorize electronic surveillance of Dr. King.

I imagine it was on his quarters, his home, or his church; but I cannot tell you at this moment that I specifically recall that.

Chairman STOKES. The last request would have been 2 days prior to his assassination?

Mr. CLARK. If that's the date—and I think it is—that is available to the committee, I'm sure.

Chairman STOKES. What was your reaction to these requests? What action did you take relative to the requests?

Mr. CLARK. I guess I didn't like it at all. There were many requests that I turned down, and the range—I can only go on memory; somebody could look—was quite wide and in various investigations.

I have learned that apparently I turned down a request on Fred Hampton, for instance. At the time, and until his murder, I think probably the name meant nothing to me. I turned down in the low scores altogether, and some it would be very difficult to explain, like Abba Eban, and things like that; but the King one was special, both because of the shock that I had when I had learned that he had been earlier wiretapped, my disbelief that there could possibly be any justification for it, and it was not anything I was willing to consider.

Chairman STOKES. With reference to these four requests you have spoken of, and the last of which you believe was on April 2, which would have been a couple of days prior to the assassination, was the FBI still at that time basing the purpose upon communism and infiltration of Communists in the civil rights movement, et cetera? What is your best recollection?

Mr. CLARK. My best recollection is that at least the last several, or at least the last one, had to do with the Poor People's Campaign, and an incredible fear of, a paranoia, literally—that wasn't peculiar to the FBI by any means—about the possibility for violence.

We had had tragic urban riots in 1967, Newark and Detroit, in the late summer. We had had major magazine articles. I remember Life magazine with a picture of snipers on top of buildings, saying this was all planned; and Spiro Agnew holding a press conference

as Governor of Maryland saying the same people that provoked the riot in Newark provoked the riot in Detroit, fantasizing like that.

I think we had hearings that Senator McClellan conducted that were credible in terms of the fear that they reflected and provoked irrationally about the potential for violence from these poor people coming to the Nation's Capital.

I think that the last request—I would be surprised if they didn't have "Poor People's Campaign" written up at the top, and didn't state that there was concern that there was going to be deliberate provocation of violence, and there would be preventive measures.

My view about the importance of preventing riots is pretty well known, and that would have been a natural appeal.

Chairman STOKES. Mr. Clark, are you familiar with the press conference in which Mr. Hoover described Dr. King as being the most notorious liar in the world?

Mr. CLARK. Well, I'm certainly familiar with that incident, yes.

Chairman STOKES. And did you ever have occasions to talk with Mr. Hoover, during which discussions he would describe to you his feelings toward Dr. King?

Mr. CLARK. I had a number of occasions to listen. I didn't do a lot of talking, simply because there was some—I just had some sense that there was a preoccupation here by an older person, and that maybe you could let him let a little steam off by just expressing his views; but that he had a personal dislike for Dr. King was well known to me.

Chairman STOKES. In terms of the dislike you describe, would you describe it as being intense dislike bearing on hatred? How would you describe it?

Mr. CLARK. Trying to analyze it, it had to me qualities of racism. I know that's a hard word, but Mr. Hoover came from an older generation; he was raised in a southern city, if you will, segregated city, it came from his views of the clergy, which I would call strict, roughly, I guess, came from his—it's hard to talk about a person like this. He was a very able man, but he had some preoccupations with sex, and I saw these coming together. It caused him—then the prominence of Dr. King, the international recognition. I have often thought perhaps the nonviolence—he didn't like that, really, because in his value system power was right; but, anyway, these things caused him in a very uninhibited way to express a personal belief that Dr. Martin Luther King was not a good person; and he knew that I disagreed with that, but that didn't inhibit him from saying his thing.

Chairman STOKES. From expressing himself.

Mr. Clark, we have received, during the past week or so, testimony relating to the attitude of the FBI toward civil rights violations. We have had some testimony that in terms of investigating civil rights violations that they engaged in foot dragging. On the other hand, we have had some testimony that agents did a good job and that they were conscientious about investigating civil rights violations, et cetera.

It seems to me you would be in a unique position to be able to assess the attitude and the performance of the Bureau with reference to investigating civil rights violations. You have already made some reference to the Orangeburg, S.C., situation.

I would ask you at this time if you would elaborate a little more for us in terms of your own assessment of their performance?

Mr. CLARK. Well, first, I think that all those characterizations that you gave are true. You just have to realize how many investigations and how many people were involved; and, first, how the FBI as an institution adapted to change, to new laws, new national moods, and institutionally how it was structured.

I believed at the time, and still do, that the resident agent policy of the FBI was a very serious handicap to its effective investigation of many civil rights violations. In a very rough way, the resident agent policy permitted some agents to opt to remain in a location, rather than adventure to higher opportunities. This would mean agents would work for 20 years in the same town, same area.

It had some very efficient aspects. You get to know the sheriff pretty well and the chief of police, the judges, and all the rest; but it had some great handicaps, too: One, if there are prejudices in the community, that makes it likely that rights of some citizens would be violated. You will tend to identify with those prejudices.

Second, it is hard to attack the person that has helped you in picking up all those Dwyer Act convictions. So the resident agent policy which Mr. Hoover changed in the early sixties, particularly in the South, was a great handicap. You can't change attitudes overnight. Many of these attitudes were deeply ingrained.

I think the FBI came to civil rights investigation with great concern. To a considerable degree they were in the numbers game. They justified their existence by running up high statistics on easy marks like stolen automobiles. If they had to put a lot of manpower into a single investigation, such as whether a couple of deputy sheriffs beat up a Black prisoner in a county prison somewhere, it didn't help them that much; it didn't show that much; it made it difficult for them to appear well in the other statistics.

Still, I believe that Mr. Hoover sensed the need to get on top of civil rights investigation and did some rather remarkable things. I always thought one of the great persuasive feats of contemporary American history was President Johnson's persuading Mr. Hoover to go to Jackson, Miss., to open an FBI office. The meaning and impact of that was very important to FBI agents, and Black folks, and to American citizens generally.

The investigation of the Klan—the infiltration, I guess you would have to say today, of the Klan—I don't know enough about it to have final judgments, but rather remarkable from what I have seen in terms of expeditions and effectiveness.

If I had to judge their coming to investigate, of comparing their investigation of civil rights cases with their investigation of organized crime, I come to a surprising conclusion, and that is that they came with a little greater speed and effectiveness to the investigation of civil rights violations than they did to organized crime. It took a long time to get into—Mr. Hoover at one time saying there is no organized crime. Still, there would be many illustrations where an agent simply wouldn't do a good job investigating a public accommodations title II allegation, and many others.

It was necessary, I think, for us to keep pressure on to expand and extend and make more effective commitments of resources to civil rights investigation, but I guess I think it moved fairly well.

Steve Pollak can probably tell you a lot more about that.

Chairman STOKES. Let me ask you this: We have heard over the past several days the testimony of a prolonged and intense effort by the FBI, not only in the early part of the sixties but also in 1967 and 1968—which is during your own tenure as Attorney General—of their efforts to destroy Dr. King as the leader of the civil rights movement in this country.

The methods that they used were immoral and often illegal, certainly went far beyond any legitimate investigative mandate.

As Attorney General and head of the Justice Department, the FBI, at least on paper, was under your control. Additionally, you were personally aware of Mr. Hoover's deep dislike for Dr. King. You had first-hand knowledge of their past use of electronic surveillance against Dr. King. You had received several additional requests yourself involving the wiretap of Dr. King throughout the years, your years as Attorney General, and I would ask you: In light of this, would this not have caused you to try and delve further into this kind of activity on the part of the FBI in order to put a stop to something that was going on in a situation where you were the ultimate authority, at least programmatically?

Mr. CLARK. Well, first there seems to be an assumption there that I was aware of unlawful conduct regarding Dr. King. That is an incorrect assumption. I wasn't.

I believed, and I am not yet fully persuaded otherwise, that the FBI didn't disobey instructions.

You know, you would often wonder, when you turned down a wiretap, whether that would mean some agent in the field would go to some local police counterpart and get them to install the surveillance.

As of this time, I haven't found that occurring on any of the matters that I turned down. I believe that Mr. Hoover would be extremely cautious about risking the reputation of the FBI in unlawful activity.

I think one thing we tend to miss is how many shared his prejudice, Mr. Chairman. We like to wonder why the Attorney General of the United States didn't know what was going on. Why didn't those Members of the Congress to whom you have alluded say something about it.

Did they enjoy what they heard? Did they appreciate the confidence? What about the editors and others? The fact is that he was—Mr. Hoover was working in an environment of pervasive prejudice, and he wouldn't have risked the thing that he loved the most otherwise.

I think facts that have been revealed about conduct of the FBI toward Mr. King, Dr. King, show how very fragile freedom and the rule of law are in the United States of America.

I hope this committee, beyond its specific assignments, will help enact a law to control the FBI because if investigative agencies don't function in accordance with law, there is no law.

The ability of the Presidential appointees and sometime bureaucrats to control all that enormous machinery is nonexistent where

the law isn't clear and specific, and the operations open, and the citizenry supportive.

It is imperative that we recognize that.

Chairman STOKES. I think I have just one further question I would like to get your views on, something I think that disturbs a lot of people.

We received testimony a few days ago from a former FBI agent assigned to the Atlanta field office. He told us of how the news first came across the radio, that station, that Dr. King had been shot.

Another agent in this same office—and this office, of course, had the primary responsibility of investigating Dr. King, they were involved in the surveillance on him—that the agent, upon hearing the news, exclaimed, they got Zorro, they got the SOB.

A few moments later, when the news came across that he was dead, he said this man literally jumped with joy, exclaimed his satisfaction over the fact that King was dead.

There is some concern over the fact that, considering this, considering the attitude of Mr. Hoover, which was well-known throughout the Bureau, all the agents knew of this dislike that he had for Dr. King—and I guess my question goes to the efficacy of letting an agency which had targeted Dr. King in the way that it had, an agency which had him under the kind of investigation they had him under, then be assigned the task of investigating his death.

Does it seem to you that under such circumstances, that such an agency would in fact perform a top-notch job on a man who they demonstrated such dislike for during his lifetime?

Mr. CLARK. Let me qualify the first by repeating that at the time I was unaware of the extent of the targeting that we now know about.

It is a hypothesis contrary to fact to ask what would I have done had I known about it because I believe hopefully I would have done something long before. Perhaps resign had I known about it.

My judgment under the circumstances was that the FBI would be motivated to try harder to solve this case than probably any in its career because in an unusual set of ways both its effectiveness and its credibility were on the line.

The public knew that the Director had called, as I did, Dr. King the most notorious liar in the world. Many leaders knew rather directly of his great personal distaste for Dr. King. A failure to perform here would have had profound impact on the public confidence in the FBI.

We ought to look at alternatives, too. There was an important investigation that required an enormous amount of personnel. It consumed a great amount of time, energy, and money.

What could you put together and what would the losses be in trying to substitute alternatives. Would you put the Secret Service on it? Put the Border Patrol on it? GSA's custodian employees? What would you really suggest out of the 20-odd Federal investigative agencies?

You know, I read in the paper that your committee had faulted the FBI's investigation here. I think it made an extraordinary effort. Nothing that I have seen has changed that view.

It arrested a man finally, as to whom there is very substantial direct evidence that he was at least in the environs and had done a lot of things that seemed to be related to the possibility.

I enjoy admitting mistakes. I can't tell you that I am able to say that this was one. I believe that the judgment was right, that the FBI pursued this with keenest desire and made a prodigious effort, and without a lot of breaks that you often get, finally apprehended someone who pled guilty.

I regretted at the time, I regret still, that there was a plea of guilty. I thought history was entitled to more. Although I think an individual has a right to plead guilty if he chooses that the public can't deny to satisfy its concern for history.

I would like to see that trial happen. I would like for history to be more assured. But history is rarely assured about assassinations. There is something in us that finds some so horrible and unacceptable.

I think the FBI was probably the only available agency. To sit here now and think of the appearance of conflict of interest is to ignore some overwhelming facts: That it had the confidence of the vast majority of the people of the United States—that is my judgment—to a higher degree than it had mine; that it had the confidence of the President of the United States; that it had some 7,700 agents that were pretty darned good investigators.

We needed them in an emergency. We used them.

Chairman STOKES. Thank you very much.

I have no further questions.

At this time the Chair recognizes the gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. Thank you, Mr. Chairman.

It is good to have you here today, Mr. Clark.

I wanted to clear up one point for the record which I may not have understood correctly in the first place.

You mentioned that when Robert Kennedy was Attorney General he had a habit of signing papers and you would find the papers stuffed in his pockets, or in drawers, in his desk. Is that right?

Mr. CLARK. Let me restate that and say that it is probably an unfair characterization. He was a bundle of energy and impatient with details. Filing wasn't one of his personal strengths.

My impression coming in later—and it was augmented by what I had seen—I had seen him walking around with paper sticking out of his pockets, you know, and they looked kind of crumpled.

But the characterization that I made was based upon coming in more than 2 years after he left office, and trying to reconstruct his methodology in approving wiretaps and bugs.

That became a fairly significant and essentially, I think, unrelated reason, that there was a controversy at the time between Mr. Hoover and Robert Kennedy as to who authorized all these bugs that had been placed on people that were allegedly involved in organized crime.

I felt an obligation to the Department and the former Attorney General and the Director to find out what I could about it.

We found copies of these things scattered hither and yon. I mean, as I recall, we found some in a desk that he had used. We found some in files where they would never have been found

except by careful review. There was no systematic treatment of them.

The reason in part I think was, you see, unlike all the other flow of material that would come through the Attorney General's office, where all the secretaries and everybody would have some obligation to stamp them and initial them and everything else, approval of wiretapping and bugs would come directly from the Director of the FBI to the Attorney General.

Usually in his day I think they were carried over by Courtney Evans probably. So, it was just the two of them there. Mr. Evans was going to return back to his office in a few minutes, and Bob signed the thing without anybody present except himself often—himself and Mr. Evans.

Then he would leave hurriedly to go to the White House or someplace and he would stick it in a drawer. There was no systematic filing or recordkeeping. He kept no ledger, for instance, that we ever found that said I authorize this such and such a date this, such and such a date.

So, I don't know how he could tell what he had done except by memory.

Mr. PREYER. Well, the only question I wanted to clear up was to make sure there was no implication that some of these orders which he may have signed he was reserving final judgment on, that he put them in his pocket, say, or in his desk drawer in order to give them more attention or more consideration.

You are not raising any question that these orders were effective when you found them or you were not specifically raising any question that he did not intend to authorize the wiretap on Martin Luther King?

Mr. CLARK. No. His signature is on that. I am sure that I saw that.

Mr. PREYER. I think most of your testimony is clear on that, but—

Mr. CLARK. I think I can help. The papers that I am referring to were nearly all carbons. We still used carbon in those days. The original would be returned to the FBI.

It is a request—I think this is one right here, exhibit F-507. Usually they had a place for your signature. Maybe this is not really one, but they would send an original and a carbon.

What we found in the files was the carbons. Sometimes they would indicate by initials that they had been signed, and sometimes you couldn't tell. So, I don't, you know—as to many I really don't know whether they were signed. I know they were apparently received, and presumably signed.

Mr. PREYER. Thank you.

I have just one other question, Mr. Chairman.

This is a law school question, a hypothetical question. I put it to you because of your reputation as a lawyer and as a former Attorney General. You may want to think about it further before responding to it.

There has been evidence presented to the committee here that the FBI, in an unprecedented way, one agency in this country, set out to destroy the moral standing of a respected citizen in this country, Dr. Martin Luther King.

You were not involved in that in any way, as it has been made clear here today.

The question I would like to put to you, assuming this evidence is true, that the agency set out to destroy a prominent citizen by destroying his moral standing in the community, and assuming, further, that the person or persons involved in the assassination of Dr. Martin Luther King were influenced by this FBI propaganda, do you think the agency, the FBI, should bear some responsibility for the death of Dr. Martin Luther King on the grounds of criminal negligence; that is, by analogy to the case of Russian roulette, where the players are guilty of murder, even though they do not fire the actual shot?

Mr. CLARK. Responsibility is a difficult word. Criminal negligence seems the wrong analogy because there was conduct, there was malfeasance, but it is primarily not a legal question.

I see it this way. There are moods in the life of a nation that create higher probabilities of good and bad conduct. In the intensity of the sixties, with all the potential for violence, a deliberate effort to destroy the moral standing of an individual could be a causative factor, weighted with many others in enabling an individual to assassinate that person.

If I had a particular hatred, if that hatred was reinforced by public expression and private conduct of a highly respected person or agency, my self-justification in committing such an act could be enhanced.

But it seems to me that the most important thing is not trying to weigh that responsibility, because I don't think we have the capacity to sort out all the elements and attribute weight to them.

The important thing to me is that in a society that seeks freedom for its people under the rule of law such conduct by a government agency is absolutely intolerable.

Those who care about government of the sort that we preach of should work now to see that we practice as we preach, that public funds never again be expended to investigate and destroy the character or seek to destroy the character, because I believe more than ever now the American public understands and respects Dr. Martin Luther King, Jr. for the enormous moral force that he was.

He told us that social change was essential to justice, that non-violence was the only acceptable and humane way of achieving it. Those seem to me to be the two great lessons we need to learn.

But for government to be involved in an effort of that sort is totalitarian and impermissible.

I queried as long ago as 1950 in a book called "Crime in America" that I wrote whether—and this was just based on the belief that there had been private communications to the President—the history of the civil rights movement, which to my lights is the noblest quest of the American people in my time, more so than the peace movement, it was a quest for equality, motivated by principle—whether the history of the civil rights movement was altered and its purpose severely damaged by conduct of the FBI in informing, misinforming the President about Martin Luther King, Jr.

Mr. PREYER. Thank you, Mr. Clark.

Chairman Stokes. The time of the gentleman has expired.

The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

Mr. Clark, you have made some very interesting answers here today. I want to make sure that I understood you correctly.

I believe in response to a question by our chairman, Mr. Stokes, relative to whether or not the FBI was reluctant to investigate civil rights matters, was your response generally to the effect that as times changed, and the Bureau found it necessary to change its posture, that they moved more rapidly in investigating civil rights matters than they did, for instance, in organized crime?

Is that an accurate assessment of your remarks?

Mr. CLARK. Very nearly. What I was really trying to say was not with reference to specific investigations but the totality of the commitment of the Bureau.

I believe we could demonstrate with a study which I have not made that the FBI moved with greater speed and effectiveness into a new field, investigation of civil rights violations, than it did into another new field, investigation of organized crime activities.

Mr. DEVINE. Thank you.

Now the other thing that I made a note about—and I want to make sure was accurate—you said that the FBI was motivated harder to solve this case than any other case, due to its reputation.

Is that an accurate assessment of what you said?

Mr. CLARK. Yes.

Mr. DEVINE. Mr. Clark, do you feel that you were intimidated by J. Edgar Hoover?

Mr. CLARK. I never thought so.

Mr. DEVINE. Do you think any Attorney General, any of the Attorney Generals were? I am quite sure your father wasn't.

Mr. CLARK. No, I don't think my father was.

Mr. DEVINE. The reason I ask this question is when you look at the chart over there, the FBI was an arm, simply an arm of the Justice Department. You also had jurisdiction of the Bureau of Prisons, Immigration and Naturalization, U.S. attorneys, U.S. marshals—LEAA now.

Isn't it a fact that the Director of the Federal Bureau of Investigation serves at the pleasure of the Attorney General, whoever he or she may be?

Mr. CLARK. The fact, no.

Mr. DEVINE. Pardon.

Mr. CLARK. It is not a fact, no. It may be the law.

Mr. DEVINE. Well, let's get back to intimidation. What do you mean by that?

Mr. CLARK. I mean I think some Attorneys General weren't at all pleased. But they had the technical legal power. I suggested—and it has been recorded before—to President Johnson—I felt that Mr. Hoover had been in office too long. I came to believe that in the early, midsixties.

Later on I suggested that the need to coordinate and standardize the various Federal investigative agencies was such that it might be helpful to have Mr. Hoover end his service by reviewing all of the agencies, as to jurisdiction, performance, and the rest, and move him up and out of the FBI.

Mr. DEVINE. Well, maybe—

Mr. CLARK. That wasn't at all acceptable to the President. I don't believe he really seriously considered it.

Mr. DEVINE. There are a number of people who feel that Mr. Hoover served too long, perhaps beyond the time that he should have.

But if memory serves me correctly, he was appointed as Director of the Federal Bureau of Investigation by Harlan F. Stone, who at that time was Attorney General of the United States, and that each succeeding Attorney General renewed that appointment.

With the inherent right to appoint is the inherent right to remove. I was just wondering why, if these Attorneys General prior to and succeeding you did not move in that direction, were you not intimidated in some way?

Mr. CLARK. First, I don't think that they were in any technical sense reappointments. I recall no reappointment. The only question that I recall is that when Mr. Hoover became 70 there was a requirement for him to remain in office, that the President waive some Civil Service rule, that he had done I think with General Hershey, and perhaps some others—did not do with James B. Bennett, I remember—and that was done.

Mr. Hoover had become an institutional force. The power of an Attorney General in political terms to remove him was very limited, if it existed.

Finally, in performing your duty under the law, you have an obligation to recognize the power of the President, too. If the President in fact wanted Mr. Hoover as Director of the FBI, he had the power to effectuate that.

Mr. DEVINE. I think we all recognize that Mr. Hoover had a powerful influence on the Congress, on the President, and on the American people. Any move by an Attorney General to have him dismissed would have probably created quite a problem across the Nation.

I was wondering if in your knowledge whether you or any of your predecessors or any of your successors ever made a recommendation to the President that he be removed or step aside.

Mr. CLARK. I am not aware of any. There was a widespread belief that after the 1964 election President Kennedy might have removed him, or not renewed his—I think that is the same—about the same year that he reached 70—not waive the requirement of the Civil Service law.

But I am not aware of any recommendation of any sort about his removal except the one that I mentioned, about creating a new position and putting him in it for his final year.

Mr. DEVINE. Again, in another vein, my final period of inquiry has to do with your aversion to electronic surveillance or wiretaps.

Is your objection to that, in addition to the waste of manpower, the fact that although there may be a legitimate national security reason or an effort to solve a serious organized crime problem that an electronic surveillance picks up extraneous material that is unrelated to the offense and, therefore, is an invasion of the privacy of the American citizen?

Mr. CLARK. That is only part of it. Basically it is the practice of Big Brother. I don't believe that that is the American way.

I think we can solve crime and prevent crime without engaging in such methods, and that the very acceptance of the methods will undermine our commitment to freedom finally.

Mr. DEVINE. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. Yes.

Mr. Clark, as one who was deeply involved in the movement of the sixties, you know that I know that you enjoyed the reputation for integrity and sensitivity to the goals of the movement.

Certainly your statement about Dr. King's relevance to this century before this committee is indicative of your feeling now and then that he was perhaps the most important man with the most important message for this, the most violent century in the history of mankind.

You have stated that while you were not aware of the COINTELPRO program, as you have since come to learn of it, you were aware of what you call—some of the intolerable practices of the FBI with respect to Dr. King in April of 1968; were you not?

Mr. CLARK. Well, I think you would have to tell me what you meant by some of the intolerable practices.

Mr. FAUNTROY. You were aware that electronic surveillance and coverage of Dr. King had been effected by the FBI, that they had produced documents and tapes and were attempting to persuade public officials and the press to utilize them.

Were you not aware of that in April of 1968?

Mr. CLARK. I was aware that there had been authorized wiretapping and bugging. As I stated earlier, I do not believe I was aware of the use of tapes, the playing of tapes, although I think others were and had endeavored to put an end to it—Burke Marshall, Bob Kennedy—at an earlier period.

Now, why—

Mr. FAUNTROY. You were not aware of efforts to approach Members of the Congress, White House personnel, members of the press, to suggest things that would destroy Dr. King's effectiveness as a civil rights leader by FBI people?

Mr. CLARK. I was aware that the FBI was in various ways approaching for various purposes many Members of the Congress and that it was always vitally interested in the press and what the press said about it.

I was not aware of any organized effort, any repetitious effort. I think I would have assumed that they appealed to the prejudices of some. But I had no notion that there was a campaign systematically conducted to destroy his reputation.

In fact, I rather believed that after the confrontation with Bob Kennedy that that had pretty much dissipated.

Mr. FAUNTROY. You were aware of Mr. Hoover's practices with respect to Members of the Congress on other matters. You were aware of what I think history will record as the pathological contempt and hostility that Mr. Hoover had for Dr. King.

Did you have any indication of that in 1968?

Mr. CLARK. I was very much aware of Mr. Hoover's very low opinion of Dr. King. I was aware of his personal inability to stop talking about it.

Mr. FAUNTROY. I take it it was for that reason that you felt that an FBI investigation of the assassination would be rather thorough, for the reason that you felt the FBI would feel obligated to do it to protect its reputation.

Mr. CLARK. I think that was an augmenting motivation.

Mr. FAUNTROY. Well, then, how do you explain the failure of the FBI to pursue the conspiracy aspects of the assassination, if because of their past reputation with respect to Dr. King they had something to prove about their innocence in this question.

We have a chart there which shows the amount of money and amount of mileage committed by the FBI to the investigation of the death of Dr. King. It shows enormous amounts of money and time spent up until James Earl Ray was apprehended, and then a dramatic dropoff.

Our investigation indicates that the FBI did a thorough job in terms of identifying the suspect and bringing him—and arresting him and bringing him to the country.

If the motivation which led you not to feel that you had to take a hand as Attorney General in this was that you felt the FBI would do a thorough job to protect its own reputation, how do you explain that they did such a poor job in the conspiracy aspects of the investigation?

Mr. CLARK. First, I hope that nothing I have said has implied to you that I decided not to take a hand.

I believe that I had said, although it might have been in the executive session, that I spent more time and commitment on this investigation than any other by far and established essentially unique procedures for it, in which there were daily oral reports unprecedented in the history of the Department of Justice.

So, I did not take a hand. I took a very direct hand and personal interest. But I didn't think I was Sherlock Holmes, and I wasn't going to take over the investigation and try to run it myself.

Now, second, you state as a conclusion that they did such a poor job on investigating conspiracy. You know all that you have heard. I don't know. I don't know what you base that conclusion on.

The charts mean nothing to me except that they spent a lot of money until they caught James Earl Ray. Perhaps they thought they had the case essentially solved then. That is a possibility.

Psychologically, I would say that once they had him arrested, at least, they felt that their reputation was secure. I think there were some very anxious moments—I know there were some very anxious moments for the Bureau in April and May, when they were concerned about delays.

I think that is really what is behind Mr. Hoover's agitation about the talk about hot pursuit, because it highlighted the fact that they hadn't caught the person they had been telling me they were going to catch right away.

But the followup on conspiracy is something I can't evaluate because I don't know what you know about what was done.

I can say this, that after the apprehension of James Earl Ray—and I think this is essentially unique, too—I sent a written memo to the Director asking him to pursue the conspiracy possibilities.

He expressed to me orally his intention to do that. I asked and assigned valuable resources and personnel, including Steve Pollak,

to followup on conspiracy because you can't afford to leave a stone unturned in a situation like this, whatever the probability.

If history has taught us anything about assassinations it is that at least one generation goes to its rest in disbelief. Ours won't be an exception.

Mr. FAUNTROY. You indicated that obviously, therefore, that it wasn't a mistake on your part in your view not to work more closely with the FBI in this investigation. You had no alternative, as you indicated. You couldn't realistically turn to the Secret Service to do the investigation.

But I wonder why the theory of the strike force, which you pointed out to us earlier in your testimony, did not occur to you; namely, that at least in criminal investigations, where corruption may have been a real factor, that certain agencies may be neutralized and, therefore, you form a strike force.

I wonder why you didn't think of that avenue for more direct involvement, particularly in light of what you knew about Mr. Hoover and about the tactics that the agency had been employing with respect to Dr. King at that time.

Mr. CLARK. Let me say two things.

None of the people that I worked closely with and respected so much in the civil rights movement ever suggested disability on the part of the FBI, that we ought to have somebody else.

The idea of the strike force is very similar to the idea that we should have used a grand jury, and in my opinion they are both absolutely irrelevant to this investigation.

I ought to understand what the strike force is about. I have led myself to believe I created the idea. It was for very special needs.

I have to tell you right now that had I had the full support of the FBI in organized crime investigations, the strike force would have been investigated by the FBI because it had the capacity, it had the manpower, the skill and the training.

The reasons for a strike force are totally absent here. I mean, it is a very weak analogy to say that, well, a strike force was involved in corruption in Government. What we are talking about there is payoffs for narcotics, or prostitution, or gambling, or something like that—the police or the jailers or whoever it may be.

The idea that in an emergency, with a need right now, because someone is barreling down the road at 70 miles an hour, that you try to put all these people together who haven't worked before, when you don't have a leisurely chance to convene a grand jury and come about the thing in a slow and deliberate fashion, that you are going to solve this case by bringing in postal inspection or something, or the Royal Canadian Mounted Police, is just a wrong idea.

It is an idea of someone that was at one time enchanted with the strike force. But I don't believe it has any application here.

Chairman STOKES. The time of the gentleman has expired.

Mr. FAUNTROY. May I request unanimous consent for 2 additional minutes, Mr. Chairman?

Chairman STOKES. Without objection, the gentleman is recognized for 2 additional minutes.

Mr. FAUNTROY. My final question has to do with a comment you made about how the FBI operated on Capitol Hill. You indicated that many people understand that, or understood it.

You mentioned specifically how the FBI operated with respect to the Appropriations Committee chairmen of the House and the Senate.

With proper discretion, but with an effort to at least inform this member and the American people about what tactics—no—what steps were taken by the FBI, I wonder if you would care to elaborate on that.

Mr. CLARK. You know, I am sorry I got to barreling down the highway at 70 miles an hour again. I didn't get the question. You want me to say what—

Mr. FAUNTROY. I want you to elaborate. You said, "I knew how the FBI operated on Capitol Hill." What do you mean by that, because I am anxious to know in general terms what you meant by that.

Mr. CLARK. Well, nothing particularly ominous. I really believe in free communication, in trusting Government employees. But you watch how agriculture moves around the Agriculture Committees, you watch how the Pentagon moves around the Defense Committees.

The FBI would move in a slightly broader spectrum. It would be deeply involved in some areas—supplying even agents to help committee staff with some of its work.

Mr. FAUNTROY. What would the agents do—help them do what?

Mr. CLARK. I don't really know. This is something that I have been informed of. But I think that the Appropriations Subcommittee in the House at one time had a number of agents working on their analysis of budget—you know, they have accountants, the agents aren't people with spyglasses as far as I know—just working on the accounting and analysis of budget items.

Mr. FAUNTROY. They would go to the General Accounting Office for that, would they?

Mr. CLARK. There is a General Accounting Office; yes. Perhaps the chairman preferred the FBI. Anyway, he was using them for some reason. I think that is a fact.

Most Attorneys General have commented on the FBI going directly to the White House with information. A notable exception to the practice was Robert Kennedy. Many Attorneys General have, you know, expressed grief, agitation about it.

It involves some serious problems because you can mix politics and criminal investigations if you are not real careful. But still I was generally aware that Mr. DeLoach and other members of the White House—other members of the FBI would talk with people at the White House.

I didn't tell the President he couldn't have lunch with J. Edgar Hoover.

Chairman STOKES. The time of the gentleman has expired.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Chairman STOKES. The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Welcome, Mr. Clark. I always enjoy hearing your responses to the questions, as we did in executive session.

I will limit my questions, Mr. Chairman, to two.

I am still interested in your elaborating somewhat more on your belief that the Bureau did all that it could be reasonably expected to do in the area of conspiracy.

This is, of course, one of the main problems that this committee is wrestling with. An awful lot of people have a great deal of difficulty accepting the fact that a fugitive from Missouri State Penitentiary could finance himself and do all these things, and go to several continents, and get passports and operate as long as he did, including the assassination of Dr. King, without some kind of assistance from somewhere.

Now, just as a general proposition, and then more specifically, if you were directing an investigation of this nature, what kinds of steps would you have personally directed be taken with regard to assessing the conspiracy angle; and second, then, do you believe that those steps or alternative steps that could be looked upon now as thorough were actually undertaken by the FBI.

Mr. CLARK. Let me say first that I did not intend to convey the impression that I believe that the FBI did all it could reasonably have done in investigating conspiracy. I don't know. You see, I don't really know how extensive its investigation of conspiracy was.

What I do think I know is that it threw an enormous amount of resources at solving the case, and that it was instructed and reflected a willingness and from time to time presented matters that indicated it examined a conspiracy.

But I don't—I can't tell you how far they went. I think they were enormously relieved when they got James Earl Ray. I can remember a couple of nights not sleeping well because one night they had found—somebody had found a body buried in a bush at Puerto Villarte, and they had to take it to Mexico City to pump the fingers up so you could get a print, because we were sure it was James Earl Ray.

Another time there was some digging over in Camden, N.J., and they thought maybe we lost him there. They were greatly relieved, and it may be there was a letdown. It may be that I sensed that possibility, or that others did, Steve Pollak, or Fred Vincent, because we did send a memo over that they should continue it.

I can't tell you whether they did all—your investigation makes you privy to far more information I think on that subject than I have.

Your question, what would I have done to investigate conspiracy is really very difficult. Naturally I feel modestly—I think I was a splendid Attorney General. But I can't tell you that I have had vast experience in criminal investigation. I haven't. I have had probably more than most who served as Attorney General, but I would have to begin as pretty much a beginner.

Mr. FITHIAN. Well, may I interrupt to just say, did I understand you earlier this morning to say in response to counsel's question that you didn't think very much of using the immunity process in questioning witnesses in order to elicit information, which some believe is a fairly valid tool in dealing with conspiracy, and maybe one of the only ones that you can actually elicit information that would lead to the apprehension of the conspirators?

Mr. CLARK. Well, something like immunity is much closer to my experience than direct criminal investigation because when you start talking about immunity you start talking about the fifth amendment and statutes and grand juries and legal proceedings.

I question coerced testimony. I think it is undesirable. I think it is wise to seek independent evidence. The use of immunity, the last 10 years out of Government I have watched what immunity does to Harrisburg, or during the Attica trials—you read the corruption that is involved there, people dumping on each other, you know. You think you have got somebody going now because you have to make a case.

I also believe that it is incompatible with the purpose of the fifth amendment, which is to compel the State to prove its case, not to empower it to coerce the individual to make the case.

So, I am not keen on immunity. I suggested a study to abolish immunity when I was in office. We found more than 33 immunity statutes, and some of them were just wildly out of control.

As I recall at that time the FTC could grant immunity in a case involving the assassination of the President of the United States, for instance. That is lawless.

Mr. FITHIAN. One last question, Mr. Clark.

Given all the information we have, and what you discussed this morning about the role of the FBI in discrediting Dr. King, would you care to summarize suggestions.

You came on pretty strong at one point, I believe, and said that this committee had a distinct responsibility to recommend changes in the law, so that we could not have this situation develop again.

More specifically, perhaps briefly, what are those firm recommendations that many of us would like to pursue?

Mr. CLARK. They are before the Congress in the form of a draft bill that is called a bill to control the FBI, that I came down as national chairman of the Advisory Council for the American Civil Liberties Union to announce.

I will ask John Shaddock, who is the Washington representative of the ACLU, to provide you with it. But it is not dissimilar to—it contains in fact things that I had seen and worked on over many years earlier.

First, investigative techniques should arise from authorization in law. Every form of acceptable investigation should be determined by the lawmakers. We have evaded our responsibility and made the cop on the street, the agent out there, make the tough decision. That is wrong.

In a way title III was an effort to begin to regulate that. Until 1968 we had just failed to encourage, to say whether you can wiretap or not. We knew there was flagrant wiretapping, private, Federal, State, and local.

There were books written about it all over the place, an absolutely lawless invasion of constitutional rights. We didn't have the courage to come to grips with it.

We need that desperately about all kinds of technical devices. We need it about the use of informers. We need it throughout areas of conduct in investigation.

Every act authorized by police and investigators should be established in law. There should be clear areas of prohibition and strict

punishment for prohibition. There should be openness in government because without that openness, without the opportunity to review, you can't find the misconduct.

There should, in my judgment, be sometime a Federal investigative agency review board that has the power to determine misconduct by subpoena and compulsion of testimony and to take disciplinary action.

And it should be comprised of people, including people whose rights are less valued in our society than the rights of others. There is a pretty good inventory. Some of the things are fairly easy and we have tended to get done.

One of the provisions I liked best in the Omnibus Crime Control Act of 1968 was the final requirement that the Director of the FBI be approved by the Senate, because I had lived as a young lawyer through the McCarthy period and saw the possibility of someone coming in as Director there, requiring no Senate approval, no check or balance, and terrible consequences.

I think the U.S. Attorney's office should be removed from Senate confirmation because that vests political decisionmaking in the selection of the executive branch prosecutor in the area where the member that has that power is most interested, among his political contributors, and the rest.

Those are some of them. There were 20 or 30 different elements, but those are the key ones.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. I have no questions, Mr. Chairman.

Chairman STOKES. Anything further?

Mr. BLAKEY. Mr. Chairman, I wonder if I could ask just one question?

Chairman STOKES. Mr. Blakey.

Mr. BLAKEY. Mr. Clark, this is a philosophical question that you and I had discussed shortly before the hearings. There were going to be two, and Judge Preyer did such an eloquent job of asking one of them, and you did such an eloquent job of answering it, I am really hesitant to ask you the other question lest I have to follow such a performance.

Let me ask it, anyway:

I am sure you recall in 1965 and 1967 when the President's Crime Commission wrestled with some of the problems about how to investigate organized crime cases, and the organized crime task force, which you may recall that I worked for, recommended to the full commission that the sophisticated use of such things as grand jury, immunity, and wiretapping was very useful in breaking conspiracy cases. I think I recall your eloquent statement against wiretapping in the commission.

Nevertheless, the commission, at least the majority of them, did recommend to President Johnson that legislation in this area be adopted.

I think you can recall, too, a long conversation you and I had in the Wiretap Commission when the Congress, in a joint congressional-Presidential commission had the opportunity to study the 1968 act. We discussed again your philosophy.

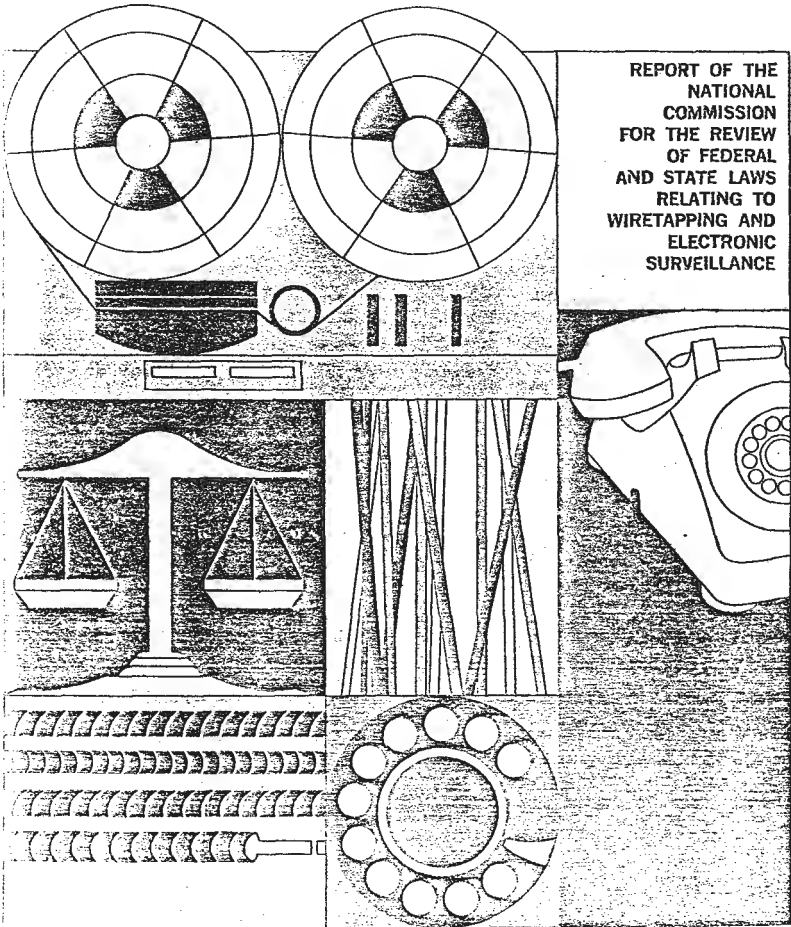
In that connection, Mr. Chairman, I wonder if it would be appropriate to include in the record at this point as Martin Luther King exhibit F-537, a four- or five-paragraph review of the evidence taken by the Wiretap Commission of the usefulness of wiretap in homicide cases?

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

MLK EXHIBIT F-537

Electronic Surveillance



(8) *History crimes*: As a rule, court-ordered electronic surveillance has proven useful in the investigation of offenses which are being or are about to be committed. Where the offense has already been completed, surveillance is rarely used. As one Commission witness testified, eavesdropping "can only be used most effectively where there is an ongoing conspiracy. Investigating old crimes and old events is really not what [it] is all about."⁴⁵⁴ Thus, crimes such as robbery, rape, and murder are generally not investigated by court-ordered surveillance.

The primary problem with using court-ordered surveillance to investigate history crimes is that once the crime is completed, there is usually no further discussion of it by the participants.⁴⁵⁵ Probable cause to believe such discussions will occur is difficult to establish,⁴⁵⁶ as is the use of particular telephones for such conversations.⁴⁵⁷ If the investigators have probable cause to support a surveillance order, they may be close to an arrest and eavesdropping may not be needed.⁴⁵⁸

On the other hand, there is some indication that courts will find probable cause in a homicide case somewhat more quickly than with other offenses.⁴⁵⁹ Where a history offense is part of an ongoing conspiracy, probable cause about the occurrence and location of conversations may be less difficult to show.⁴⁶⁰ This may be true, for example, of an Organized Crime contract killing.⁴⁶¹ Thus homicide is the history crime in which electronic surveillance is most frequently used.⁴⁶²

Some use has also been reported with reference to locating fugitives,⁴⁶³ although these situations could more properly be considered ongoing offenses. In most fugitive cases, the surveillance was deemed unproductive.⁴⁶⁴ Where evidence of past events is developed, it usually comes "fortuitously,"⁴⁶⁵ as a "serendipitous" result⁴⁶⁶ of surveillance directed at a presently continuing offense. On occasion, a surveillance order may be obtained for a present offense with the hope that the eavesdropping will discover evidence of a past crime.⁴⁶⁷

Despite the difficulties involved, surveillance orders have occasionally been used effectively to investigate history offenses. In Nebraska⁴⁶⁸ and Wisconsin,⁴⁶⁹ surveillance orders produced crucial evidence in homicide investigations. In both instances the prosecutor "tickled" the suspects into talking about the crimes on the tapped telephones or in the bugged premises by questioning and then releasing them. Part of the probable cause statement in the Nebraska case included a psychiatrist's opinion that the defendant would react to the stimulus of interrogation in precisely that fashion.⁴⁷⁰ Such "tickling" was also used in a theft investigation in Queens, New York. Company employees were told of the thefts, taps were put on the phones, and people started talking.⁴⁷¹

Mr. BLAKEY. Mr. Chairman, I would like, if I could, just to read part of the paragraph of that summary. It said:

Despite the difficulties involved, surveillance orders have occasionally been used effectively to investigate history—or the—what the commission meant at this time, homicide offenses. In Nebraska and Wisconsin surveillance orders produced critical evidence in homicide investigations. In both instances prosecutors “tickled” the suspects into talking about the crimes on the tapped telephones or in the bugged premises by questioning and then releasing them.

These techniques, that is, a grand jury, immunity, wiretapping, were not employed in the King investigation. You indicated that you thought it was inappropriate, either to use them as a matter of policy, in the case of wiretapping, or that you thought there was no occasion for the grand jury or immunity.

This is a long preface for what I hope is an important philosophical question. You have suggested here today—and indeed you suggested in your “Crime in America”, that measures such as this could be fairly characterized as repressive, and that a free society ought not adopt repressive measures like this in an effort to investigate crime, that in the long run there is no conflict between liberty and security, and an effort to adopt repressive measures like this out of fear leads to more problems than it solves, and that we need not pay a price in liberty or important values, that price being the adoption of these kinds of measures.

That’s the preface. Let me ask you the question: If I were to tell you that the utilization of an executive session like a grand jury, and a congressional subpoena, like a grand jury subpoena, and the immunity orders authorized by the Organized Crime Control Act in 1970 by this committee, had developed at least the outlines of what may well have been a conspiracy in the King case—it may well have been, and I am certainly making no final judgment; that is up to the committee—may well have identified people who could have been associated with James Earl Ray in Dr. King’s death and would argue from that that the failure on the part of the FBI and the Department of Justice under your leadership to utilize those techniques in 1968 may have led to the failure to solve the conspiracy dimensions of this case, would—and this is the question—would not our society have paid a very dear price in paranoia, distrust of government, concern among Black people at the fairness of justice, concern among Black people that our society cared enough to investigate Dr. King’s death?

The question I am asking you is, Don’t we pay a price to use these investigative techniques? Don’t we also pay a price to not use them if not using them leads to failure to solve a case of importance to so many people as the death of Dr. Martin Luther King?

Mr. CLARK. Let me say, first, Mr. Blakey, you and I have been on opposite sides of this subject. In the President’s Crime Commission you were an insider there, and I was an outsider. In the Wiretap Commission you again were in the position of power and I was outside, just saying what I thought; and here again, I don’t—I put this by—question the wisdom of injecting these differences of view into the Martin Luther King assassination investigation. I think they are important public questions, but unrelated here.

First, the “if” that you propound is a big “if.” It is like if you were beating your mother. In other words, if we solved the case—

and God knows it is important to solve the case and know the truth always, and here more so than always—but the FBI wasn't terribly reticent about asking for things and it never suggested, except in the case of the family and for the purposes of pursuit and at the cost of the prosecution, possibly, the use of wiretap.

But, finally, what a very sad justification for wiretap, the life of Martin Luther King, whom wiretapping and surveillance so nearly destroyed. To say that it would solve his murder and therefore we should authorize it, and we can control it because his life, above all, exemplifies the capacity for misuse—I well remember Whitney Young, who served on the President's Crime Commission, who briefly, believed that wiretapping was desirable because he saw organized crime preying on his people in the ghetto by selling them heroin, and he hated it—he was a compassionate man—finally saying, after some of the revelations before Whitney died about Dr. King, how wrong he thought it was because, of course, such instrumentalities of power will be used against the wrong people.

Mr. BLAKEY. Mr. Clark, let me kind of ask the question and make a comment. You and I indeed have had this discussion on a number of occasions, and maybe it would be appropriate to say for the record, nothing that I have ever advocated in the use of wiretapping would ever justify what happened to Martin Luther King, would it, as far as you know?

Mr. CLARK. A question between justification and cause, I guess. I assume you wouldn't—

Mr. BLAKEY. I mean the kind of wiretapping that was authorized in title III would never have been permitted as against Dr. Martin Luther King?

Mr. CLARK. When was the last time a judge denied a request for an order?

Mr. BLAKEY. The question is: When was the last time that they did give one where the probable cause was not adequately established?

Mr. CLARK. It's amazing how effective we have gotten. We're never wrong. The judges always approve them.

Mr. BLAKEY. You are quite right, that we shouldn't inject the broader philosophical argument in it.

What I would comment though is that among the motivations that led the House of Representatives, not the Senate, to adopt title III was the death of Martin Luther King and Bobby Kennedy. It was repeatedly said on the floor—and I would have to add that how ironic it would be if one of the legislative motivations for enactment of title III was the death of Dr. Martin Luther King, and then it was not employed to solve his assassination, and a reasonable case could be made had it been employed in 1968 and it might well have contributed to its solution.

Thank you, Mr. Clark.

Chairman. STOKES I just have one further question, Mr. Clark, and I want to take advantage of your legal mind. This question was posed by Judge Preyer, and my question, really, is a further extension of his question:

It seems to me that ultimately one of the questions that this committee must grapple with in its ultimate determination is whether the FBI must bear some responsibility for Dr. King's

death. In that vein, let me further extend the hypothetical question put to you by Judge Preyer. He mentioned the FBI being engaged in a program to destroy Dr. King. We know now from the evidence that that program of destruction started out firstly as an unofficial program and then became an official program of a law enforcement agency of the U.S. Government, but it went even further than that, because we have in the record memorandum and data that say after he has been destroyed—they talk of the condition that will reign in this country as relates to Negro people; it talks of the utter confusion, et cetera, et cetera.

So this law enforcement agency then arrogates unto itself the power to choose Dr. King's successor, the next man to lead the Negro people of this country. That then, to me, seems to go even further than destruction, when such an agency arrogates unto itself such unconstitutional power.

Then add to this equation that we now have in the record memorandums and data by this law enforcement agency of the United States in which Dr. King is described as being a traitor to the country, a traitor to his race, thereby attempting to set the mood of a person who has been a traitor to this country and therefore does not deserve any kind of consideration.

Add to this that there is in the record now evidence that he was described as being the most dangerous Negro in this country. Then I would want you to place it in the framework of the legal responsibility that we know, that a parent has to a child, a guardian has to a ward, that a government has to its citizens. I think it goes without saying that we are talking about a higher degree of responsibility when we talk of those trust positions.

So when we take it in the sense that what we are talking about is something that gets to the very root and fabric of a democracy, when an agency of a government that is charged with the protection of the citizens utilizes all the powers of that agency to destroy a human being, and having set that type of mood and climate, I would ask you to assume one further fact in the equation: Assume that this attitude, this destructive targeting, is known to right-wing hate groups in this country, particularly those in which monetary consideration has been offered for the death of Dr. King, would it be difficult for you to legally assess some responsibility for the death of Dr. King on the FBI, assuming all of those hypotheticals?

Mr. CLARK. Legally, yes.

Let me add to that a little bit: First, it became very clear to me that such an organization should never have the power to wiretap or bug. An agency with those qualities simply cannot be empowered with such potential invasion of individual dignity.

Let me answer rather than legally, because, see, legally to establish responsibility you would have to show that, well, perhaps as Judge Preyer was suggesting, that some level of negligence would essentially be involved in a murder, that a person intentionally acted in a way calculated to cause another to commit a murder.

Now, if you had evidence of that, legally, yes, I haven't read about that in the newspapers and I don't know of that. Morally, let me look at it for a moment with you: In a sense it is unfair to all to take the FBI out of context and examine it in some isolation, as if that were possible. We have had pervasive racism in this society

and we have to recognize that, and there were those who knew and enjoyed what seemed to be the support of the FBI for their own racism.

And I think it's true of human nature that—as I tried to say earlier—that if I have a particular prejudice and something that my social contacts have caused me to respect—the church, the Government, patriotism—the FBI shares that, reinforces that prejudice, then that compounds my commitment and my capacity to act on that prejudice; and I think in a sense the values of the Nation created the FBI and it reflected those values; and it appealed to prejudices in us, and it in that sense certainly increased the probability of violence of this sort.

Chairman STOKES. Thank you.

Any further questions from members of the committee?

Mr. Clark, at the conclusion of a witness' testimony before this committee, under our rules, the witness is entitled to 5 minutes for the purpose of explaining or amplifying or making any further statement he so chooses relative to his testimony before our committee.

I would extend to you at this time 5 minutes for that purpose, if you so desire.

Mr. CLARK. Well, I appreciate the opportunity and commend the practice, but I have already burdened you with enough of my views for one morning.

Thank you.

Chairman STOKES. I certainly want to thank you for your appearance here this morning. You've been very helpful to the committee. It is nice to have had you here. Thank you very much.

The committee will recess until 2 p.m. this afternoon.

[Whereupon, at 12:40 p.m., the hearing was adjourned, the committee to reconvene at 2 p.m.]

AFTERNOON SESSION

Chairman STOKES. The committee will come to order.

The Chair recognizes Professor Blakey.

Mr. BLAKEY. Thank you, Mr. Chairman.

Our next witness, Mr. Chairman, is Stephen Pollak. Mr. Pollak joined the Office of the Solicitor General in the Justice Department in 1961. In 1965, he became Deputy to Assistant Attorney General John Doar of the Civil Rights Division, and he took over that division in 1967.

Mr. Pollak remained with the Justice Department until January 1969. Mr. Pollak is at present in private practice of law in Washington.

It would be appropriate at this time, Mr. Chairman, to call Mr. Pollak.

Chairman STOKES. The Chair calls Mr. Pollak.

I would ask you to please stand and raise your right hand and be sworn.

You solemnly swear the testimony you will give before this committee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. POLLAK. I do.

Chairman STOKES. Thank you. You may be seated.
The Chair recognizes staff counsel, Peter Beeson.

TESTIMONY OF STEPHEN J. POLLAK

Mr. BEESON. Thank you, Mr. Chairman.

Mr. Pollak, would you state your full name for the record, please.

Mr. POLLAK. Stephen John Pollak.

Mr. BEESON. I wonder if I could ask you to give a brief rundown of your professional background prior to and during your association with the Justice Department, until you left in a change of administrations in 1969.

Mr. POLLAK. Yes. I began the practice of law here in Washington in 1956 with the law firm of Covington and Burling. I was with that firm until November of 1961, when I joined Archibald Cox in the Office of the Solicitor General of the United States Department of Justice.

I served in that office for two and a half or so years and then left the department to serve the Task Force on the War Against Poverty, and then briefly as the Deputy General Counsel of the new Office of Economic Opportunity.

In March, late March of 1965, Mr. Doar and Mr. Katzenbach invited me to return to the Department of Justice as Mr. Doar's deputy, and I did so and served as what is now called Deputy Assistant Attorney General through February of 1967, when President Johnson asked me to serve as his Advisor on the National Capital Area.

I served in that post through October of that year, following approval by the Congress of a plan to reorganize the District government.

In October I returned to the Department of Justice and served as the Special Assistant to the Attorney General, and then was sworn in as Assistant Attorney General in charge of the Civil Rights Division in January of 1968, January 3, I believe.

I served through the end of the administration. I believe I left office at noon on January 20, 1969.

Mr. BEESON. So that you had been deputy—excuse me—Assistant Attorney General in charge of the Civil Rights Division for approximately 3 months at the time of Dr. King's assassination?

Mr. POLLAK. Something over 3 months, that is correct. I had actually as special assistant carried some responsibilities with respect to the division because Mr. Doar was trying the so-called *Neshoba* case in Mississippi before the U.S. District Court and was not in the city.

So, I had a role supervising the division in his absence.

Mr. BEESON. All right.

Mr. Pollak, there has been some testimony before the committee already concerning a strained relationship between the Department of Justice and the Federal Bureau of Investigation at around the time of Dr. King's assassination.

I wonder if you could give the committee your conception of the relationship that existed between the Civil Rights Division and the FBI in 1968.

Mr. POLLAK. My perception of the relationship between the Civil Rights Division and the FBI in 1968 was a product of the experience I had serving in the division in the previous 3 or so years.

That was that—for a number of reasons—that the civil rights investigations which we requested in large, large number often placed the Bureau in some positions of conflict with local police agencies, when the Bureau was called upon to investigate possible charges of police brutality.

I had the feeling at that time that the number and type of assignments which our requests called for led some in the Bureau to be less enthusiastic about those requests than they were about other undertakings.

On the other hand, I had had extensive experience with their response to our requests, and it was my belief and conclusion that they carried out our requests well and that what we were called on to do to perform our responsibility was to draw requests that set in motion the proper investigation which we wanted.

Mr. BEESON. Speaking specifically about the assassination investigation which was predicated on a possible conspiracy to violate Dr. King's civil rights, do you recall any reluctance at all on the part of the Bureau to investigate that case?

Mr. POLLAK. I don't recall any reluctance to engage in that investigation. I might say that we understood in the Civil Rights Division—and I am sure throughout the department—what the meaning of a full investigation was.

What Mr. Clark requested orally, and what I confirmed with my written request to the Director of the FBI on the evening of April 4, 1968 was a request for a full investigation.

That, in the terminology between the Department and the Bureau, meant that every lead was to be pursued, that all effort to carry forward the investigation was to be made, that nothing was to be spared.

So that in requesting a full investigation we understood that all of the bells would be clanging, and the fire engine would be moving out there to meet the responsibilities in every possible way.

My observation in the period of time after that request was made, both in oral communications and then upon receipt of written communications, was that the response was a full one.

Mr. BEESON. I believe in 1968 that a situation had developed whereby local U.S. attorneys did not become involved in local civil rights investigations under Federal statutes, that responsibility for civil rights investigations throughout the country under Federal civil rights statutes fell, with few exceptions, on Department of Justice attorneys in Washington.

Is that in fact correct?

Mr. POLLAK. That was our practice, Mr. Beeson.

We have the prosecutorial and law enforcement responsibility under the Federal statutes, and in many of the situations I guess the complexity of the investigation which had to be mounted was such that we carried it directly in Washington.

The only difference that I recall in that practice was stemmed from the southern district of New York, where I believe it was a succession of U.S. attorneys—and Mr. Morgenthau stands in my

recollection—wanted to pursue the direction of the investigations in that jurisdiction.

There was a man or two elsewhere in the United States and my memory is in Chicago and possibly one other jurisdiction, where occasionally the direction was in the hands of the local office of the U.S. attorney. But primarily and almost exclusively the Civil Rights Division carried that responsibility.

Mr. BEESON. Was this solely because of the complexity of the cases or was it also because of the reluctance of local U.S. attorneys to become involved in local civil rights prosecutions?

Mr. POLLAK. I think that my perception is that it was also the latter. A major portion of our effort in the period of time that I served in the Department, but not exclusively so by any means—the major portion of the effort was in the States of the Deep South.

While we had good cooperation from the U.S. attorneys and their staffs in assisting us when we pursued a case, and in joining us in the courtroom with a case, we felt that the—I think we felt those U.S. attorneys and their staffs were desirous of concerning themselves with other Federal law enforcement, and we considered it a matter which we could best handle directly.

Mr. BEESON. The investigative files in the assassination investigation reflect no involvement whatsoever by local U.S. attorneys' offices, with the exception of the Birmingham office, which did receive reports because that was the jurisdiction in which the Federal complaint was filed.

But outside of the fact that they were also included in the distribution of the paperwork of the investigation, there is no other evidence of active involvement by local U.S. attorneys overseeing in this investigation.

Is that consistent with your recollection and do you consider that a defect in the investigation or not?

Mr. POLLAK. It is consistent with my recollection, and I don't consider it a defect in the investigation.

We did not consider that the investigation of the laws committed to enforcement by the Civil Rights Division had been or should be pursued through direction of the local U.S. attorneys or with particular participations of their staff up to the time that we had a case.

I might say, just to be sure that the record reflects the picture as we saw it, that U.S. attorneys in pursuit of the law cases that we brought often played significant roles.

U.S. attorney Floyd Buford of Georgia prosecuted the case against the persons charged with responsibility for the slaying of Lemuel Penn on the highway in Georgia.

So that U.S. attorneys stepped forward at our request and played important roles in law cases once they were lodged. But they had not done so at the stage of investigation.

Mr. BEESON. Would you describe, please, the role which you yourself adopted in the investigation in Washington, the assassination investigation, and the role which you considered appropriate for other attorneys within the Civil Rights Division, in terms of supervising or actually participating in the day-to-day investigation of the assassination.

Mr. POLLAK. Yes.

I saw my role as the law enforcement official within the department with prosecutorial responsibility for the statute under which the investigation and then the complaint in Birmingham was lodged; that is, 18 U.S.C. 241.

I considered that as part of that prosecutorial responsibility, I had the responsibility for supervising the investigation being carried out by the FBI for the vigor, completeness, and activity of that investigation.

I considered that D. Robert Owen, and I, my first assistant, and the staff within the division that from time to time worked on the King assassination matter, were responsible for carrying forward the supervision of the investigation so that we would be confident in the event we came to prosecute, or in the event a prosecution was to be mounted by another jurisdiction, then our fact-finding was to be made available, we would have a fact-finding record which would be full and complete and responsible.

Mr. BEESON. Would you give us, as specific as possible an idea of how you carried out your responsibilities in supervising the FBI's conspiracy investigation in this case?

Mr. POLLAK. Yes.

Of course, the investigation commenced on the 4th of April with the request for the full investigation. The conspiracy investigation was commenced at that time, since the statute that the investigation was mounted under was a conspiracy statute.

We saw the investigation commence. I myself made a trip to Memphis on the 8th of April, and met with the special agent in charge of the Memphis office, Mr. Jensen.

I might say that that trip was also related in a significant manner to the staging on that day, which my recollection is was the day before Dr. King's funeral in Atlanta—there was a march and considerable concern as to the situation in Memphis on the 8th of April, and I was there also in that connection.

But in supervising the investigation we received the reports of the Bureau orally and in significant respects in writing. We reviewed those reports.

We, as Mr. Clark said this morning, were not the directors of the investigation. It was not either by training or by experience an undertaking which we made during the investigative stage, to direct the particular steps to be taken to solve a crime.

We set it in motion. We received the reports. We made further followup requests as we thought those requests were appropriate. Indeed, as I did and Mr. Clark mentioned in this instance he did, at times subsequent to April 4.

Mr. BEESON. In terms of actually targeting specific possible conspirators in the case, identifying and then following out specific conspiratorial leads, would it be fair to state that that was at least initially solely the province of the FBI, and that your function was merely to review the leads that they had considered significant enough to follow out?

Mr. POLLAK. Certainly initially, at the earlier point, the FBI, through its investigation, came upon the leads and as the draft report, the staff report indicates, the FBI set down a 24-hour deadline for following out leads.

Until those particular leads came to be reported to us, those leads were not known to us.

Subsequently, as the leads came to our attention through written reports and contemporaneous oral reports, we did review those reports and ascertained on the time frame forward into 1968 that various leads were followed down.

As you know, I made additional followup requests that leads should be pursued and as the year wore on, made particular requests on three occasions with specific categories of leads or incidents or questions which we thought warranted further investigation, particularly then, since Mr. Ray had been arrested, with respect to the possibility of a conspiracy.

Mr. BEESON. Do you recall any specific conspiratorial leads that you yourself asked the FBI to pursue, independent of what the FBI was doing themselves?

Mr. POLLAK. I would not recall them at this point, as far away from 1968, and indeed I do not want to suggest that I have a full recall because I do not.

But in preparing to come before the committee, and to meet with you and Mr. Sacco earlier this year, I sought to refresh myself by reviewing some of the papers.

My recollection is as to specific requests, refreshed as I have just described, includes a request of some detail stemming from an interview of one of the attorneys in our division, Mr. J. Harold Flannery, with a man named Sartor in the Memphis area, who had been said by a man named Epps, with whom I had met in Washington at the Vice President's request, to have some leads.

Mr. Flannery interviewed Mr. Sartor, a memorandum was prepared raising a number of different questions of possible conspiratorial background to the assassination, and I forwarded that to the Director, I believe, in the month of September 1968, with a request that those leads be pursued.

Of course, in the month of June and again in July I had communicated with the Director, requesting that all leads indicating the possibility of a conspiracy be immediately run down and reported.

So, Mr. Sartor request was really supplemental to what they were currently doing.

Additionally, I made two followup requests on November 7, 1968 and another one on November 15, 1968 requesting that specific matters reported in the articles in the Look magazine by Mr. Huie be pursued, particularly some of those that I recall to mind include reports of Mr. Ray's statements about the discussions with and actions with Mr. Raoul, or a Raoul, questions concerning the source of various funds, a question concerning the red automobile which had been purchased in 1967, and a number of detailed requests that were in those two requests to Mr. Hoover.

Those are the matters which I recall having raised in specific with the Director on the conspiracy—

Mr. BEESON. Let me ask you this, Mr. Pollak. You have had a chance to review a draft of, the staff report of the investigation, which at this point has tentative indications from our reviews.

The report does indicate that while numerous conspiracy leads were pursued, there was a significant failure to pursue the possibility of family involvement, despite the possession by the FBI and

the Department of Justice, relatively early in the investigation, of a substantial amount of evidence indicating the possibility of family involvement.

Would you care to comment on that aspect of the report? Do you recall, for example, specific consideration with the FBI or within the Department of Justice of this possibility, and do you recall focusing any attention on the possibility of family involvement?

Mr. POLLAK. My recollection is that there was an enormous flow of facts or possible facts coming to us on paper and in oral reports from the Federal Bureau of Investigation.

The situation was such that we had one person in our division assigned to make a name index on multiply cards so that we could keep track of the individuals identified in the Bureau reports, and the dates in which those individuals were alleged to have taken particular actions.

My recollection includes reference to the family. I was certainly aware of Mr. Ray's family. I do not have a recollection that there was any indication that ever came to my attention in the time until I left the Department, that the family members were objects of unresolved indications that they had been a member of a conspiratorial plan to assassinate Dr. King.

I am clear that it was my perception at the time, during the period commencing on the 4th of April and running through the time that I left the division, that the FBI was responding to the requests that were made and conducting a broad-scale and a deep investigation.

I would say that my recollection includes a level of intensity of the investigation which was highest in the period until Mr. Ray's arrest on the 8th of June. I consider that something over 2-month period to have been an investigation, both into the persons responsible for the slaying, being an individual or more than one individual, and also, then, upon the identification of a single person involved, an investigation to find that single person.

I am also aware that once the arrest occurred that the—this intensity seemed somewhat to be reduced. I may draw that conclusion or recollect my drawing the conclusion 10 years ago from several facts.

One: The Bureau inquired of me in the month of July whether the complaint filed April 17 in Atlanta, the conspiracy complaint, could be dismissed.

Two: In the period immediately following Mr. Ray's arrest I prepared, and the Attorney General signed, a request to the Bureau to continue to pursue all leads with respect to the possibility of conspiracy.

At least in looking back on it I would conclude that I must have felt some need to make clear to the Bureau that it was the Division's perception that the conspiracy possibility had not been run to the ground, and that further investigation with all alacrity under the heading full investigation should continue to be pursued.

Mr. BEESON. Ultimately you were satisfied that a full conspiracy complaint—full conspiracy investigation was pursued?

Mr. POLLAK. I was satisfied that the Bureau was responding to the request for a full investigation and I considered that that investigation was ongoing at the time I left the Department.

If I considered it had not been concluded, I would not have been prepared to dismiss the conspiracy complaint, as indeed in July of 1968 I was not prepared to agree to its dismissal.

So, I considered that the matter had not been brought to a point where it was incumbent on any of the men and women working with me to suggest to me that the time had come to close the investigation.

Indeed, I believe it is my perception that some of the particular inquiries that I had made in my requests had not finally been responded to by the time I left office.

But, I would hasten to say that the amount of paper coming in on a city-by-city or special agent in charge office basis—in other words, those monthly reports—were from each city where the conspiracy investigation was mounted—the amount of paper was so great that it was not easy to identify that each of the leads had been finally run down without very close checking.

Mr. BEESON. I understand.

One final question, Mr. Pollak.

We met once before in an interview. I believe at that time you stated that you were aware during your period as head of the Civil Rights Division of Mr. Hoover's extreme dislike for Dr. King and of the security investigation of Dr. King and SCLC for possible Communist infiltration.

My question is, did you ever consider the possibility that the FBI would be unable to pursue an objective investigation given that background of an adversary relationship against Dr. King?

Mr. POLLAK. My recollection of my awareness is this: I received during the period as first assistant, and then as Assistant Attorney General, reports of a classified nature from the FBI with respect to it, which appeared to me—and I believe they were so denominated—to concern themselves with the possibility of a Communist influence on Dr. King and his organization.

It was my perception that those reports must be flowing from a request made by some other division in Justice, and that they were being forwarded to me for information.

I was aware of that. I believe that I would say that my awareness was that those reports were reflective of an investigation in pursuit of one of the statutes of the United States.

I was not aware of any wiretapping or bugging of Dr. King. My knowledge in that respect was less than Mr. Clark has testified to this morning.

I did not know, for example, that there had been previously outstanding requests for wiretapping and the incident he spoke of respecting Mr. Doar bringing the matter up with Mr. Clark, and Mr. Clark in turn bringing it up to Attorney General Katzenbach.

The extent of my awareness was that Mr. Hoover had made critical remarks, extremely critical remarks, about Dr. King, and I was aware of that.

Now, on that background, I did not feel that the full investigation which we asked for would be carried out in less than a complete and devoted manner.

I think that I would say to some extent I had been aware that in the past there had been investigative requests which were not

pleasing to the Bureau, and they had carried those out in what I thought was a dedicated manner.

I observed that—I mean, I had observed hundreds if not thousands of Bureau requests. I had observed the response to those requests. I had prepared lawsuits from the material they had developed, and I had found it to be of a high quality.

I did not consider that the Bureau's response to the King request would be interfered with by an attitude of the Director. Maybe I should have, but I did not consider the possibility.

Mr. BEESON. I have no further questions, Mr. Pollak.

Thank you.

Chairman STOKES. At this time the committee will operate under the 5-minute rule.

The Chair recognizes the gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. Mr. Chairman, I have no questions at this time of Mr. Pollak. We appreciate your testimony.

Chairman STOKES. The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. Mr. Chairman, I have no questions of Mr. Pollak either, but I do want to welcome him to the committee and to say to him, as I said to Mr. Clark, that during the decade of the sixties he was among the most trusted and sensitive of those in Government to our efforts to improve the quality of life for all Americans and particularly for Black Americans.

Mr. POLLAK. Might I say thank you, Congressman, very much.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

Mr. Pollak, I want to compliment you on your recall during those trying times when you were in the Department of Justice.

Let me try to summarize what I think were the most persuasive parts, or dramatic statements that you made in response to Mr. Beeson's inquiry. I believe you said that you had a feeling that the Bureau was less enthusiastic in investigating civil rights matters than others, however, that they did carry out their requests well.

I think you said you recall no reluctance to engage in those investigations and when you requested a full investigation, that your observation was that there was a full response, and, finally, that you were satisfied that the Bureau responded to the requests for full investigation.

Does that about summarize your testimony?

Mr. POLLAK. Yes; I think those points were made by me this afternoon, Mr. Devine, yes.

I might say, because it has been a background to my testimony here today, that in the Civil Rights Division we had expended a great deal of time on the so-called Neshoba case. That was the slaying of three young men in the summer of 1964 in Mississippi, three civil rights workers. That was a matter which the Bureau investigated at the Division's request, using techniques which I observed the Bureau to use in investigating the slaying of Dr. King—interview techniques—and it was an extremely difficult case to crack, according to my observation.

The Klan or Klan-influenced people were involved, and the Bureau carried that request for investigation out. It produced evidence to the Division, the Division followed up on the evidence with attorney interviews, and presented the case to the—my recollection is—the grand jury; but I am not clear on that recollection. In any event, it was tried and a guilty verdict rendered by the Mississippi jury.

That was only one of the cases, Mr. Devine, that we had investigated through the techniques we requested the Bureau or anticipated the Bureau would use in the King matter; but we had seen those techniques work, and that was our experience.

Mr. DEVINE. Some question was raised, again by staff counsel, Mr. Beeson, relative to the participation or lack thereof by the U.S. attorney's office. Isn't it an accurate statement, Mr. Pollak, to state that the U.S. attorney's office is the prosecuting arm of the Justice Department and the Federal Bureau of Investigation is the investigative arm, and that it is the duty and responsibility of the Bureau to investigate and present the facts to the U.S. attorney, who, in turn, may or may not authorize prosecution based on whether or not he feels the facts warrant prosecution?

Mr. POLLAK. That is my perception from afar of the typical criminal case which comes across the docket of the U.S. attorney. In the civil rights investigations that we used the Bureau, those were several different kinds, Mr. Devine. We had a range of laws which gave us civil causes of action, enacted by the Congress, public accommodations, equal employment, public facilities, voting. We used the Bureau extensively in those investigations and they would customarily be asked to make a preliminary investigation; and after we had a few facts that were elicited, we would make a determination whether there was a warrant to proceed further, and then we would make additional requests.

That was primarily the way we proceeded in criminal investigations, too, and I think our role was a more involved role than the customary U.S. attorney role, where the file is presented to the attorney at the time he is ready to prosecute.

Mr. DEVINE. But the Civil Rights Division would request an investigation by the Bureau, which would be conducted, and rarely did the U.S. attorney's office initiate an investigation by its own motion; is that correct?

Mr. POLLAK. That's correct. There were some, Congressman, that were initiated in the field, rarely, but some, over police brutality, alleged police brutality, so-called 242 investigations, 18 U.S.C. 242.

Mr. DEVINE. Thank you very much.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Tennessee, Mr. Ford.

Mr. FORD. Mr. Chairman, I will be very brief.

Mr. Pollak, I would just like to follow up on a question from my colleague there: On April 8, what was the purpose of your visit to Memphis?

Mr. POLLAK. The primary purpose was to be the President's representative in connection with the matters that were scheduled to take place on that particular day. There was a significant potential that the State guard would be federalized because of the unrest, and in that situation that we had seen in 1967 and 1968,

the President sent—in actuality the Attorney General sent—a representative of the President to be the direct liaison in the event there was a federalizing of the guard, and I went for that purpose.

Mr. FORD. As head of the Civil Rights Division, assigned out of the Justice Department, were you there working with the U.S. attorney's office, or working with the FBI at this time?

Mr. POLLAK. I flew from Washington, arriving in the early morning, either—I think it would be, I think I arrived probably at 10 o'clock on the night before and worked through most of the night, meeting the various military officials and others who were involved with maintenance of law and order in that city, during this day in which Mrs. King and leaders of the civil rights movement were coming for a massive march in respect to both the sanitation men's situation and in respect to the slaying of Dr. King; and there was considerable concern over the possibility of some sort of violence, and I worked with the National Guard leaders, and had an office, temporary office, located in Mr. Robinson's office. He was the U.S. attorney.

I recall, Mr. Ford, calling on Mr. Robert Jensen, who was the special agent in charge of the Memphis office, and discussing with him the status of the King assassination investigation, but that was not the primary purpose of my trip.

Mr. FORD. Was that a request for the District Office in Memphis to get involved in the investigation of the assassination of Dr. King?

Mr. POLLAK. No; it was not, Mr. Ford. They had been requested immediately upon our request for a full investigation, and they were the case office in charge in the field.

Mr. FORD. Thank you very much, Mr. Chairman. I yield back the balance of my time.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. I have no questions, Mr. Chairman.

Chairman STOKES. Any member of the committee seeking further recognition?

Mr. Pollak, at the conclusion of a witness' testimony before our committee, the witness is entitled to a period of 5 minutes, during which time he may explain, amplify or in any way comment further upon his testimony before our committee.

I would extend to you at this time 5 minutes, if you so desire.

Mr. POLLAK. No; I have nothing further to add. I'm available to the committee. I commend the practice of affording the witness time and I believe I have said as much as you people have asked me. That's enough.

Chairman STOKES. I certainly, on behalf of the committee, thank you for your appearance here. You have certainly been of great assistance to the committee by your testimony, and we appreciate your presence. Thank you.

The Chair recognizes Professor Blakey.

Mr. BLAKEY. Nothing.

Chairman STOKES. There being no further witnesses to come before the committee this afternoon, the committee will adjourn until 9 a.m. tomorrow morning.

[Whereupon, at 2:55 p.m., the hearing was adjourned, the committee to reconvene on Wednesday, November 29, 1978, at 9 a.m.]

INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

WEDNESDAY, NOVEMBER 29, 1978

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

The select committee met, pursuant to adjournment, in room 345, Cannon House Office Building, Hon. Louis Stokes (chairman of the select committee) presiding.

Present: Representatives Stokes, Devine, Preyer, McKinney, Fauntroy, Sawyer, Ford, Fithian, and Edgar.

Also present: G. Robert Blakey, chief counsel and staff director; Gene Johnson, deputy chief counsel; Ron Adrine, staff counsel; I. Charles Mathews, special counsel; Edward Evans, chief investigator; and Elizabeth L. Berning, chief clerk.

Chairman STOKES. The committee will come to order.

The Chair recognizes counsel for the committee, Mr. Gene Johnson.

NARRATION BY GENE JOHNSON, DEPUTY CHIEF COUNSEL

Mr. JOHNSON. Thank you, Mr. Chairman.

Dr. Martin Luther King, Jr., was one of the most prominent leaders of the civil rights movement in the 20th century. For this, he was hated by his enemies almost as much as he was admired by those who associated themselves with his vision of America.

As we have seen, he was personally opposed by powerful Government officials, notably J. Edgar Hoover, and he was ideologically opposed by factions of Black militants for his commitment to non-violence.

The most extreme hostility toward Dr. King apparently lay in groups of white supremacists and conservative businessmen who were convinced he was attempting to establish a new social and economic order in this country and that in his international stance he was playing into the hands of the Communists.

It was bad enough from the standpoint of racist resistance to Dr. King that he would win battle after battle in his campaign for equality for Black Americans. It was intolerable that he would broaden his objective to include international peace and an end to economic injustice.

Threats to Dr. King were commonplace. He narrowly escaped death in a stabbing incident in New York in 1958, and in the 1960's FBI intelligence reveals he was the target of violence by the Ku Klux Klan and other hate groups.

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By the time of his assassination, no less than 50 threats on his life had been recorded by the FBI.

It is not surprising that literally dozens of conspiracy allegations have come to the attention of the committee and have been considered in its investigation. Some of these allegations were checked by the FBI in 1968. Others have come to light more recently.

In deciding which of them to pursue, the committee evaluated the various allegations in terms of inherent credibility and their temporal relationship to the assassination.

In the case of those that seemed based on misrepresentations, or stemmed from the imaginations of the mentally ill, or that substantially predated the murder of Dr. King, a followup investigation was not made or was strictly limited.

Conspiracy leads to which significant resources were allocated included the following:

One, a report of a price being placed on Dr. King's head in Atlanta in 1967.

Two, information that a businessman with organized crime connections was involved in a conspiracy.

Three, evidence that a narcotics trafficker might have come in contact with Ray from time to time in his period leading up to the assassination.

Four, an allegation that policemen in Louisville, Ky., may have made an offer to kill Dr. King.

Five, reports that a standing money offer for killing Dr. King had been circulated at the Missouri State Penitentiary.

But the conspiratorial allegation that has received the most attention from the committee originated in St. Louis earlier this year, when the FBI advised it of a memorandum containing information on a concrete offer to pay money to kill Dr. King.

Mr. Chairman, the next witness has asked under rule 6.3(2) that there be no media coverage; that is, no TV, radio, pictures, or recordings.

It would be appropriate at this time, Mr. Chairman, to enter an order to that effect.

Chairman STOKES. The witness, having invoked his rights under rule 6 of this committee, the pertinent part of which reads as follows:

No witness served with a subpoena by the committee shall be required against his or her will to be photographed in any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

In addition, the witness has further requested that the same provision apply to the hallway which is immediately adjacent to the hearing room.

The Chair at this time requests a complete compliance with the request of this witness, both in the hearing room and in the adjacent hallways.

The Chair would like to also announce that the witness now entering the room will be under U.S. marshal security. Therefore, all persons in the room are requested anytime the witness is either entering the room or leaving the room to remain seated, in order

that marshals may be able to execute the kind of security that has been requested by this witness.

The Chair at this time would call Mr. Byers.

Mr. JOHNSON. It would be appropriate, Mr. Chairman, that Russell George Byers be sworn.

Chairman STOKES. Mr. Byers, would you please stand, raise your right hand and be sworn.

Do you solemnly swear that the testimony you will give before this committee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BYERS. I do.

Chairman STOKES. Thank you. You may be seated.

Mr. HAMILTON. Mr. Chairman, before we proceed, I would like to make a motion on behalf of Mr. Byers.

Chairman STOKES. Would the gentleman please identify himself for the record, please.

Mr. HAMILTON. Excuse me, Mr. Chairman. My name is James Hamilton. I am representing Mr. Byers in this hearing.

I would like to make a motion on behalf of Mr. Byers that this session be adjourned to executive session. The basis for this motion is the committee's rules, rule 3.3(5), which says that if the committee determines that evidence or testimony at any investigative hearing may tend to defame, degrade, or incriminate any persons, it shall receive such evidence or testimony in executive session.

I think that it is apparent that the testimony that Mr. Byers gives this morning will tend to defame or degrade both himself and others.

Now, I realize that the practice has been to have an open session after an executive session has been held first where testimony that might have this effect will be given.

But I suggest to the committee that the language of the rule is such that it indicates that, even if there has been a prior executive session, whenever evidence shall have this tendency the committee should continue to take such testimony in executive session.

I am sure the committee knows that there are prominent Supreme Court cases—*Yellin v. United States*, *Cojak v. United States*, to give only two—which indicate that a congressional committee must follow its own rules.

I would request that the committee follow what appears to be the clear language of this particular rule and adjourn this particular session to executive session.

Chairman STOKES. Does counsel for the committee, Professor Blakey, desire to be heard on the motion?

Mr. BLAKEY. Yes.

Mr. Chairman, as I am sure counsel for Mr. Byers will recall the statement of Mr. Justice Frankfurter that very often a page of history is worth more than a page from a dictionary in interpreting legal documents.

The provision to which Mr. Hamilton refers was placed in the House rules and, of course, they appear in our rules as a derivative of the House rules, as part of a code of fair procedure.

In House Resolution 151, placed in the House rules on March 23, 1955, the rules were explained at that time in the Congressional

Record, and I am referring now to the Congressional Record of the 84th Congress, first session.

I would like to quote a comment made by Congressman Hardy and Congressman Brown of Ohio. Congressman Hardy first noted—and I am quoting now from page 3572 and 3573—that “* * * the rule was only designed to protect an individual other than the witness.”

So, to the degree that Mr. Hamilton’s motion relies on the self-incrimination of the witness, it is inapposite.

Mr. Brown of Ohio explained the operation of the rule in essence saying that the contemplated procedure was when evidence was taken in a public session that apparently would defame or incriminate that the committee should go into executive session to evaluate it.

Then he said, and I quote:

Then if they determine that there is some ground for a charge against you, they can have all the open sessions they want to have.

Later on he says, and I quote:

What does it say here. They consider that in executive session. Then they come back into open session. After they have got their information and they decide that there is substance to the charge, or my charge against you, then they go—they can go ahead and have all the open hearings they want.

I would argue, Mr. Chairman, that in light of this legislative history to the House rule, which would obviously also be legislative history to this committee’s rule, that the fact that this committee has heard from Mr. Byers in executive session in May 1978 and has had an opportunity since that time to evaluate his testimony, that an executive session at this time would be not required under the rule and would be inappropriate.

Chairman STOKES. Thank you.

Does counsel have anything further?

Mr. HAMILTON. Mr. Chairman, may I make two brief points.

First of all, Mr. Byers’ testimony this morning will have a tendency to defame and degrade others besides himself. The second point I would make is that I think that the legislative history that Mr. Blakey is quoting from is at best ambiguous.

There is also a statement in the same history, the same colloquy before the House, by Mr. Miller of Maryland, where he indicates—and I am abbreviating the quotation—that:

Certainly the language here does not indicate how it would be possible to bring out evidence that you knew was going to degrade somebody except in executive session. I do not see any language here that permits that.

So, I think at best the legislative history is ambiguous and I would suggest that in any event the clear language of the rule should be followed and, consequently, that this session be held in executive session.

Thank you, Mr. Chairman.

Chairman STOKES. Does counsel for the committee have anything further?

Mr. BLAKEY. No; Mr. Chairman. I think the previous remarks are adequate for the Chair’s rule.

Chairman STOKES. Mr. Hamilton, I believe that you have been provided with a copy of the legislative history as prepared by the Library of Congress on this subject.

Mr. HAMILTON. That is correct.

Chairman STOKES. All right.

The Chair has listened carefully to both your motion and arguments in support of the same. The Chair would have to rely upon the legislative history as the Chair understands it, and as has been referred to here by counsel for the committee.

I would again underscore the statement of Mr. Brown of Ohio on the floor during the colloquy which occurred on this legislation at the time it was considered in the House, which I would refer to once again, where Mr. Brown of Ohio says:

What does it say here. They consider that in executive session. Then they come back into open session after they have got the information. If they decide there is some substance to your charge or my charge against you, then they can go ahead and have all the open hearings they want.

This, it seems to me, would be determinative of the situation here. The committee having entertained testimony of the witness in prior executive session, therefore it would seem to me at this time that the committee can, in compliance with the statements made by Mr. Brown of Ohio, hold all the open hearings the committee desires. The Chair would therefore overrule your motion.

Does counsel have any further objections?

Mr. HAMILTON. No, Mr. Chairman, we are prepared to proceed.

Chairman STOKES. Thank you.

Prior to proceeding the Chair would like to make a statement for the record. The Chair would like to express its deep appreciation and gratitude to Mr. Hamilton for representing Mr. Byers here at this hearing today.

Mr. Hamilton is representing Mr. Byers pursuant to a request of the D.C. Bar Association that Mr. Byers made in accordance with our committee rules.

He was obtained by the D.C. Bar Association on very short notice, and we deeply appreciate Mr. Hamilton's appearance here today. His appearance, in this committee's opinion, reflects the highest spirit and character of the members of the District of Columbia Bar Association and its public interest section.

At this time the Chair recognizes counsel for the committee, Professor Blakey.

Mr. BLAKEY. Thank you, Mr. Chairman.

Mr. Byers, would you state for the record your name, please.

TESTIMONY OF RUSSELL GEORGE BYERS

Mr. BYERS. Russell Byers.

Mr. BLAKEY. Mr. Byers, have you and your counsel been supplied a copy of the committee's rules?

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Have you read them?

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Do you understand them?

Mr. BYERS. As well as I can.

Mr. BLAKEY. Mr. Byers, you are appearing here today pursuant to subpoena, are you not?

Mr. BYERS. That is correct.

Mr. BLAKEY. Mr. Byers, do you know John Kauffmann?

Mr. BYERS. I am going to refuse to answer on the grounds it may tend to incriminate me.

Mr. BLAKEY. Mr. Byers, would you intend to claim your privilege against self-incrimination to all other questions in this hearing?

Mr. BYERS. That is correct.

Mr. BLAKEY. Mr. Chairman, in light of the representation of the witness I would ask that the order of the U.S. District Court for the District of Columbia conferring immunity on Mr. Byers dated November 8, 1978, be marked as Martin Luther King exhibit F-570, be inserted in the record at this point, and made available to the witness.

Chairman STOKES. Without objection, it is so ordered. It may be made a part of the record and provided to the witness and his counsel.

[The information follows:]

MLK EXHIBIT F-570

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Application of)
)
UNITED STATES HOUSE OF REPRESENTATIVES)
SELECT COMMITTEE ON ASSASSINATIONS)

Misc. No. 78-6337

FILED

NOV 8 1978

ORDER
CONFERRING IMMUNITY UPON AND JAMES F. DUNCAN, CLERK
COMPELLING TESTIMONY FROM RUSSELL GEORGE BEYERS

The United States House of Representatives Select Committee on Assassinations having made written application, pursuant to Title 18, United States Code, Sections 6002 and 6005, for an order conferring immunity upon Russell George Beyers and compelling him to testify and provide other information before the Subcommittee on the assassination of Dr. Martin Luther King, Jr. of the Select Committee on Assassinations or the full Select Committee, and the court finding that all procedures specified by § 6005 have been duly followed, it is hereby, this 8th day of November, 1978,

ORDERED, that Russell George Beyers in accordance with the provisions of Title 18, United States Code, Sections 6002 and 6005, shall not be excused from testifying or providing other information before the Subcommittee on the Assassination of Dr. Martin Luther King, Jr. of the Select Committee on Assassinations or the full Select Committee on the grounds that the testimony or other information sought may tend to incriminate him.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
TRUE COPY

ROBERT L. [Signature]

ORDERED FURTHER, that Russell George Beyers appear when subpoenaed by said Subcommittee or Committee and testify and provide such other information that is sought with respect to matters under inquiry by said Subcommittee or Committee.

AND IT IS FURTHER ORDERED that no testimony or other information compelled under this order (or any information directly or indirectly derived from such testimony or other information) may be used against Russell George Beyers in any criminal case, except a prosecution for perjury, giving a false statement or otherwise failing to comply with this ORDER.


United States District Judge

Dated: NOV 8 - 1978

Mr. BLAKEY. Mr. Chairman, I would note for the record that Mr. Byers and Mr. Hamilton are now reading the order of the court. Chairman STOKES. It may be so noted.

Mr. BLAKEY. Mr. Byers, have you and your counsel had an opportunity to examine this order?

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Has your counsel instructed you on its legal meaning?

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Mr. Chairman, I would ask that the court's order be communicated to the witness and the witness be directed to answer the previous question.

Chairman STOKES. Mr. Byers, in light of the order which you have just read, by which immunity has been conferred upon you, the Chair would at this time direct you to answer the questions put to you by counsel.

Mr. BLAKEY. Let me state for the record, Mr. Byers, once again what the question was.

Do you know John Kauffmann?

Mr. BYERS. I did.

Mr. BLAKEY. Mr. Chairman, I would ask that Martin Luther King exhibit F-571 be inserted in the record at this point and be appropriately displayed on the easel.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[The information follows:]



MLK EXHIBIT F-571

Mr. BLAKEY. Mr. Byers, can you see Martin Luther King exhibit F-571 from your seat?

Mr. BYERS. You are talking about the photograph to my right?

Mr. BLAKEY. Yes, sir.

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Can you identify that individual?

Mr. BYERS. It is John Kauffmann.

Mr. BLAKEY. Mr. Byers, let me direct your attention to approximately the spring of 1967. Did you have a conversation with John Kauffmann at that time in which he inquired of you whether or not you wanted to earn \$50,000?

Mr. BYERS. That is correct.

Mr. BLAKEY. As a result of that conversation, what did you do?

Mr. BYERS. I went with him to meet another man.

Mr. BLAKEY. Mr. Chairman, at this point I would ask that Martin Luther King exhibit F-572 be inserted in the record and appropriately displayed on the easel.

Chairman STOKES. Without objection, it may be entered in the record at this point.

[The information follows:]



MLK EXHIBIT F-572

Mr. BLAKEY. Mr. Byers, can you see what has been marked as Martin Luther King exhibit F-572 from your seat?

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Can you identify that individual?

Mr. BYERS. It looks like a picture of Jack Sutherland. But I have only seen Jack Sutherland twice in my life.

Mr. BLAKEY. Did you have a conversation with Mr. Sutherland?

Mr. BYERS. I did.

Mr. BLAKEY. What did he say?

Mr. BYERS. He offered me \$50,000 to arrange to murder Martin Luther King.

Mr. BLAKEY. In 1967, did you know who Dr. Martin Luther King was?

Mr. BYERS. No.

Mr. BLAKEY. Did Mr. Sutherland tell you who he was?

Mr. BYERS. He told me he was a civil rights leader.

Mr. BLAKEY. Did you ask Mr. Sutherland where he was going to get the money, come up with the \$50,000?

Mr. BYERS. Yes. It struck me rather strange. He told me it belonged to a secret southern organization that could raise the money.

Mr. BLAKEY. What did you do then?

Mr. BYERS. I declined the offer.

Mr. BLAKEY. Where were you when this offer took place?

Mr. BYERS. Mr. Sutherland's home.

Mr. BLAKEY. Was Mr. Kauffmann also present?

Mr. BYERS. That is correct. He was.

Mr. BLAKEY. Did you and he then leave together?

Mr. BYERS. That is correct.

Mr. BLAKEY. Did you have any conversation with Mr. Kauffmann?

Mr. BYERS. I told him I wouldn't be interested and we dropped it from there.

Mr. BLAKEY. Did you ever see Mr. Sutherland again?

Mr. BYERS. I seen him one time later at a water company meeting at House Springs, Mo. It was either House Springs or High Ridge. It is two little towns that is close together.

Mr. BLAKEY. Did you have any conversation with him at that time?

Mr. BYERS. No; I did not.

Mr. BLAKEY. Mr. Byers, how long after the Sutherland meeting did you remain associated in any way with Mr. Kauffmann?

Mr. BYERS. I can't place a date, but it wasn't too long.

Mr. BLAKEY. You subsequently broke off whatever relationship you had with him?

Mr. BYERS. That is right.

Mr. BLAKEY. Following the assassination of Dr. Martin Luther King on April 4, 1968, did you tell anyone about your meeting with Mr. Sutherland?

Mr. BYERS. Yes, I told a gentleman about it.

Mr. BLAKEY. And who was that—

Mr. BYERS. You say after the meeting or after the assassination?

Mr. BLAKEY. No, this is after the assassination. I will back up. After the meeting with Mr. Sutherland, did you tell anyone about that meeting?

Mr. BYERS. No.

Mr. BLAKEY. OK. After the assassination—which was my original question—did you have any conversation with anyone about the Sutherland offer?

Mr. BYERS. Yes, I did.

Mr. BLAKEY. Who was that?

Mr. BYERS. It was Murray Randall.

Mr. BLAKEY. And what was your relationship to him at the time?

Mr. BYERS. He was my attorney.

Mr. BLAKEY. What did you tell him?

Mr. BYERS. I told him I had had a proposition to arrange to murder Mr. King for \$50,000.

Mr. BLAKEY. Why did you tell him?

Mr. BYERS. He was my lawyer. You had to tell somebody. You know, it just struck me rather strange. The man got killed, and I had the offer.

Mr. BLAKEY. Did you ask him whether you were in any way involved in the assassination?

Mr. BYERS. Well, I ran it by him one reason for that. He told me at the time the man had confessed to the killing or had been apprehended and he told me evidently there was no substance to it, just to forget about it.

Mr. BLAKEY. His advice to you then was that you were not involved in the assassination that occurred in Memphis?

Mr. BYERS. That is correct.

Mr. BLAKEY. Did you have any other reason for discussing the Sutherland offer with Mr. Randall?

Mr. BYERS. None that I can think of.

Mr. BLAKEY. Have you ever told anyone else about the Sutherland offer?

Mr. BYERS. Yes; I told another gentleman about it.

Mr. BLAKEY. And who was that?

Mr. BYERS. Mr. Weenick.

Mr. BLAKEY. And what was his relationship to you?

Mr. BYERS. He was my lawyer after Mr. Randall became judge, and I was a friend of Mr. Weenick's before that time.

Mr. BLAKEY. What was the context within which you had a conversation with Mr. Weenick?

Mr. BYERS. Please repeat the question.

Mr. BLAKEY. What was the context in which you had a conversation with Mr. Weenick?

Mr. BYERS. I told him the same basic story that I told to Mr. Randall.

Mr. BLAKEY. Did you ask him for legal advice?

Mr. BYERS. The same way; yes.

Mr. BLAKEY. And what was his legal advice to you?

Mr. BYERS. Basically the same answer, because it was much later when I told him of the offer. I told Mr. Randall first and then some years later I told Mr. Weenick.

Mr. BLAKEY. Mr. Byers, have you furnished this committee with attorney-client waivers for Mr. Randall and Mr. Weenick?

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Mr. Byers, do you know John Paul Spica?

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Who is he?

Mr. BYERS. He is my brother-in-law.

Mr. BLAKEY. Did you ever tell Mr. Spica of the Sutherland offer?

Mr. BYERS. No; not until the time I got the subpoena to come up here. When I got—the time I got the subpoena, I mentioned it to him at that time.

Mr. BLAKEY. You did not tell him anytime from 1967 until April 4, 1968?

Mr. BYERS. To the best of my knowledge, no, because he was incarcerated at the time.

Mr. BLAKEY. Mr. Byers, do you know Robert Regazzi?

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Who is he?

Mr. BYERS. Well, who he is I don't know. He is just——

Mr. BLAKEY. What relationship, if any, does he have to you?

Mr. BYERS. You mean as far as being a relative?

Mr. BLAKEY. Friend, business associate.

Mr. BYERS. I installed a cigarette machine in Mr. Regazzi's seafood store about 2 years ago, and that had been the first time I had seen him in maybe 10 years.

Mr. BLAKEY. Did you know him in the period between 1967, when you had the Sutherland offer made to you, and April 4, 1968?

Mr. BYERS. I did, but I can't remember, recall running into him at that time. I met Mr. Regazzi in about 1963, 1962, roughly.

Mr. BLAKEY. Did you ever tell Mr. Regazzi of the Sutherland offer in the period of time between 1967 and 1968?

Mr. BYERS. Not that I could remember.

Mr. BLAKEY. Mr. Byers, do you know Dr. Hugh W. Maxey?

Mr. BYERS. I know who he is, but I do not know him.

Mr. BLAKEY. Who is he?

Mr. BYERS. He was a prison doctor.

Mr. BLAKEY. Do you know if Dr. Maxey had any relationship to Mr. Kauffmann?

Mr. BYERS. Supposedly very close friends.

Mr. BLAKEY. Mr. Byers, why didn't you tell the police, the FBI or other law enforcement officials of the Sutherland offer in 1968 after the assassination of Dr. King?

Mr. BYERS. Because I thought the man was crazy that made me the offer, and after it happened I didn't want to be involved.

Mr. BLAKEY. Mr. Byers, did you volunteer this information to this committee?

Mr. BYERS. Volunteer what information?

Mr. BLAKEY. About the Sutherland offer. Did you come to us or did we come to you?

Mr. BYERS. Oh, you come to me with the subpoena.

Mr. BLAKEY. In fact, did you cooperate with this committee when its investigators first contacted you?

Mr. BYERS. I don't know what you mean by cooperating.

Mr. BLAKEY. Did you tell——

Mr. BYERS. I let them enter the home.

Mr. BLAKEY. Did you tell them the story the first time they talked to you?

Mr. BYERS. No, no.

Mr. BLAKEY. In point of fact, you were subpoenaed before this committee to appear in executive session on May 9, 1978, weren't you?

Mr. BYERS. That is correct.

Mr. BLAKEY. Did you decline in that executive session to testify unless you were granted immunity?

Mr. BYERS. Absolutely.

Mr. BLAKEY. Was your testimony compelled under a grant of immunity at that time?

Mr. BYERS. That is correct.

Mr. BLAKEY. Mr. Byers, did you tell the same story to this committee in May—on May 9—that you are telling this morning?

Mr. BYERS. To the best of my knowledge, yes.

Mr. BLAKEY. Was it the truth, then?

Mr. BYERS. That is right.

Mr. BLAKEY. Mr. Chairman, I have no further questions.

Chairman STOKES. The Chair at this time recognizes the gentleman from the District of Columbia, Mr. Fauntroy, for such time as he may consume, after which the committee will operate under the 5-minute rule.

Mr. Fauntroy.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Thank you, Mr. Byers, for appearing again before the committee, this time in public session.

Mr. Byers, Professor Blakey has developed from you the broad outlines of your story. Nevertheless, I would like to ask some more detailed questions.

Mr. BYERS. OK.

Mr. FAUNTROY. The first is when did you first meet John Kauffmann?

Mr. BYERS. When did I first meet him? That is going back a long ways, so I am going to give you a rough idea. I would say maybe 1957, 1956, 1955, somewhere in that area.

Mr. FAUNTROY. And under what circumstances do you recall having met him?

Mr. BYERS. I was a friend of his brother's, his brother Nigel. He would come to his brother's house, and that is how I met him.

Mr. FAUNTROY. Where did he live at that time?

Mr. BYERS. You mean Mr. Kauffmann?

Mr. FAUNTROY. Mr. Kauffmann.

Mr. BYERS. John Kauffmann?

Mr. FAUNTROY. John Kauffmann.

Mr. BYERS. The same place he lived until he died, Jefferson County, Imperial, Mo.

Mr. FAUNTROY. I see. And where did he work?

Mr. BYERS. He told me he was a stockbroker when I first met him. I never bought no stock from him, so I wouldn't know.

Mr. FAUNTROY. And what other kinds of business enterprise did you come to know him through?

Mr. BYERS. He dabbled in real estate, just various different things.

Mr. FAUNTROY. Where did he live actually?

Mr. BYERS. He lived at that motel, in Jefferson County, Imperial, Mo.

Mr. FAUNTROY. Do you recall the name of the motel?

Mr. BYERS. Oh, I think they called it Bluff Acres or—he had an office there with a string of names on it as long as your arm. Probably all phony. I don't know.

Mr. FAUNTROY. Bluff Acres Motel in Barnard, Mo.?

Mr. BYERS. That is right, Barnard, Imperial.

Mr. FAUNTROY. You say he dabbled in real estate and represented himself to you as a stockbroker?

Mr. BYERS. That is correct.

Mr. FAUNTROY. What was your relationship with him?

Mr. BYERS. You are talking about in 1955 or 1967?

Mr. FAUNTROY. Throughout the period, what was your relationship with him?

Mr. BYERS. Well, sometimes I would drive him to where he would have to go. He had sort of a bad leg. He would ask me to run different errands on real estate transactions. Just generally a little bit of everything.

Mr. FAUNTROY. Did you engage in any criminal activity with him?

Mr. BYERS. Not with him. I left some possessions there that may not have just been so-so.

Mr. FAUNTROY. Well, you know, you can be rather candid with us. Just sort of tell us.

Mr. BYERS. Stolen cars. I used his motel. And other stolen objects.

Mr. FAUNTROY. So that you would steal cars and leave them—and other things, and leave them at the motel?

Mr. BYERS. Absolutely.

Mr. FAUNTROY. With his acquiescence or with his acceptance?

Mr. BYERS. As long as I paid the rent.

Mr. FAUNTROY. I see.

Do you know of any other criminal activity that Mr. Kauffmann was engaged in?

Mr. BYERS. I didn't hear the last part of that question. Any other criminal activity he was what?

Mr. FAUNTROY. Engaged in.

Mr. BYERS. Well, I come to find out he dealt in drugs, and when I found out he dealt in drugs, that is when we split.

Mr. FAUNTROY. Tell me how you found that out and why you split.

Mr. BYERS. Well, he owned a company called Fix-A-Co.

Mr. FAUNTROY. Fix-A-Co?

Mr. BYERS. F-I-X dash A dash C-O. And he told me one day all the money he was making in drugs, which come as a shock to me. He told me that he discovered Fix-A-Co company had a drug license and he could then buy drugs legitimately and sell them the other way.

So, when he informed me of that, we had a little falling out. I says I will see you later. I didn't go round anymore.

Mr. FAUNTROY. You say it was Fix-A-Co?

Mr. BYERS. That is right.

Mr. FAUNTROY. You bought a fix there?

Mr. BYERS. You get a fix with Fix-A-Co.

Mr. FAUNTROY. I see. Why did you split?

Mr. BYERS. Well, I am scared of the drug penalty. I am not a drug dealer. There is two ways out in that. Either you get killed or you go to the penitentiary.

Mr. FAUNTROY. I see. Well, do you know of any other criminal activity in which Mr. Kauffmann was engaged?

Mr. BYERS. Not that I can think of at the time.

Mr. FAUNTROY. Did any other people hang around his motel or avail themselves of the services that he provided you, for example?

Mr. BYERS. Well, he always engaged a lot of exconvicts which he had brought in from the Missouri State Prison. So, what their transactions was I don't know.

Mr. FAUNTROY. Under what circumstances did you understand a motel owner would be engaging exconvicts?

Mr. BYERS. He had them work at the motel. You know, they would clean up, they would rent the rooms at nighttime. He had other pieces of real estate where they would go and do some work.

Like I say, we never really got into that. You know, I mean people like that, you don't ask their business, they don't ask your business.

Mr. FAUNTROY. I see. How did you understand those exconvicts came to work for him?

Mr. BYERS. He had an arrangement with Dr. Maxey at the Missouri State Prison the way he told me. I don't know this to be true, but he had an arrangement and Dr. Maxey would always give him one or two released at a time to him, to come to him.

Mr. FAUNTROY. And Dr. Maxey was his friend within the Missouri State Penitentiary?

Mr. BYERS. That is what he told me. That is what he led me to believe.

Mr. FAUNTROY. Did you and the people who hung around the motel ever discuss criminal activities?

Mr. BYERS. I don't believe so. I didn't have that much to do with them. I would come and stay pretty well to myself.

Mr. FAUNTROY. Did you have the idea that you were the only one who was engaging in some criminal activities which he covered with his motel?

Mr. BYERS. At one time I thought so, until I found out he dealt in dope, and then I didn't have a doubt.

Mr. FAUNTROY. When you met Kauffmann, and he raised the \$50,000 with you, what time of day was it?

Mr. BYERS. It was in the evening.

Mr. FAUNTROY. And where were you?

Mr. BYERS. At Mr. Sutherland's home.

Mr. FAUNTROY. That was the first time he raised it with you, at Sutherland's home?

Mr. BYERS. No. He talked about \$50,000?

Mr. FAUNTROY. Yes.

Mr. BYERS. It was earlier in that day. We were someplace and he said to me, he said, "How would you like to make \$50,000." I says, "What do I have to do?" He says, "Meet me tonight, and I will take you somewhere."

So about 6:30 that night I met him and we proceeded to drive in my car to Mr. Sutherland's house.

Mr. FAUNTROY. And was anyone else present at Mr. Sutherland's house?

Mr. BYERS. Mrs. Sutherland—she was introduced to me as Mrs. Sutherland—was there at the time. But we were just introduced. She had no conversation, no nothing, and she went to another part of the house.

Mr. FAUNTROY. I wonder if you could describe the house. You say you drove there in a car with Mr. Kauffmann.

Mr. BYERS. That is correct.

Mr. FAUNTROY. After earlier in the afternoon he had apprised you of an opportunity to make \$50,000?

Mr. BYERS. That is correct.

Mr. FAUNTROY. Tell us a little bit about the house.

Mr. BYERS. You mean about the contents?

Mr. FAUNTROY. Mr. Sutherland's house.

Mr. BYERS. OK. Mr. Sutherland met us at the door with a pair of like overalls and a hat. Looked like a Confederate hat, with crossed swords. He took us to a den with a Confederate carpet, Confederate flag, bugles, swords, and all the paraphernalia hanging on the wall.

Mr. FAUNTROY. I see. You say that the only other person you saw in the house was his wife, who then left and went to another part of the house.

Mr. BYERS. That is correct.

Mr. FAUNTROY. So you are now in the den.

Mr. BYERS. With Mr. Kauffman, Mr. Sutherland, and myself.

Mr. FAUNTROY. The three of you. Now, did Mr.—and it is at this point that the offer was made?

Mr. BYERS. After a slight conversation, exchanging of a joke of some kind, you know, and an offer of a drink, we got down to business.

Mr. FAUNTROY. Well, who stated the purpose for which you would receive \$50,000?

Mr. BYERS. Mr. Sutherland.

Mr. FAUNTROY. Mr. Sutherland. Can you just recall roughly what he said to you?

Mr. BYERS. Well, we got into it. We got down to business. I said, "What do I have to do to make this \$50,000?" He says, "Either arrange or kill Martin Luther King." At that point I said, "Who is Martin Luther King?" I didn't know who he was.

Mr. FAUNTROY. Well, did he appear serious when he made the offer.

Mr. BYERS. Dead serious.

Mr. FAUNTROY. To your knowledge, was either Mr. Kauffmann or Mr. Sutherland given to playing practical jokes?

Mr. BYERS. Not for \$50,000. They didn't joke like that.

Mr. FAUNTROY. So you took them as being dead serious.

Mr. BYERS. Absolutely. Why would they waste my time and take me at 6:30 in the evening to play a joke on me?

Mr. FAUNTROY. Are you aware of any social or political views that Mr. Kauffmann had?

Mr. BYERS. Any social what?

Mr. FAUNTROY. Social or political views. Or racial views.

Mr. BYERS. No. We never really got into those. I understand after I quit associating with the man he was a Wallace supporter. They had a Wallace campaign or something.

Mr. FAUNTROY. What about Mr. Sutherland?

Mr. BYERS. He was a Wallace man, too.

Mr. FAUNTROY. Well, do you know why Mr. Kauffmann would have taken you to Mr. Sutherland?

Mr. BYERS. Well, there was probably something in it for Mr. Kauffman if I would have agreed.

Mr. FAUNTROY. To your knowledge, did Mr. Kauffmann have any reason to believe that you might accept such a contract?

Mr. BYERS. Not that I would know of. The only reason they may have to believe is if they were looking for someone to set up in this position. Maybe—I don't know. I don't understand the whole thing.

Mr. FAUNTROY. You mentioned that you knew John Paul Spica, who is your brother-in-law. Do you have any reason to know or to

believe that Mr. Kauffmann knew of your relationship with Mr. Spica?

Mr. BYERS. I imagine he did. It was quite well covered by our friends the press at the time Mr. Spica was in trouble.

Mr. FAUNTROY. And what was the trouble in which Mr. Spica found himself?

Mr. BYERS. Accused of murder.

Mr. FAUNTROY. And what was the result of the court proceedings in that case?

Mr. BYERS. Life imprisonment.

Mr. FAUNTROY. Where?

Mr. BYERS. Missouri State Penitentiary.

Mr. FAUNTROY. Were you working at that time?

Mr. BYERS. At which time?

Mr. FAUNTROY. At the time of the offer.

Mr. BYERS. No, just with Mr. Kauffmann.

Mr. FAUNTROY. Did you have any legitimate income at that time?

Mr. BYERS. No; I was under Federal indictment for conspiracy to violate the Dyer Act, and I was just sort of hanging to see what was going to happen for myself.

Mr. FAUNTROY. I guess—and that had to do with auto theft, I guess?

Mr. BYERS. That is correct.

Mr. FAUNTROY. And nothing more. Did you have any information which would lead you to believe that there was any connection between the offer Mr. Sutherland made to you and Dr. King's assassination in Memphis a few months later?

Mr. BYERS. Did I believe there was any connection between the offer and the assassination, is that the question?

Mr. FAUNTROY. Yes.

Mr. BYERS. I didn't know what to believe. It struck me awfully funny that I get the offer and the man turns up dead. Either it was connected, coincidental, or everybody was out to kill him. One of the three.

Mr. FAUNTROY. Did you make any connection between the alleged assassin, James Earl Ray, and his presence at Missouri State Penitentiary at a time when your brother-in-law was there?

Mr. BYERS. I don't understand the question. Did I know—

Mr. FAUNTROY. When you learned that James Earl Ray—or when did you first learn that James Earl Ray was accused of being the assassin?

Mr. BYERS. When he was apprehended.

Mr. FAUNTROY. In June, did you know—in your learning that, did you also learn that he had been at the Missouri State Penitentiary?

Mr. BYERS. I can't answer that. I paid no attention to it. Of course I read in the paper where he had escaped from the Missouri State Penitentiary, like everybody else, but I did not know James Earl Ray.

Mr. FAUNTROY. So that you didn't make that connection in your own mind?

Mr. BYERS. No.

Mr. FAUNTROY. Thank you, Mr. Chairman. I yield back almost all the balance of my time.

Chairman STOKES. I sensed some reservation. Mr. Byers, if I understand you correctly, Mr. Kauffmann took you to Mr. Sutherland and Mr. Sutherland made the offer of the \$50,000 to you; is that correct?

Mr. BYERS. He made the purpose of the offer to me.

Chairman STOKES. What do you mean by that?

Mr. BYERS. Mr. Kauffmann asked me how I would like to make \$50,000; then he proceeded to take me to Mr. Sutherland.

Mr. Sutherland told me how I was going to make the \$50,000, what I had to do to make the \$50,000.

Chairman STOKES. That was to kill Dr. King?

Mr. BYERS. That's correct.

Chairman STOKES. And on the spot there, did you tell them you would not do it?

Mr. BYERS. I sort of crawfished a little; I seen too many late night movies, where they make you an offer you can't refuse, and you jump up and shout out, "absolutely no," and you maybe never leave the place.

So I told him I didn't think I would be interested, and when I got outside, I definitely wasn't interested.

Chairman STOKES. But after you said to them, "I don't think I would be interested," did they say anything more to you about it?

Mr. BYERS. No.

Chairman STOKES. The whole conversation terminated at that point?

Mr. BYERS. That evening, yes.

Chairman STOKES. Did they ever after that—either one of them—discuss the offer with you?

Mr. BYERS. No.

Chairman STOKES. That means before the assassination and after the assassination?

Mr. BYERS. I never saw them after the assassination.

Chairman STOKES. So other than what you have said here, when he told you how you could make the \$50,000, and you said you didn't think you would be interested, there has never been any further discussion whatsoever between you and them about this?

Mr. BYERS. That's correct.

Chairman STOKES. I have no further questions.

The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

Mr. Byers, did you see any money?

Mr. BYERS. No.

Mr. DEVINE. They didn't proffer any cash of any kind?

Mr. BYERS. No.

Mr. DEVINE. Did they make any suggestion to you that you shouldn't say anything to anybody about this offer when you decided to decline it?

Mr. BYERS. Well, naturally, when you talk to somebody—I didn't decline it right on the spot; I told them I didn't think so. You know, we certainly left it drop like that; and then when I got outside I told Mr. Kauffmann I wasn't interested in it.

Mr. DEVINE. But you were not contacted, either telephonically or any other way, not to mention that?

Mr. BYERS. Not to mention the assassination of Mr. King.

Mr. DEVINE. Not to mention the offer.

Mr. BYERS. No.

Mr. DEVINE. Mr. Byers, do you have any record of accusation, charge or conviction of any crime of violence?

[Witness confers with counsel.]

Mr. DEVINE. While you are consulting with counsel, may I amend the question to say: prior to the assassination of Dr. King.

Mr. BYERS. Prior to the assassination of Dr. King, I have never been accused of any crime of violence that I know of.

Mr. DEVINE. You had never been accused, charged or convicted of any crime of violence prior to that date in 1968; is that it?

Mr. BYERS. To the best of my knowledge, no.

Mr. DEVINE. Then you don't have any history of being a hit man or one that might be involved in a crime of this nature prior to that time?

Mr. BYERS. As far as I know, I don't.

Mr. DEVINE. Was part of this offer, as you recall, a suggestion that either you kill Dr. King or that you obtain someone to do it?

Mr. BYERS. Like I said, it was either arrange for the death of Dr. King, or kill Dr. King, as long as Dr. King was dead.

Mr. DEVINE. One more question in the same line then: although you had not been charged or convicted for any crime of violence prior to April 4, 1968, were you known to have associates that would be engaged in crimes of violence?

Mr. BYERS. I don't know. That's a pretty broad question.

Mr. DEVINE. What I am trying to—

Mr. BYERS. One person may think he is violent; the next person may not think he is violent. So who is going to make the decision on that question?

Mr. DEVINE. What I am trying to find out, Mr. Byers, is just why were you, Russell Byers, singled out as the person that these people were willing to offer \$50,000? What in your background caused you to be the No. 1 man to be selected for this particular purpose?

Mr. BYERS. I can't answer that question for you.

Mr. FAUNTROY. Will the gentleman yield?

Mr. DEVINE. I have one more question. I will.

Did you at any time know James Earl Ray?

Mr. BYERS. No.

Mr. DEVINE. Yes; I will yield to my colleague.

Mr. FAUNTROY. Was your brother-in-law convicted of a contract killing?

Mr. BYERS. That's correct.

Mr. FAUNTROY. Thank you.

Mr. DEVINE. I have no more questions, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. Mr. Byers, after you declined the offer of Mr. Kauffmann, how long did you continue in your working relationship with him, that is, continue to use his motel?

Mr. BYERS. Not very long. We sort of broke off relationships because the dope transaction started. You know, I became aware of his narcotics transactions.

Mr. PREYER. Had you become aware of this narcotics transaction before he made the offer to you—Mr. Sutherland made the offer to you?

Mr. BYERS. No; it was after he made the offer to me I became aware of his narcotics business, because he wanted me to participate, and I would not.

Mr. PREYER. Was it a matter of weeks or months that you continued to work with him after the offer?

Mr. BYERS. Maybe it was weeks, something like that; it wasn't too long.

Mr. PREYER. No further mention was made of the offer to kill Dr. King during that time?

Mr. BYERS. No, sir; you know, I figured it's time for me to leave. When he is wanting me to kill somebody, then he is dealing in drugs, it's time to go.

Mr. PREYER. Your final decision on the offer to kill Dr. King was made to Mr. Kauffman outside of Mr. Sutherland's home, and you had no further discussion on it?

Mr. BYERS. That's right.

Mr. PREYER. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Tennessee, Mr. Ford.

Mr. FORD. Mr. Chairman, I yield back my time.

Chairman STOKES. The gentleman yields back his time.

The gentleman from Connecticut, Mr. McKinney.

Mr. MCKINNEY. Mr. Byers, do you think that Mr. Kauffman was aware of the fact, or did he have knowledge at the time, that your brother-in-law was in Missouri State Prison for committing murder?

Mr. BYERS. I imagine he did. Like I say, the press covered it pretty thoroughly; it was a pretty well-known fact.

Mr. MCKINNEY. Did you at any time ever discuss this offer with your brother-in-law or with your sister?

Mr. BYERS. No. You don't go home and tell your wife stuff like this.

Mr. MCKINNEY. What was the reaction when you turned down this offer?

Mr. BYERS. No big deal.

Mr. MCKINNEY. You drove from the Sutherland's household with Mr. Kauffmann?

Mr. BYERS. Took him home, and I returned him back to his place.

Mr. MCKINNEY. You were in the same car, and you didn't discuss it any further, after you initially refused the offer?

Mr. BYERS. No.

Mr. MCKINNEY. Did you feel at any time after turning down this offer that you were in danger because of your knowledge of the conspiracy to kill Dr. King? Obviously if you are offered \$50,000 for a contract to kill someone or to arrange a contract by several people, that is a conspiracy; were you afraid that you might be in some personal danger, knowing of this?

Mr. BYERS. Not attempt to; I wasn't afraid. I didn't think at the time they made me the offer there was anything to it. You know, I just thought this is a guy—he has hung out his flags on the wall,

and he put all his rugs on the floor, and he is having himself a good time.

I just let it pass. Now that Dr. King got assassinated, then it made me sit up and think.

Mr. MCKINNEY. When Dr. King was assassinated in 1968 and you became aware of it why didn't you contact the FBI?

Mr. BYERS. What would I tell them? What kind of spot would I put myself in?

Mr. MCKINNEY. Well, that's what I am asking you.

Mr. BYERS. In other words, I don't want to get involved, but I wound up very much involved.

Mr. MCKINNEY. Did you feel at the time that you would endanger yourself because of other activities you were involved in, or because of the King case?

Mr. BYERS. Absolutely; absolutely. I don't think the FBI was too concerned that Mr. King got killed.

Mr. MCKINNEY. That puts it in the light. You said you knew Dr. Maxey?

Mr. BYERS. Please repeat the question.

Mr. MCKINNEY. Did you know Dr. Maxey?

Mr. BYERS. No; I did not know Dr. Maxey. I heard Dr. Maxey's name on a lot of occasions, from Mr. Kauffmann, but as far as personally knowing him, never.

Mr. MCKINNEY. Did you at any time after becoming aware of Dr. King's assassination discuss with Kauffmann the strange fact that Dr. Maxey, a doctor at Missouri State Prison, was supplying ex-convicts to Mr. Kauffmann and that your brother-in-law and James Earl Ray were confined in Missouri State Prison at the same time?

Mr. BYERS. You say this is after the assassination?

Mr. MCKINNEY. Yes.

Mr. BYERS. I never talked to Mr. Kauffmann after the assassination. I quit talking to him before the assassination and never talked to him since.

Mr. MCKINNEY. I'll reserve some time, Mr. Chairman.

Chairman STOKES. The gentleman reserves the balance of his time.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. Byers, did you know Mr. Kauffmann well enough to know what his attitudes were on racial matters?

Mr. BYERS. Not really. You know, I mean, we never really sit down and talked about it, talked it out and say, "Do you like this guy because he is Black, or do you like this guy because he is green?" We never did.

Mr. FITHIAN. Did you have any indication of Mr. Sutherland's attitude toward race, racial matters?

Mr. BYERS. When I see all those things hanging on the wall and carpet on the floor, I had a pretty good idea. Then when he told me that he wanted to kill a colored gentleman, I imagine he didn't like him.

Mr. FITHIAN. Would you describe for the committee what your own feelings were at that time toward questions of integration?

Mr. BYERS. At the time of the offer?

Mr. FITHIAN. Yes.

Mr. BYERS. Of the assassination?

Mr. FITHIAN. Before the assassination.

Mr. BYERS. I didn't even know who Mr. King was.

Mr. FITHIAN. That wasn't the question. The question was: What were your personal attitudes, let's say, toward integrating the schools?

Mr. BYERS. I had none.

Mr. FITHIAN. Sorry——

Mr. BYERS. I had no feelings either which way.

Mr. FITHIAN. Where did you grow up, Mr. Byers?

Mr. BYERS. St. Louis.

Mr. FITHIAN. Did you have any Black friends?

Mr. BYERS. When I was in school?

Mr. FITHIAN. Yes.

Mr. BYERS. No. None went to my school.

Mr. FITHIAN. Could you describe a little more fully your attitude toward race questions?

Mr. BYERS. I have no—I'm not prejudiced.

Mr. FITHIAN. And you have no reason to believe that Mr. Kauffmann is prejudiced either?

Mr. BYERS. Like I say, we just didn't discuss it.

Mr. FITHIAN. Let me ask you one thing more: just a moment ago you said—I think I can quote you accurately: "I didn't think there was anything to it—to the offer." Was that your testimony?

Mr. BYERS. That's along those lines; yes.

Mr. FITHIAN. Fifteen minutes before that, in answer to a question, you said, "And I thought they were serious. Why else would they have me drive out to Sutherland's home at 6:30 in the afternoon?"

Mr. BYERS. They may be serious, but I didn't figure them as the serious kind, especially when they start talking \$50,000. That's what I meant by that.

Mr. FITHIAN. My question is: Which of these statements would you have the committee believe? It doesn't seem to me we can believe both.

Mr. BYERS. I would have them believe that Mr. Kauffmann and Mr. Sutherland were very serious, but me, in my mind, I just——

Mr. FITHIAN. Then what did you mean when you said, "I didn't think there was anything to it"?

Mr. BYERS. Because I thought they were just a couple of people talking, is what I thought. See, my personal views and your personal views may be two different things, like you have one now.

Mr. FITHIAN. My question is whether or not you thought they were serious, and at one point you said, "I didn't think there was anything to it" and at another point you said you thought they were serious.

Mr. BYERS. OK.

Mr. FITHIAN. Let's sort this out.

Mr. BYERS. Let's correct it. I would say they were very serious.

Mr. FITHIAN. So then you do think that there was something to it?

Mr. BYERS. That's right.

Mr. FITHIAN. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. You said that your brother-in-law, Mr. Spica, was charged and convicted on a so-called contract or hit-type killing. Did I understand you correctly?

Mr. BYERS. That's correct.

Mr. SAWYER. What were the circumstances of that, do you recall?

Mr. BYERS. No, I don't, really. It was a murder where he was offered money, and I don't believe that they ever really proved that he actually committed the murder. I believe that he arranged it or something along those lines. I'm really not too familiar with the thing, except I know he got life in the penitentiary.

Mr. SAWYER. Who—or in what category was the person that killed or had him killed?

Mr. BYERS. The—what do you mean by "what category"?

Mr. SAWYER. I mean, what kind of business or occupation?

Mr. BYERS. He was a real estate man.

Mr. SAWYER. And he was, or allegedly at least, convicted of having been hired by somebody else to arrange for the killing of that person?

Mr. BYERS. By the man's wife.

Mr. SAWYER. Had he had any criminal record before that?

Mr. BYERS. You mean, convictions or arrests?

Mr. SAWYER. Let's start with arrests.

Mr. BYERS. Oh, he had a lot of arrests, I imagine.

Mr. SAWYER. Any other convictions?

Mr. BYERS. I can't tell you all those questions. A lot of times a person is convicted of something and they kept that a secret to their self, and as far as I know, I would say no.

Mr. SAWYER. Is he still in the Missouri State Penitentiary?

Mr. BYERS. No, he is not.

Mr. SAWYER. When did he get out?

Mr. BYERS. I would say 5 years ago.

Mr. SAWYER. Do you happen to know what the practical impact in the State of Missouri is of a life sentence when eligibility for parole occurs?

Mr. BYERS. No, I don't.

Mr. SAWYER. Do you know about how long he was in?

Mr. BYERS. Ten years, 11 years, 12 years.

Mr. SAWYER. Did you have any contact with him while he was in the Missouri State Penitentiary?

Mr. BYERS. Yes; when he first went in, I went on a regular basis to visit, and then—you know how it is—time was—a great number of years—I didn't go at all.

Mr. SAWYER. When did he first go there, do you recall?

Mr. BYERS. I can only give you approximate dates.

Mr. SAWYER. Give me that.

Mr. BYERS. Maybe 1963.

Mr. SAWYER. And about what time, what year, was this offer made to you by Sutherland?

Mr. BYERS. Like I told you, the fall of 1966 or the spring of 1967.

Mr. SAWYER. So he was in about 3 or 4 years at that point?

Mr. BYERS. I imagine, somewhere close to that.

Mr. SAWYER. And was that still during the time you did see him in prison, before time had passed, so you slacked off?

Mr. BYERS. I think about the time of the offer I had to quit going to see him, because I got convicted myself, and convicted felons are not allowed to visit in a penitentiary.

Mr. SAWYER. That would have been after the Sutherland episode, right?

Mr. BYERS. I would say yes, about that same time.

Mr. SAWYER. But after?

Mr. BYERS. Yes.

Mr. SAWYER. About how long after?

Mr. BYERS. I don't know. I got convicted December 27 in 1967, so that would be the winter of 1967. It would all depend if the offer was made to me in the fall of 1966 or the spring of 1967, when you asked me how long, so you can see for yourself how long of a span there is in there.

Mr. SAWYER. So then you were seeing him for a number of months, anyway; you were seeing Spica for a number of months, between the time the Sutherland offer was made to you and you got convicted?

Mr. BYERS. That's correct, yes.

Mr. SAWYER. And about how often would you see him during that period?

Mr. BYERS. I can't remember that. I would imagine pretty regular, maybe once a month, once every 2 weeks, once every 2 months, no set schedule.

Mr. SAWYER. You obviously would have mentioned this offer to Spica, then, when you saw him, seeing as how that was the kind of thing he was convicted of?

Mr. BYERS. I don't think the offer would have did him any good, doing life, and I did not, and I will repeat again, I did not tell him of the offer.

Mr. SAWYER. But aside from whether it would do him any good or not, the very thing, the very setup on which he has been convicted, it would seem to me to be naturally conversational that you had been offered the same kind of deal. Wouldn't that be a natural thing to talk about?

Mr. BYERS. It may be natural, but it wasn't.

Mr. SAWYER. You are quite sure you didn't?

Mr. BYERS. I'm positive.

Mr. SAWYER. And then if I put your timing right, the offer to you that Sutherland made was, oh, give or take a number of months, up to a year before King was killed?

Mr. BYERS. Fall of 1966 or spring of 1967, which ever one—

Mr. SAWYER. So it could have been, anyway, something short of a year elapsed, maybe just a few months, or maybe 6 or 7?

Mr. BYERS. Could be.

Mr. SAWYER. Well, could be; is that clear?

Mr. BYERS. Yes, it depends on that time element. Like, remember, I testified to, the fall of 1966 or the spring of 1967; that would put a few months either which way.

Mr. SAWYER. I have no further questions.

I yield back the balance of my time.

Chairman STOKES. The gentleman yields back the balance of his time.

Mr. Byers, in reply to a question by Mr. McKinney of Connecticut, you made the statement—I think I quote you correctly—“I don’t think the FBI was too concerned that Dr. King got killed.” Do you remember making that statement?

Mr. BYERS. Yes.

Chairman STOKES. What is your basis for that statement?

Mr. BYERS. What I read in the paper.

Chairman STOKES. Meaning what, “what you read in the paper”?

Mr. BYERS. Well, in an article where a man said—let’s see, how did he put this?—the ones who harassed this man were the same ones to investigate his murder. That’s the story I am going along. I shouldn’t have said that.

Chairman STOKES. Thank you.

The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. Mr. Byers, at the time that you were visiting your brother-in-law, were you aware of the relationship between Dr. Maxey and Mr. Kauffmann?

Mr. BYERS. Yes.

Mr. FAUNTROY. Do you have any reason to believe that Dr. Maxey was close enough to Mr. Kauffmann to know of the availability of money to kill Dr. King?

Mr. BYERS. If Dr. Maxey was close enough to Mr. Kauffmann to know?

Mr. FAUNTROY. Yes.

Mr. BYERS. That would be hard to tell without me—like, I never ever knew Dr. Maxey; I just heard Mr. Kauffmann talk, how they were friends and how Dr. Maxey would come maybe once a month and visit with him.

Mr. FAUNTROY. I see.

Thank you, Mr. Chairman. I have no further questions.

Chairman STOKES. Any other member? Mr. McKinney?

Mr. MCKINNEY. Mr. Byers, I just want to get myself straight on your relationship with Mr. Kauffmann. How long did you know him?

Mr. BYERS. Well, go back to the beginning of the question you asked me, 1955, 1956, 1957—I can’t nail the year down.

Mr. MCKINNEY. But you were—

Mr. BYERS. But I never associated with him until after his brother died, that I was friends with, and his brother died, like in 1962. You know, I never had no close association with him, because his brother was my friend. His brother was a real nice man.

Mr. MCKINNEY. The two of you became fairly close?

Mr. BYERS. His brother?

Mr. MCKINNEY. No; Mr. Kauffmann himself.

Mr. BYERS. You mean, Mr. John Kauffmann?

Mr. MCKINNEY. Yes.

Mr. BYERS. Not as close as I was to his brother, Gil.

Mr. MCKINNEY. How soon after this offer did you break off your relationship with Mr. Kauffmann?

Mr. BYERS. Within a short period of time, maybe like weeks or something like that, when I found out about the narcotics transactions.

Mr. MCKINNEY. Did Mr. Kauffmann ever contact you and question why he didn’t see you, any longer?

Mr. BYERS. No; I made it very clear why I was going to leave the scene.

Mr. MCKINNEY. At the time that you said you were going to leave the scene, did he make any mention of the fact that he had taken you out and gotten you a "hit" offer?

Mr. BYERS. No.

Mr. MCKINNEY. I have no more questions, Mr. Chairman.

Chairman STOKES. Mr. Byers, one other question. I want to put something in perspective. Are you aware of how the FBI became aware that this offer had been made to you?

Mr. BYERS. Only what I read in the paper.

Chairman STOKES. Can you tell us what that is?

Mr. BYERS. That I unconsciously had told someone of this offer, an informant at the time to the FBI, and the FBI wrote it down and misfiled it for 5 years. That's all I am aware of.

Chairman STOKES. This would have been in 1973 that you were talking with a person who was an FBI informant; isn't that correct?

Mr. BYERS. That's correct.

Chairman STOKES. And you mentioned this incident to that individual, not knowing the individual was an FBI informant; is that right?

Mr. BYERS. That's correct.

Chairman STOKES. And then, as a consequence of your having stated it to him, the FBI informant did inform the FBI of it, but they then misfiled the memorandum in which they had put it; is that your understanding?

Mr. BYERS. That's the way I read it in the paper.

Chairman STOKES. Now, in 1973, after you had talked with this individual who you now know to be an FBI informant—

Mr. BYERS. No, I do not know him to be an FBI informant, because I don't know who it was.

Chairman STOKES. I see; but you do recall you talked to someone about this?

Mr. BYERS. Evidently I did.

Chairman STOKES. Has the FBI ever been to you, to interrogate you about the story?

Mr. BYERS. Been to me to interrogate me about the story? You mean, when the man give it to him in 1973?

Chairman STOKES. My question really is, has the FBI ever been to you to find out from you about this incident?

Mr. BYERS. About the offer being made to me?

Chairman STOKES. Right.

Mr. BYERS. No.

Chairman STOKES. Thank you.

One further question: As I understand you, you don't know who it was you talked to in 1973, who was the informant; is that correct?

Mr. BYERS. That's correct.

Chairman STOKES. Well, were you in the habit of talking to a lot of people about this incident?

Mr. BYERS. No, but maybe when I was drinking, you know, could have been any one of a thousand people I might have told it to, you

know; like when you drink, you talk, and you don't know what you are saying, or what you're doing. Who knows?

Chairman STOKES. Well, if you say you don't know what you are saying, what you are talking about, what you are doing——

Mr. BYERS. Evidently I told this story to someone whom I cannot recall telling this story to, is what I am trying to say; and I am trying to give you a reason for why I may do this.

Chairman STOKES. That's what I am trying to get at.

Mr. BYERS. Yes.

Chairman STOKES. Thank you.

I have no further questions.

Any other members seeking further recognition? Mr. Fauntroy?

Mr. FAUNTROY. No, thank you, Mr. Chairman.

Chairman STOKES. Does counsel, Mr. Blakey, have anything further?

Mr. BLAKEY. Mr. Chairman, there is one matter I would like to follow up on.

Mr. Byers, apart from your knowing who the informant is, have you ever been told who the informant might be?

Mr. BYERS. No. Who would tell me?

Mr. BLAKEY. That was my question to you. Have you ever had any discussions with anybody as to who that informant might have been?

Mr. BYERS. Oh, naturally, it has my curiosity aroused. I would be a fool if it didn't; but I just—I don't know who it would have been.

Mr. BLAKEY. Have you ever had any discussion with any counsel as to who that informant might have been?

Mr. BYERS. You mean, such as legal counsel, like——

Mr. BLAKEY. I am not referring to Mr. Hamilton. Any other lawyer, anyplace, anytime?

Mr. BYERS. Talking about legal counsel?

Mr. BLAKEY. Right; a lawyer.

Mr. BYERS. Oh, I'm sure that I may have run into it by asking them who this may be, or who could have told such a story on me.

Mr. BLAKEY. Did you have any conversations with Mr. Randall about the informant?

Mr. BYERS. Probably so, but I don't remember just what the basis of the conversation was.

Mr. BLAKEY. Did you ever speculate to Mr. Randall who the informant might have been?

Mr. BYERS. I can't remember that.

Mr. BLAKEY. Did he ever speculate to you who the informant might have been?

Mr. BYERS. I can't remember that. Whenever me and Mr. Randall talked, we just talked a lot and didn't really say anything.

Mr. BLAKEY. Did you ever have any conversations with Mr. Randall in 1973 about the offer?

Mr. BYERS. About the offer?

Mr. BLAKEY. And the fact that——

Mr. BYERS. I had conversations with Mr. Randall a long time before 1973 about the offer.

Mr. BLAKEY. Right, but my question is directed to 1973.

Mr. BYERS. Well, I can't remember specifically in 1973. I may have had—I would say yes, but I could not swear to it.

Mr. BLAKEY. Did you ever have any conversations with Mr. Weenick in 1973 or thereafter about the offer?

Mr. BYERS. Yes.

Mr. BLAKEY. Did you have any discussions with him in which either you or he speculated about who the informant might be?

Mr. BYERS. Oh, possibly so.

Mr. BLAKEY. When did it come to your attention that the informant had given this information to the FBI?

Mr. BYERS. When a reporter from the New York Times came and told me.

Mr. BLAKEY. When did that occur?

Mr. BYERS. After I was here at the committee last time.

Mr. BLAKEY. I'm somewhat confused, Mr. Byers. Perhaps the way I am asking the question has confused you.

Is it that you did not know that the informant had, until the New York Times reporter talked to you, and that did not occur until after your appearance on May 9, 1978? You couldn't have speculated about an informant with either Mr. Weenick or Mr. Randall in 1973.

Mr. BYERS. I misunderstood your question a while ago. I didn't even know an informant existed until—like I say—1978. I wasn't following your questioning a while ago. Did you ask me a while ago if we discussed an informant in 1973?

Mr. BLAKEY. That's correct.

Mr. BYERS. No. How could we discuss it when we didn't even know there was one?

Mr. BLAKEY. So your testimony is—and you would have us believe, and it is true—that you had no discussions about an informant until after the New York Times article?

Mr. BYERS. Oh, yes, I didn't even know—when Mr. Conrad Baetz and Mr. Waxman came to my home—this is the first I knew that you knew anything about it. That's the first I knew.

Mr. BLAKEY. Fine.

Mr. Chairman, I have no further questions.

Chairman STOKES. Is any member of the committee seeking further recognition?

Mr. BYERS. It may be necessary for the committee to call you back later today. For that reason, we would ask that you remain available this morning and a portion of the afternoon.

For the time being, this does conclude your testimony before the committee, and at the conclusion of a witness' testimony, either the witness or his counsel may make a statement to this committee during a 5-minute period. During that period you may amplify or explain your testimony in any way or make any further comment you so desire on your testimony before this committee.

I would extend to you—to either you or Mr. Hamilton—at this time 5 minutes for that purpose, if you so desire.

Mr. BYERS. I can't think of anything I would like to add.

Chairman STOKES. Mr. Hamilton?

Mr. HAMILTON. No comments.

Chairman STOKES. Then at this time the Chair would once again admonish all persons in the room to please remain seated until such time as the witness has left the hearing room.

Thank you very much and you are excused, Mr. Byers.

The committee will take a 2- or 3-minute recess.

[Brief recess.]

Chairman STOKES. The committee will come to order.

In light of the testimony that has just been received before the committee, which tends to relate to a conspiracy, the Chair thinks it is appropriate at this time that I make certain comments relative to the testimony of this witness and subsequent witnesses over the next 3 days.

When we got to this point in the Kennedy hearings, I thought it appropriate to make certain general remarks. Here, too, certain things should be made more explicit.

The committee will be hearing testimony over these 3 days dealing with what the committee has found. In presenting this evidence to the committee, the staff will not be trying to prove or disprove any particular theory. The purpose of these hearings is not to try to establish or refute particular theories but to consider the evidence available on the various points. That evidence may either prove it, disprove it, or be insufficient to make a judgment either way. Nevertheless, because these hearings are legislative in character and not a judicial trial, the committee has a duty to make what it has learned public, even if it falls short of what everyone might wish to know on the crucial question: Was there a conspiracy involved in the assassination of Dr. King?

Let me make another important point: It may be helpful for those following our hearings if something is also said here about the quality and the quantity of evidence available to the committee as it has moved through each of the phases of its deliberations and the need to recognize how to use each kind of evidence.

In certain aspects of our work the committee has had available to it the hard stuff of science. The quality of the evidence available to the committee was, therefore, unusually high, even if it did not materially assist us, as it did in the Kennedy investigation.

As the committee turned to assessing the performance of the agencies, principally the FBI, less scientific evidence was available to the committee and it was necessary to rely more on documents and human memories, principally those of public officials.

Now as the committee's attention turns directly to the question of conspiracy, it will be necessary to move away from the hard evidence of science and documents and consider more oral testimony. The shifting nature of the balance ought to be explicitly noted and commented on.

Those who follow our hearings must recognize the difference in the quality and the quantity of the evidence available to resolve issues in this most difficult area. Human perception and memory, to say nothing of bias or motive to lie, sharply qualify human testimony, making it less reliable than scientific analysis or documents written not for litigation but as an accurate record of actual events.

That oral testimony, moreover, will be about events that occurred over 10 years ago. It will in some instances also concern people who are now dead and who cannot either be examined to determine the truth or to defend themselves against posthumous accusations.

As I observed in the Kennedy hearings, those who follow our hearings should also keep in mind some principles about the law of conspiracy and the special difficulties associated with its proof.

Mr. Justice Holmes once succinctly defined a conspiracy as "a partnership in criminal purposes." That definition serves well enough here. Unless evidence is adduced from which "a partnership in criminal purposes" can be inferred, a conspiracy cannot be said to exist. A suspicion suspected must always be distinguished from a fact found.

Let me say concretely what I mean. Basically, the Justice Department task force and others have concluded that James Earl Ray was the lone assassin of Dr. King, because they have concluded that he was a loner and he was a racist—in short, because he had no significant associations other than his family and he apparently had an intensely personal motive, it was inappropriate—the task force found—to conclude that there was a possibility of a conspiracy involved in the assassination.

What the task force and various writers have rightly recognized, if not always made explicit, is twofold: First, conspiracy is rooted in association—no association, no conspiracy; and, second, motive can be a key to the interpretation of conduct.

We took up the question of motive in previous hearings. Let me now turn my attention to association and conspiracy.

Because the previous investigations concluded there was no evidence of association, they were not forced to deal with the difficult questions posed by evidence of association as it gives rise to evidence of conspiracy. It is a fundamental principle of American law that guilt cannot be inferred from association alone and it is one that must be honored in congressional hearings, also.

To be sure, conspirators seldom shout their intentions from the rooftops or publish their thoughts in the newspapers. Conspiracy must, therefore, usually be inferred from circumstantial evidence—associations, plus. As I noted in the Kennedy hearings, herein lies the difficulty in all conspiracy investigations, whether they are trials or legislative hearings dealing with conspiracy questions.

Mr. Justice Jackson once observed of conspiracy trials, and I quote him:

A defendant in a conspiracy trial occupies an uneasy seat. There generally will be evidence of wrongdoing by somebody. It is difficult for the individual to make his own case stand on its own merits in the minds of jurors who are willing to believe that birds of a feather flock together. If he is silent, he is taken to admitting and if, as it often happens, co-defendants can be prodded into * * * contradicting each other, they convict each other.

What Mr. Justice Jackson said about a conspiracy trial applies even more strongly in the context of a congressional hearing.

As I have repeatedly said in these hearings, these proceedings are not a criminal trial. There is no indictment and there is no defendant; there is no prosecutor and there is no defense counsel. The normal rules of evidence do not apply. Because none of the elements are here present, a special burden is imposed on this committee as evidence is introduced before it, and on those who follow our proceedings, not to take the evidence so introduced beyond what it fairly establishes or to sensationalize it.

This caution is particularly apt when evidence of association is introduced. I repeat, conspiracy is founded in association, but more than association is required to establish conspiracy. Reasoning that guilt goes hand in hand with association—the principle of guilt by association—is to be abhorred in a free society.

I would caution, therefore, those who follow our hearings or read our record to evaluate the evidence that we will hear these next 3 days as carefully as the committee itself will, reserve judgment until all the evidence is in and do not reach conclusions beyond what the evidence itself fully justifies. Anything else—it seems to me—would be bad logic. It would also be unfair to all who are concerned.

Thank you.

At this time the Chair recognizes special counsel, I. Charles Mathews.

Mr. MATHEWS. Thank you, Mr. Chairman.

Mr. Chairman, Murray Randall was one of two attorneys informed by Mr. Byers of the offer to murder Dr. King. He is presently a judge in the court of criminal corrections in the city of St. Louis.

Further, Mr. Chairman, counsel has been advised that Judge Randall will be invoking rule 6, so it may be appropriate at this time to so order.

Chairman STOKES. The next witness has invoked the provisions of rule 6, the pertinent part of which reads that:

No witness served with a subpoena by the committee shall be required against his or her will to be photographed in any hearing or to give evidence or testimony while the broadcasting of that hearing by radio or television is being conducted. At the request of any witness who does not wish to be subjected to radio, television or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

In addition, the Chair understands that this witness has also requested that the hallway area adjacent to the hearing room also be covered under the provisions of rule 6.

Therefore, at this time the Chair requests complete compliance with the request of the witness not to be photographed in any respect.

Mr. MATHEWS. Mr. Chairman, it would be appropriate at this time to call Judge Randall.

Chairman STOKES. The Chair calls the judge.

Judge Randall, will you please stand and be sworn in?

Do you solemnly swear the testimony you will give before the committee is the truth, nothing but the truth, so help you God?

Judge RANDALL. I do.

Good morning. I would like to introduce Mr. Hilton Reed, Jr., a member of the bar in the city of St. Louis.

Chairman STOKES. We are pleased to have you this morning.

The Chair recognizes counsel for the committee, Professor Blakey.

Mr. BLAKEY. Thank you, Mr. Chairman.

TESTIMONY OF MURRAY L. RANDALL, SPECIAL JUDGE, ST. LOUIS CIRCUIT COURT FOR CRIMINAL CAUSES, ST. LOUIS, MO.

Mr. BLAKEY. For the record, would you state your name, please.

Judge RANDALL. Murray L. Randall.

Mr. BLAKEY. I would like to express the appreciation of the committee and the staff, including myself, for your appearance here today. I know that you have taken time from a very busy trial docket.

It has been a professional inconvenience to you. Nevertheless, I am sure you realize the important public purpose your testimony may serve this morning.

Judge RANDALL. Could I say you ought to express that for the State of Missouri. It cost the State of Missouri \$25,000 for me to come, closed down my division all week.

Mr. BLAKEY. The committee obviously regrets that.

Judge RANDALL. The work I do, I get assigned cases each week. I was assigned a murder case, and I had to send it back because I was afraid to interrupt it and I didn't know when to return. I am glad to be here. They are the ones who got inconvenienced.

Mr. BLAKEY. The committee appreciates your cooperation today, as it does of any other State judges who disrupt their schedule to come to Washington.

Judge Randall, have you been supplied a copy of the committee rules?

Judge RANDALL. Yes.

Mr. BLAKEY. Have you read them?

Judge RANDALL. Yes.

Mr. BLAKEY. Do you understand them?

Judge RANDALL. Yes, I think I do. I think I am a pretty good lawyer.

Mr. BLAKEY. Let me ask you this question. Do you know Russell George Byers?

Judge RANDALL. Yes, I do.

Mr. BLAKEY. When did you first meet him?

Judge RANDALL. Well, I first met him on the day that he pled guilty in Peoria, Ill. I represented a co-defendant whose name was Arthur Strawbridge. He was known as the "hawk." Mr. Byers appeared on the same day I did and pled guilty.

So, I met him that day. I did not become acquainted with him, though, until mid-1968. I changed arrangements on May 1, 1968. I entered my private practice and left a big firm. It was subsequent to that that he came to me and asked me to incorporate a business for him.

Mr. BLAKEY. You first met him in December 1967?

Judge RANDALL. Whatever date that was, sir, I don't remember.

Mr. BLAKEY. He indicated to us and, of course, the record would speak for itself on that. Then he subsequently came to you in 1968? Judge RANDALL. Yes. Was that what he indicated?

Well, I thought you said he indicated, but the facts are he came subsequent to the time I opened my own office, which was May 1, 1968, sir. I am guessing about mid-1968, 2 or 3 months, because when I opened my office I didn't even have a secretary for a while, only had an answering service.

I didn't know what was going to happen when I went out on my own. It worked out fine, but I had left a good income and I started off very frugally. My total expenses for that year were \$2,000

operating the firm. So, it was sometime after that because the secretary had to type the papers.

I will tell you the filing date of the corporation papers would give you the date.

Mr. BLAKEY. In any event, he consulted you then in a professional capacity, is that correct?

Judge RANDALL. Well, only with respect to the services of drawing up the necessary forms to incorporate a business. I would say I saw him twice, once at the beginning and once at the end.

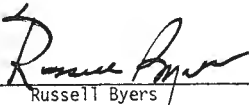
Mr. BLAKEY. Judge Randall, I would like to ask you some questions about your conversation with him. But before I do that, Mr. Chairman, I would ask that the witness be shown Martin Luther King exhibit F-573 and it be inserted in the record. It is a waiver of the attorney-client privilege between Mr. Byers and Mr. Randall.

Chairman STOKES. Without objection, it may be entered into the record at this point and shown to the witness.

[The information follows:]

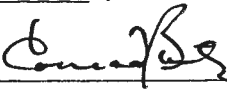
WAIVER OF ATTORNEY-CLIENT PRIVILEGE

I, RUSSELL BYERS, hereby waive my attorney-client privilege
 with respect to any and all communications or documents
 between Murray Randall and myself concerning an offer,
 solicitation, or plan to assassinate or harm the person of
 Martin Luther King, Jr.



 Russell Byers

Dated this 7th day of June, 1978.



MLK EXHIBIT F-573

Judge RANDALL. I have a copy of that, sir.

Mr. BLAKEY. Obviously, Judge Randall, you know, of course, that this waiver authorizes you in this congressional committee to discuss what would otherwise be privileged communications between yourself and Mr. Byers.

Judge RANDALL. That is what I think, yes, sir.

Mr. REED. If I may, Professor Blakey, I would like to indicate at this time that it is my opinion that the waiver of the attorney-client privilege is not an absolute matter and deals only with those matters which are clearly related to the matters under discussion here.

So, I would not like at this time for the Judge to feel free to discuss any matters that might have arisen during the course of his representation of Mr. Byers.

Thank you.

Mr. BLAKEY. Judge, let me direct your attention back to that period of time after sometime in mid-1968 when you had conversations with Mr. Byers and ask you this question:

During the course of your conversations with him then or later, did he ever tell you of an offer that had been made to him of \$50,000 to kill Dr. Martin Luther King?

Judge RANDALL. Well, there was a consultation and my best recollection is that this happened near the end of my law practice. I terminated my law practice November 4, 1974.

In conjunction with something else I did for him, could I tell you about that?

Mr. BLAKEY. Let's see if we can't get the basic details of it down first. You say you did have a conversation with him sometime in—

Judge RANDALL. Well, that gets—

Mr. BLAKEY. Excuse me, Judge, sometime in 1974 is when your memory is, the first time you had a conversation with him about the offer?

Judge RANDALL. The only one.

Mr. BLAKEY. So you did not have conversations with him prior to that time?

Judge RANDALL. Not that I recall.

Mr. BLAKEY. And you fixed the date of 1974 because of an event you were then going to tell the committee about?

Judge RANDALL. Well, I am trying to tell you, sir, that the court records would designate the date, you know, but my best recollection was that it was near the end of my law practice.

If I could tell you what that was and what occurred, then I think we could immediately get into it.

The \$50,000 figure, I don't recall the amount.

Mr. BLAKEY. Was the litigation having to do with his UMC Industries versus Russell Byers Consolidated Vending Co.?

Judge RANDALL. That is probably it. Do you have the court date?

Mr. BLAKEY. Mr. Chairman, I would ask that the docket be appropriately marked as Martin Luther King exhibit 582 and shown to the witness.

Judge RANDALL. I would love to see that.

Chairman STOKES. Counsel asks also to make it part of the record?

Mr. BLAKEY. Yes, would you incorporate it in the record at this point.

Chairman STOKES. Without objection.

[The information follows:]

CIVIL DOCKET
UNITED STATES DISTRICT COURT

CLOSED

73C 4046

Jury demand date:

MLK Exhibit F-582

Form No. 108 Rev.

TITLE OF CASE		ATTORNEYS				
UMC INDUSTRIES, INC.		For plaintiff:				
		Mann & Wilson by Donald R. Wilson 7733 Forsyth Blvd., Ste. 940 St L, Mo 63105 862-3535				
VS.						
RUSSEL BYERS, d/b/a CONSOLIDATED VENDING COMPANY		For defendant:				
		Murry L. Randall 506 Olive Rm 802 St L, Mo 63101 621-2333				
Raiffe Vending Co -- garnishee						
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.	
5 mailed	Clerk	6-18-77	Mann & Wilson	15.00		
		6-19-73	C.O. 79		15	00
9 mailed	Marshal					
of Action:	Docket fee					
efault on Notes	Witness fees					
n arose at:	Depositions					

730 404 (A) (3)

ATLAS INDUSTRIES, INC. vs RUSSEL BYERS, d/b/a CONSOLIDATED VENDING CO.

DATE	PROCEEDINGS	Date Order of Judgment Noted
9-73	Complaint filed and summons issued.	
22-73	Marshal's ret. to service of summons, etc. on deft on 6-20-73 fld.	
12-73	Plff's appln for default judgment, together with affidavit of Arthur F. Ruprecht in support of judgment, filed by clerk. Judgment by default filed and entered against Russel Byers d/b/a Consolidated Vending Company in the principal sum of \$16,082.19 together with interest and costs.	
13-73	Answer rec'd & lodged.	
13-73	Plff's request for execution to issue in favor of plaintiff and against deft in the sum of \$17,754.63, together with interest and costs, returnable Oct 5, 1973, filed, and so ordered. Execution issued.	
10-73	Marshal's ret. on summons to garnishee Raiffie Vending Co filed (executed 9-14-73).	
9-73	Plff's interrogatories propounded to garnishee filed.	
5-73	Answers of Atlas Amusement Company, d/b/a Raiffie Vending Co., to plff's interrogatories propounded to garnishee filed.	
974		
3-74	Plff's motion for examination of judgment debtor filed, & presented. Citation to appear filed, & Russell Byers, deft herein, is ordered to appear before this Court on the 18th day of Jan, 1974, at 10 a.m. re ability to pay judgment herein. Delivered to U S Marshal for service by atty for plff.	
1-74	Marshal's ret. on Execution, unsatisfied, filed (garnishment served 9-14-73 on Raiffie Vending Co).	
1-74	Marshal's return on Citation to appear executed 1-16-74 on Russel Byers filed, (served Donna Byers, wife).	
8-74	Parties appear by counsel, and plff is directed by the Ct to propound questions in writing, and cause is passed to Feb 15, 1974	
1-9-74	Plff's interrogatories to judgment debtor, Russel Byers, fld.	
2-74	Deft's answers to interro's fld.	

Judge RANDALL. While we are doing that, let me explain to the committee that for that service I made no charge. The best I can recall, it was an encounter at the courthouse and I appeared with him.

He was going to appear alone, and I thought he had a problem, and I appeared with him and I made no charge for that. It was immediately following that that he consulted me about this matter you are interested in.

I have with me my client card on Mr. Byers, which I would be happy to present to the committee, that shows the services I performed for him and the charge.

Mr. BLAKEY. Mr. Chairman, I would ask that that client card be made Martin Luther King exhibit—

Judge RANDALL. I have not made a copy of this, and I would appreciate your returning me a copy.

Mr. BLAKEY [continuing]. Be appropriately marked as "MLK exhibit F-583" and inserted in the record at this point.

Chairman STOKES. Without objection, it may be entered into the record as an exhibit at this point and a copy of it made as per the Judge's request.

[The information follows:]

^A
Byers, Russell, G.
3656 Washington Ave.
St. Louis, Mo. 63108
WO 2-6714

9329 Fredrin
Rock Hill, Mo. 63144

Fee: \$250

Paid:

Expenses: \$53.00

copy filing fee

Incorporation

MLK EXHIBIT F-583

Mr. BLAKEY. Let me then direct your attention—

Judge RANDALL. Could I look at this first, please?

Mr. BLAKEY. Certainly.

Judge RANDALL. According to this, the occasion was August—do you have a copy of this, counsel?

Mr. BLAKEY. You have my copy, Judge. I am sure I see your problem. The Xeroxing at the edge—

Judge RANDALL. It says 8-74. Do you know if that is the eighth month or eighth day?

Mr. BLAKEY. The Xeroxing leaves something to be desired. Nevertheless, it does indicate—correct me if I am wrong—that the representation began sometime in 1973 and ended sometime in 1974.

Judge RANDALL. That is not correct. I don't know when my name got on it, but I would have to tell you what occurred. You can see it here from this. A default judgment was taken. I made no representation because the client took a default judgment.

My first and only appearance was on this date where it says parties appear by counsel. It says 8-74 down near the end:

Parties appear by counsel and plaintiff was directed by the court to propound questions in writing and cause this to pass to February 15.

Mr. BLAKEY. In any case, Judge, the litigation begins sometime in 1973 and ends in 1974.

Judge RANDALL. But I was not involved in it.

Mr. BLAKEY. Your testimony is that sometime after it began you became involved.

Judge RANDALL. I was involved on 1 day, the day he appeared in court.

Mr. BLAKEY. That would be sometime between 1973 and 1974.

Judge RANDALL. It appears it was 1974 sometime, sir, from this document, because you see he took a default judgment because there was no defense and then the plaintiff filed a motion to interrogate him in open court in aid of execution and particularly they were trying to find out where the vending machines were.

That is the day I appeared with him in court and that is the time and you will notice I made no charge for it.

Mr. BLAKEY. Fine. In any case, Judge, sometime around that appearance or shortly thereafter I take it you had a conversation with him.

Judge RANDALL. On that day.

Mr. BLAKEY. On that day, yes. Will you tell the committee what that conversation was?

Judge RANDALL. Before I undertake to do that I would like to say something about my memory on this thing.

This event was a wholly insignificant event to me. I never once thought about it again until Mr. Byers called me upon returning from Washington when he was questioned out here and told me that he had supplied my name.

I gave it very little thought thereafter until a few months ago when Carter Stith, a reporter for the Post Dispatch, visited me and told me she had a copy of the FBI report, which was news to me, and she had my name.

From that time forward I have wracked my memory on this. I have read all the newspaper articles. I have read the FBI report. All I can say to you today is that some of this new information has fused in my mind with what Mr. Byers told me, plus the fact I have wracked my memory, so I will give you my best present recollection. I cannot guarantee it will hold 100 percent. Do you understand that?

Mr. BLAKEY. I am sure the committee would indicate to you, Judge Randall, that it would not want anything other than your best memory.

Judge RANDALL. But do you understand it is blended with some other things.

Mr. BLAKEY. With that preface, would you tell us as best you can what he said to you and what you said to him?

Judge RANDALL. Very well. As a result of the problem he got into over the collection thing where he was going to appear alone and I appeared with him and he took the fifth amendment because of some problems connected with it, he then, we went into the corridor and we first talked to the attorneys on the other side and they offered to settle a \$50,000 judgment for \$1,000, the attorney's fee.

He never came up with that money before I left the law practice, and that is the reason I know it was near the end. As a result of that, he said to me, he had me cornered and it was all free, he said I have something else I would like to consult you about.

He said, I have this story that I think is out and I may be questioned by the Federal Government about it. I would like to know the procedure for claiming immunity. He didn't think it incriminated him, but he was concerned about claiming immunity because I told him that was a public hearing.

You know, in order to get immunity you go before the grand jury, go before open court and get immunity and you go back. He was concerned about the publicity. Frankly, what he was trying to do is decide in his mind, if I am questioned about this, shall I talk or shall I claim immunity.

Then he related what happened. To the best of my recollection the year was about 1964, about 10 years previous. I could be wrong, but I have a recollection it was 10 years past.

He said that at that time he had an arrangement with the sheriff of Jefferson County. I do not think the privilege extends to my explaining the details of that arrangement.

Suffice it to say that he said through his connections with the sheriff of Jefferson County he met this man named Kauffmann.

Is that his name? My memory is it was Kauffmann, the crippled man.

Mr. BLAKEY. There is testimony in the record about Mr. Kauffmann.

Judge RANDALL. He was described to me as an old, little, crippled man who had once been a stockbroker and who had lost his license due to obtaining a conviction for securities fraud.

He said how he met him was this: That the sheriff was engaged also in the business of peddling narcotic drugs, and in fact he told me that the sheriff was later indicted and convicted for it.

He said that he was obtaining his supply of narcotic drugs from Kauffmann and Kauffmann was obtaining them in this fashion.

Mr. BLAKEY. Excuse me, Judge. The sheriff was obtaining them from Kauffman?

Judge RANDALL. From Kauffmann; yes. Mr. Byers denied he had any connection with narcotic drugs. Mr. Byers denied there was two crimes he never engaged in. One was murder and the other was narcotic drugs.

So, he said at this time the sheriff was getting a supply of narcotic drugs from Kauffmann and Kauffmann was obtaining them in this fashion. Kauffmann had a medical manufacturing business located in Jefferson County in an old motel over on old Highway 67, just north of the Kohler City Shopping Center.

Now, the Kohler City Shopping Center is not an incorporation, a municipality. It is a shopping center which has been there since I was a boy. I think it is in or near the town of Imperial, the municipality of Imperial.

He said he was manufacturing these medicines in this motel and he had a narcotics license and so he was able to obtain narcotics. He said that he thought that it was a front for the narcotics business.

He said that he had associated with him in this business a doctor who was employed by the Missouri prison system. He either did not remember his name or he never knew the doctor's name. At least he did not give me his name.

He said that both Kauffmann and the doctor were dead, to his knowledge, at the time he was telling me. He said that he spent some time, in his spare time, hanging around this motel.

He worked mostly at night in his business, Mr. Byers did, so he had the daytimes to hang around there. I do not recall whether he ever met the doctor or not, sir, or whether he told me whether he met the doctor. The doctor, he thought, was dead.

He said that in addition to that there was a farm that adjoined the motel. The motel was along the highway. I could picture this area a little bit.

Highway 67 was no longer a traveled route. Highway I-55 had replaced it. So, motels were of no use. So, they had this motel and he was manufacturing this medicine.

He said there was a farm immediately adjoining it and to the rear of it and there was a farmhouse off away from the highway. He said there was a man who lived up there who ran around the country dressed in bib overalls and a straw hat. He said everybody knew him by sight. He knew him by sight, but he had not met him. He said he was a retired patent lawyer and that he had come to the Metropolitan St. Louis area from Memphis, Tenn.

He did not know whether he practiced law in Memphis or St. Louis.

He said that one day—and I think it was at the motel but I can't be sure; as I said, this was an insignificant event to me and I am only giving you my best recollection—he said that one day he was with Kauffmann, I think at the motel, and Kauffmann said to him, "Would you like to earn \$20,000." Now, it may have been \$50,000, and I may be influenced in that figure by the FBI report. I think it says \$20,000 in the FBI report. But it was some sum of money.

He said that he flippantly replied, "Who do I have to kill?" He said he had no intention of killing anybody. He never killed anybody in his life and he never would kill anybody, but he thought Kauffmann was pulling his leg and he had nothing to lose, so he went along with the leg-pulling contest.

He said the man then replied, "We have to go see the old man" or the top man. I can't be sure whether he said the old man or the top man.

They then proceeded—I don't know whether it was immediately or later—they then proceeded to the farmhouse.

I can remember only two things he told me about the farmhouse. One, it was a stone house, and second, the parlor was carpeted with carpet that contained impressions of the Confederate flag. I don't know how he knew this, but he told me that this carpet had been removed from some public place, a cocktail lounge or a club that had a Confederate motif, and placed in the farmhouse.

He said that he was introduced to the old farmer or whatever you want to call him, and the man still had on his bib overalls, but he did not have on the straw hat. He had a Confederate Army cap on.

He said they then went into the den and that he engaged this old man in conversation designed to needle him or find out how he could come up with the fee, whatever it was, \$20,000 or something. He said the man said that he was a member of a national organization from which he could get the fee. I do not recall whether he said the organization was allegedly in on the matter or it was only the source of his fee.

But he then questioned him in extreme detail about this organization. In fact, he said this questioning constituted 90 percent of his conversation.

He said the man told him by either description or name many alleged prominent people who were a member of this organization. If he related any of them to me by description or name, I do not recall them. I don't think he even told me any of them.

Then at the conclusion of this conversation he said he finally asked the man, "Well, if you can get the money, who do I have to kill?" And he said he said, "Dr. Martin Luther King." He said that he laughed and said, "I pass."

He said a further comment in departing such as nobody can get by with it, or it can't be done, or it is too dangerous, or something to the effect that, you know, he was leaving this because it was not an appropriation operation.

He said, however, that he had no intention at any time to participate in any such conduct, that he regarded these people as being, you know, pulling his leg, taking him on a snipe hunt, very light. He said that he forgot about it.

Sometime later Dr. King was killed. I don't recall the time. If I am right on 1964—you know, it was a long period of time, but I could be wrong on that date. He said that the only thing he had seen—no, there were two things—that caused him to think that they might be associated with Ray was that he had read that before Ray escaped from prison that he was transferred to the medical department and he escaped from the medical department.

He said that he had also read that Ray was seen in Canada with a little old crippled man.

Those are the only things that I can remember that caused him to wonder about whether or not, you know, there might be some connection.

He was not upset about it. He was not disturbed. He did not feel that anything was imminent. He just thought he had me cornered and I was free and that he might as well find out something from a free lawyer and, you know, there I was.

I made no charge for that, as you can see from client's card on Mr. Byers. The only charge I made was \$250 for the incorporation, and I am not sure he paid that. That card is not a financial card. My receipts ledger would show it and it is possible that I did not enter payment on the card.

That is all I know about the thing. That is the whole extent of any representation I ever had with Mr. Byers.

Mr. BLAKEY. Is that the whole extent of his conversation with you?

Judge RANDALL. As far as I can recollect, sir. Specific questions, you know, might remind me of something.

Mr. BLAKEY. Did he say anything to you about an informant and make an effort to—

Judge RANDALL. Not at that time.

Mr. BLAKEY. This is in May of 1974. You were having the conversation in May of 1974.

Judge RANDALL. Sir, can you tell what this date is on this sheet? I can't tell the date. Would you take it up there?

Mr. BLAKEY. What I am trying to do with you, Judge, is get an approximate time. The record obviously will speak for itself as to exactly what the date was. The Xerox is not that clear as to exactly the month.

Judge RANDALL. Let me tell you. Here is the entry—no, that is not the entry. The interrogatories came first, but he didn't answer those. Well, I can't tell you the date. It was the day he appeared in court and testified, took the fifth amendment. Obviously, it was sometime in 1974, sir.

Chairman STOKES. If counsel for the committee can fix the date some other way, I think the Judge has given his best recollection on it.

Judge RANDALL. That is the best I can do, sir.

Mr. BLAKEY. In any event, Judge, let me clarify if I might for the record. You indicated that when you talked to him in 1964—

Judge RANDALL. 1974.

Mr. BLAKEY. I'm sorry. 1974. It is your best recollection now that he indicated that he had been dealing or was aware of Mr. Kauffmann's dealing in drugs some 10 years earlier?

Judge RANDALL. Yes.

Mr. BLAKEY. Is your memory fixed or firm on that 10-year period?

Judge RANDALL. No, sir.

Mr. BLAKEY. It could be a shorter period of time?

Judge RANDALL. Yes.

Mr. BLAKEY. It could have been a longer period of time?

Judge RANDALL. Well, it had to be before Dr. King was killed.

Mr. BLAKEY. So your memory is that it is sometime prior to Dr. King being killed?

Judge RANDALL. Very definitely.

Mr. BLAKEY. He had a drug association or he knew of a drug association of Mr. Kauffmann?

Judge RANDALL. Yes, sir.

Mr. BLAKEY. Let me follow up on an answer that you gave. Did you have a subsequent conversation with Mr. Byers, that is following this conversation in 1974, in which you also discussed the Sutherland offer?

Judge RANDALL. When Mr. Byers returned from out here he called me up, told me what he had done, told me he had given you people my name, and undertook to refresh my recollection, sir. I cannot remember what was said in that conversation. I have met with him once in which we talked about the informant. Those are the only conversations.

Mr. BLAKEY. Let me see if I can't approximate the date when you might have talked to Mr. Byers after his appearance here. Mr. Byers appeared before this committee on May 9, 1978. So it would be some point in time following that.

Judge RANDALL. And before the investigators came to see me, because I told them when they came to see me that Mr. Byers had called me.

Mr. BLAKEY. Now, would you repeat for us, if you can, to the best of your ability, what Mr. Byers said to you at that time.

Judge RANDALL. He told me he had come out here and reported this, you know, told you about it, given you my name, and told me that he hoped I remembered the conversation, and undertook to refresh my recollection. And that is all I can remember, sir.

Mr. BLAKEY. Subsequent to that time, did you have another conversation about the Sutherland offer?

Judge RANDALL. The only thing is the informant, sir.

Mr. BLAKEY. Can you tell us when you had a conversation with him about the informant.

Judge RANDALL. Yes, sir, as best I can recall. When Carter Stith came to see me she told me she had information, she had the FBI report. She had information that I was one of two people to whom Mr. Byers had told this. The other one was Mr. Weenick. She asked me if I was the informant. So I felt a little disturbed about that.

Mr. BLAKEY. Judge, could you pinpoint the time when this would have been?

Judge RANDALL. When the FBI report was first released to the press, when a New York Times reporter came to St. Louis.

Mr. BLAKEY. This would be sometime in July?

Judge RANDALL. Sir, you know that date better than I would. I think the first story in the St. Louis papers, it might have been immediately subsequent to the first story. You can pinpoint that; I can't.

Mr. BLAKEY. Was it prior to or subsequent to the interview of you by our investigators?

Judge RANDALL. Subsequent, very subsequent. So I decided I ought to try to see Mr. Byers and see if he thought I was the informant or if he knew who was the informant.

I have to tell you something else. Miss Carter Stith, who was the reporter who visited me, told me when he examined the FBI report—I don't know if she was present or if it was related to her by the New York Times reporter—that he studied it and restudied it with great care, and they were convinced he knew who the informant was but he would not talk.

But, anyway, sometime after this, let's say 3 weeks, that is a guess, I got home early one night and I called Mr. Byers at home and asked him to meet me. I met him at Gianino's Restaurant, which is about 5 blocks from my home. I waited until Mr. Byers could get there.

When I arrived he was parked in front, standing outside. I think he reserved the next parking space for me. I went into that parking space and I asked him to sit in the car. He said he was afraid to talk in either car for fear the FBI had the cars wired.

We then went into the restaurant and we sat in a booth on the south wall. I was on the east side, he was on the west. He ordered a small salad. I ordered a martini. He was frightened. He wanted to get home before dark. He was afraid somebody was trying to kill him. He did not remain very long.

I will not tell any other things; I don't think they are pertinent.

But, anyway, I asked him if he thought I was the informant, and he said no. I asked him if he could tell from the report who the informant was and he said yes. And I already had some information concerning Richard O'Hara that I need not go back into, that I knew he knew. He told me it was Richard O'Hara, said he could tell from the context.

He had a conflict in his mind. He wanted to go to the press with Richard O'Hara's name as an FBI informant, but he was afraid if he did that, that the FBI would have to drop him as an informant, and then he would become a witness against him.

He was not concerned, especially about this report but other things that Mr. O'Hara could have reported on him, you see. So he did not know what to do.

But I think he went to the press, because Carter Stith came to see me and asked me if O'Hara was the informant, and it had to come from Mr. Byers later.

He asked me about the Journey case. You see, I had another case where there was a suspicion.

So that is the whole story on that, gentlemen.

Mr. BLAKEY. I wonder if Martin Luther King exhibit F-574 could be inserted into the record at this point and made available to the witness?

Chairman STOKES. Without objection, it may be entered into the record at this point and shown to the witness.

[The information follows:]

MLK EXHIBIT F-574

DATE INTERVIEWED: _____ TIME INTERVIEWED: _____

PLACE INTERVIEWED: _____ St. Louis City Municipal Courthouse, 12th Street

NAME: _____ MURRAY RANDALL

DATE OF BIRTH: _____ SOCIAL SECURITY NUMBER: _____

HOME ADDRESS: _____

BUSINESS ADDRESS: _____

HOME TELEPHONE: _____ BUSINESS TELEPHONE: _____

ASSOCIATES: _____

MLK INVESTIGATION CONNECTION: _____ Randall is a former attorney of Russell Byers

and was familiar with John Paul Spica.

INTERVIEW STATEMENT:

Murray Randall was interviewed by Investigators Mel Waxman and Conrad Baetz at the St. Louis City Courthouse, 12th Street, St. Louis, Missouri.

Mr. Randall is now a Circuit Judge in the City of St. Louis, and as such he was interviewed in his chambers.

Mr. Randall advised that in the 1960's he was an attorney for Russell Byers in certain cases which Byers had in both criminal and civil court actions.

Judge Randall initially indicated that he would be unable to speak about any conversations he had with Russell Byers since it was his belief that such conversations would come within the preview of the attorney-client relationship and therefore it would be a violation of professional ethics for him to divulge the same.

INTERVIEW SHEET CONTINUATION: PAGE 2 of 3

Judge Randall was then supplied with a waiver of attorney-client privilege signed by Russell Byers. Upon receipt of the waiver, Judge Randall indicated that he would be more than willing to cooperate and assist HSCA in anyway possible.

Judge Randall was specifically asked about any conversations that Russell Byers had with him concerning solicitation to assassinate Martin Luther King, Jr. Judge Randall stated that following the assassination of Dr. Martin Luther King, and he is unsure of the exact date or year, Russell Byers advised him during the course of a conversation that Byers had been approached by Mr. John Southerland and Mr. John Kauffmann sometime prior to Dr. King's assassination and offered \$50,000 to assassinate Dr. King. Byers advised Judge Randall that he declined the offer, but had asked Byers whether he knew who was behind it. Byers replied to Randall that he thought perhaps it would be KuKluxKlan since Southerland had alluded to a "group of Southern businessmen." It was therefore Randall's opinion that it was probably Klan related. However since it came within the preview of attorney-client privilege he could not and would not discuss it with anyone else.

Randall also advised that he understood from Byers that a friend of one of the individuals, John Kauffmann specifically, was a doctor from Missouri State Penitentiary, later identified as Dr. Hugh Maxey. Judge Randall stated that it was merely speculation on his part, however he was always under the impression that there was some relation between the fact that John Kauffmann had offered Byers, or rather had participated in a solicitation made to Byers, to kill Dr. Martin Luther King and the fact that Dr. Maxey was employed at the same penitentiary that James Earl Ray

INTERVIEW SHEET CONTINUATION: PAGE 3 of 3

Ray was in. However Judge Randall did hasten to add that this was merely speculation on his part and that he had no substantial evidence which would link the two.

Judge Randall also indicated that he knew Russell Byers' brother-in-law, John Paul Spica, and indicated that in the early 1960's he had defended a woman accused of homicide successfully and that John Paul Spica had been charged as another accomplice in the homicide and convicted. Judge Randall stated that apparently the Spica family thought that had they obtained Randall perhaps they would have won the case.

Judge Randall indicated that he had no other information relative to either Byers or Spica or regarding the assassination of Dr. Martin Luther King, Jr. which would be of assistance to the HSCA. However he did state that he would be happy to cooperate in future interviews or furnish any other data which we required in our investigation. There being no further information offered the interview was terminated by mutual consent.

Conrad Baetz

7/31/78

Mr. BLAKEY. Judge Randall, this is an interview report prepared by Mr. Conrad "Pete" Baetz of the staff. It is his report of Mr. Baetz and Mr. Waxman's July interview of you.

I would ask that you read it over if you like and let your counsel take a look at it as well.

Judge RANDALL. Let me add this.

Mr. BLAKEY. Excuse me, Judge. I don't mean to interrupt. If you would read the whole report, then I would like to ask you one or two questions about it.

Judge RANDALL. I wanted to add something I forgot.

He could not remember the attorney's name at the time he talked to me. Of course, I told the investigator that he could not remember. This name was supplied by them.

Mr. BLAKEY. Have you had a chance to read the report?

Judge RANDALL. No.

Mr. REED. I have not had a chance and I would appreciate your forbearance for a few moments, please.

Judge RANDALL. Again, they supplied the name of the doctor.

Mr. REED. I think we are prepared to reply.

Judge RANDALL. I have now read it, counsel.

Mr. BLAKEY. Would you characterize Mr. Baetz' report as a fair and accurate representation of their interview with you?

Judge RANDALL. I would characterize it as substantially correct. There are certain things that he supplied that I did not know.

For example, names, I didn't know names. There is one thing in here that is a little incorrect. I am sure he did not mean to do so. I did not know John Paul Spica. I knew of John Paul Spica. John Paul Spica and a woman named—well, I think I might as well explain it. There is no problem with this. Do you want me to explain that?

Mr. BLAKEY. Certainly. Is there anything you want to add to that report or your memory of it?

Judge RANDALL. Well, counsel doesn't want me to get on to it, but this is no problem.

Mr. REED. I am going to object at this point. I am not quite sure I understand how this particular sentence ties into the subject at issue here.

I may be wrong, but I am concerned, again, that Judge Randall's position is such that he must be careful in terms of the kinds of conversations that he divulges, particularly when they have no relevance at all to the matter at issue here. I am merely trying to protect him against any unwarranted intrusion into other clients' rights and all.

Judge RANDALL. I appreciate the advice by counsel. He is very capable, but I think the problem I have is that this is an error and I think I ought to correct it and this has nothing to do with any conversations with Mr. Byers. So I don't have the problem.

Mr. REED. May I consult with my client for a moment, please?

Judge RANDALL. I know I have a counsel who is much more able than I am, but you know I have represented a bunch of lawyers in my day. I tried a lot of prominent cases all over America and the worst client you can have is a lawyer.

Mr. REED. I will second that.

Judge RANDALL. I told my lawyer when he came here, I said, you have the worst client in the world.

What I was going to tell you was John Paul Spica was charged with conspiracy to murder a man named Myzak. Mrs. Myzak was also charged with conspiracy to murder. The police thought somebody else actually killed them. In Missouri we have no joint trials. They are tried separately.

Norman London represented Mr. Spica. He was convicted and got life. I represented Mrs. Myzak. She was found not guilty. So I am kind of proud to say that.

Now I did not know John Paul Spica. This was back before I met Mr. Byers. I tried the Myzak murder case in January of 1964. Paul was tried in 1963.

The only thing I indicated here was that John Paul Spica's father was a fine man, a court official, a constable in one of our courts. Everybody knows him. I was trying to say that people like Byers and Paul's father felt that if I had defended him, I would have had the same success. The facts are I would not have because the evidence was different, you know.

Mr. BLAKEY. If I understand your testimony correctly, Judge, what you are indicating is that Mr. Baetz said you know Mr. Spica when in fact you knew of him, but other than that, the report is substantially accurate.

Judge RANDALL. Could I run through it if you don't mind?

Let me say, first of all, I was ready to go out on the bench. I had a jury waiting and this was a brief, hurried thing. We were all under pressure. Russell Byers was familiar with John Paul Spica. I did two legal things for Russell Byers. I was familiar with John Paul Spica only by reputation. "He was interviewed by these two investigators" and that is true. "He is now Circuit Judge in the City of St. Louis and was interviewed in his chambers."

"Mr. Randall advised that in 1960 he was attorney for Russell Byers in certain cases which Byers had in criminal and civil courts."

The criminal is wrong. I never represented Mr. Byers in any criminal matter. As a matter of fact, during the time I knew Mr. Byers he was never arrested and you have to know why. He was on probation and he never got in any trouble when he was on probation. That is the reason he incorporated the vending machine business. He operated that. So I never represented him in any criminal matter.

The "sixties" is inaccurate. You know, I started in 1968 and it was 1968 and 1974. I don't think these people deliberately did this wrong. Don't misunderstand me. This is normal. They took no notes but wrote it up later.

Mr. BLAKEY. My only objective here is to make sure the record is accurate.

Judge RANDALL. That is the reason I want to go through it all so it will be accurate.

Judge Randall indicated he would be unable to speak about any conversation he had with Russell Byers. It was his position that it would be a violation of professional ethics.

That is not accurate. They immediately handed me the waiver of attorney-client privilege and they told me they didn't want to hear about anything other than that.

Judge Randall was then supplied with a waiver of attorney-client privilege signed by Mr. Byers.

That was the first thing that happened.

Upon seeing the waiver, Judge Randall indicated he would be more than willing to cooperate. He said he would try to do anything possible.

I think I probably did that.

Judge Randall was specifically asked about any conversation that Russell Byers had with him concerning solicitation to assassinate Dr. Martin Luther King.

I don't think it was very specific. The time was short.

Mr. BLAKEY. If I might interrupt, in the interest of time perhaps if you read it silently to yourself and then if you found a substantial error you would just simply bring that to the committee's attention.

Judge RANDALL. I can read aloud about as fast as I can silent. I probably was unsure of the date. I probably didn't say very much because I had not given it a lot of thought at that time.

He said that Byers was approached by John Sutherland.

That is wrong. He approached Sutherland and I didn't know Sutherland's name. Sutherland is a patent lawyer, isn't he?

Mr. BLAKEY. There is evidence in the record to that effect.

Chairman STOKES. Judge, would you suspend for a moment, please.

Counsel, in light of the fact that we have the witness' testimony before the committee and there appear to be some inconsistencies in the statement by staff counsel taken from him, it would seem to me that we might dispense with having the Judge have to go through here and pick out all the inconsistencies.

Judge RANDALL. Mr. Chairman, I am sure this man did not deliberately do it. These are the kind of things that occur. There were no notes taken, you understand; they are not significant.

Chairman STOKES. I understand that, but it seems to me that unless counsel has some specific purpose for introducing Mr. Baetz' documents, that we might avoid this time-consuming exercise.

Mr. BLAKEY. My purpose was to see if the Judge's recollection of that interview was roughly what the investigators had indicated to us.

Judge RANDALL. Eighty percent correct.

Mr. REED. Under those circumstances I would have no objection to proceeding as the chairman suggested. I think the difficulty has been that neither the Judge nor I was aware of the extent to which the verbatim language of this statement might be used in terms of directing your examination of him, if you understand what I am saying.

It may be that these discrepancies are not material. But if that is the case, then I think Professor Blakey can assure us of that and we can proceed.

Mr. BLAKEY. The only question I would want to direct your attention to in the interview is the next to the last paragraph, the full paragraph beginning on page 3 which indicates, "Judge Ran-

dall indicated that he had no other information relative to either Byers or Spica regarding the assassination of Dr. Martin Luther King, Jr. which would be of assistance to the committee."

Is that substantially correct?

Judge RANDALL. That is correct. Of course, Spica never had any connection with it as far as I know, gentlemen.

Chairman STOKES. In fairness to the Judge here since we have interrupted his going through and getting all the inconsistencies out of here, I would think that we ought to consider only that portion of it which he has had a chance to correct before we withdrew the document. Except for that portion you asked about.

Mr. REED. I was going to ask that, Mr. Chairman. Thank you.

Mr. BLAKEY. I have no objection to that.

If I could shift our attention a bit, Judge Randall, let me turn to a different matter. We can come back to the interview later.

I ask that Martin Luther King exhibit F-575 be inserted in the record at this time and given to the witness. It is an undated letter to you postmarked November 3, 1978.

[The information follows:]

insert 3B.1
AA 333074



ST. LOUIS CIRCUIT COURT FOR CRIMINAL CAUSES
DIVISION NO. 22
MUNICIPAL COURTS BUILDING
ST. LOUIS, MISSOURI 63103
MURRY L. RANDALL, SPECIAL JUDGE

MLK Ex F575
CONFIDENTIAL

Congressman Louis Stokes;
Chairman, House Select Committee on Assassinations;
House Office Building
Washington, D.C.

Dear Mr. Stokes:

Your Committee has subpoenaed me to testify publicly in a matter concerning one Russell Byers Byers, who is known here to be one of the most dangerous criminals in this city. He has received a lot of publicity here in recent months. Just a few months ago, in the course of an on-going investigation here of him by the F.B.I and police



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ST. LOUIS CIRCUIT COURT FOR CRIMINAL CAUSES
 DIVISION NO. 22
 MUNICIPAL COURTS BUILDING
 ST. LOUIS, MISSOURI 63103
 MURRY L. RANDALL, SPECIAL JUDGE

with respect to assaults on one Finer and related matters, it was reported in the Public Press that his principal associate in crime was murdered almost immediately after the associate visited an F. B. I. office. I believe that this man's murder was arranged by the person to whom he and Mr. Byers had sold the statuettes stolen from the museum, and Mr. Byers is now fearful that this publicity is classing him an informant and the same fate will occur to him.



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ST. LOUIS CIRCUIT COURT FOR CRIMINAL CAUSES
 DIVISION NO. 22
 MUNICIPAL COURTS BUILDING
 ST. LOUIS, MISSOURI 63103
 MURRY L. RANDALL, SPECIAL JUDGE

I believe my public testimony, and that of Mr. Byers' will endanger lives including my own.

Yet my testimony is of no real value to your investigation. The remarks Mr. Byers made to me, while representing him in a civil case (I never represented him in any criminal matter), occurred several months after similar remarks by Mr. Byers had been reported to the F. B. I.

Mr. Byers has told me that this report was made by one Richard O'Hara, as their criminal partner



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ST. LOUIS CIRCUIT COURT FOR CRIMINAL CAUSES
 DIVISION NO. 22
 MUNICIPAL COURTS BUILDING
 ST. LOUIS, MISSOURI 63103
 MURRY L. RANDALL, SPECIAL JUDGE

of Byers. As with most stories fabricated by criminals, those remarks only involved dead persons.

At about the time the remarks were reported to the F.B.I., Mr. Byers expressed serious concern to me as to whether Mr. Byers was an F.B.I. informant. I believe those remarks by Mr. Byers were fabricated and purposely planted with Mr. O'Hara for the purpose of trying to find learn whether Mr. O'Hara was an F.B.I. informant, since the only person the F.B.I. could possibly check with was Mr. Byers himself. The F.B.I.



ST. LOUIS CIRCUIT COURT FOR CRIMINAL CAUSES
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 MURRY L. RANDALL, SPECIAL JUDGE

5

apparently recognized them as such and did not interview Mr. Byers, as to do so would have endangered the life of its informant.

Mr. Byers then, I believe, told his story to me for the purpose of preparing me for possible representation of him in the event he was questioned by the F.B.I.

Mr. Byers is such a scaming person. I urge you to check with the F.B.I. before endangering lives with such testimony and also whether it will interfere with their investigation.

1pyts; Judge William Webster yours very truly
 Director F.B.I. Murry L. Randall

MURRY L. RANDALL
SPECIAL JUDGE
CIRCUIT COURT FOR CRIMINAL CAUSES
DIVISION NO. 22
ST. LOUIS, MISSOURI 63103



Congressman Lewis Stokes
Chairman, Houis Select Committee on Assassinations
House Office Building
Washington, D.C.

Confidential

Judge RANDALL. To me?

Mr. BLAKEY. No, to the chairman. I wonder if you and your counsel would have an opportunity to read it?

Judge RANDALL. I am familiar with this letter. I wrote it.

Mr. BLAKEY. Judge, let me direct your attention to page 3 and 4 and ask that you read for the record the second full paragraph on page 3, beginning, "Yet my testimony" and continued through the second paragraph on page 5 ending in "questioned by the FBI."

Judge RANDALL. To all of them except the last paragraph, starting at that point and read all except the last paragraph?

Mr. BLAKEY. Turn to pages 3 and 4.

Judge RANDALL. Yes, and read all of it until the last paragraph. Is that what you are asking me, sir?

Mr. BLAKEY. Yes, sir.

The second paragraph on page 5 ending with "questioned by the FBI."

Judge RANDALL. All right.

Incidentally, I was trying to avoid a public hearing, you know that.

Yet my testimony is of no real value to your investigation.

The remarks Mr. Byers made to me while representing him in a civil case (I never represented him in any criminal case) occurred several months after similar remarks by Mr. Byers had been reported to the FBI.

Mr. Byers has told me that this report was made by one Richard O'Hara, a then criminal partner of Mr. Byers. As with most stories fabricated by criminals, the remarks only involved dead persons.

At about the time the remarks were reported to the FBI, Mr. Byers expressed serious concern to me as to whether Mr.—

that was corrected to Mr. O'Hara in a subsequent letter, I made a mistake—

whether Mr. O'Hara was an FBI informant.

I believe those remarks by Mr. O'Hara were fabricated and purposely planted with Mr. O'Hara for the purpose of trying to learn whether Mr. O'Hara was an FBI informant since the only person the FBI could possibly check with was Mr. Byers himself.

The FBI apparently recognized them as such and did not interview Mr. Byers as to do so would have endangered the life of its informant.

Mr. Byers then, I believe, told the story to me for the purpose of preparing me for possible representation of him in the event he was questioned by the FBI.

That I wrote.

Mr. BLAKEY. I wonder if you would elaborate for the committee and explain to the committee why you feel the story Mr. Byers told you was a fabrication?

Judge RANDALL. Well, at the time, you understand, I did not believe that. I didn't give it serious concern, but I was representing a man named Norm—

Mr. REED. Just a moment, please. I would like to have an opportunity to consult with Judge Randall.

Judge RANDALL. Yes, I am ignoring my lawyer. I was representing a man who was charged with transporting stolen jewelry from the city of St. Louis to Little Rock, Ark. I got that representation right after New Year's 1973. I tried the case, I think, about August. It was presided over by Bill Webster. The crime had occurred, the robbery. It was a robbery of an antique jewelry store in the Maryland Plaza Center.

It had occurred about August. Norman Journey was not arrested until January. Shortly after the arrest, the two people who perpetrated the robbery—one named Petty, one named Emory—were arrested and identified. They had tied the people in the chairs.

Shortly after that, Petty tried to kill Norm Journey. Let me finish. This is all public information, Mr. Reed.

Then after that Petty killed Emory, near Little Rock, Ark. They had taken this jewelry and sold half of it to a man whose name I believe was McMillan, who owned the Hilton Hotel in there, in Little Rock. He was the son of the chairman of Central Soya Corp.

After they sold part of it to McMillan, they chartered a plane from police officers who ran a chartering company and flew to Shreveport, La. where they are alleged to have sold the remainder to the top Mafia man.

Shortly after that, the Little Rock police assassinated Petty. They shot him 12 times with a shotgun, as he came out of the store. All right.

Then Norman Journey was not arrested with him for several months. Petty and Emory were living with two girls.

Mr. REED. Pardon me.

Judge RANDALL. Well, this ties in—O'Hara—and I can't tell it without it. We are getting right down to the end of it to tell.

So these two girls, according to the reports, had been taken by Petty and Emory to case the place about a month before, on their way they visited Richard O'Hara. So, when they told their story, Richard O'Hara was charged in a State charge with accessory to the robbery along with the two girls.

It was later nolle prossed. The suspicions were that Richard O'Hara was the informant. So Russell Byers came to me—

Mr. BLAKEY. Judge, this is the informant in the jewelry robbery case?

Judge RANDALL. Right. Russell Byers came to me, and this was public information, and asked me is Richard O'Hara the informant in this case. I said I don't know. I said why do you want to know. He said well, I have been questioned by an FBI agent about something and I think only Richard O'Hara knows.

Mr. BLAKEY. Just a second, Judge. Could we pinpoint when this conversation between Mr. Byers and you was?

Judge RANDALL. The best I can tell you it was during my representation. My best recollection is that proceeded from January of 1973 until about August of 1973, sir. That is the best. You know, I can't pinpoint these things.

Mr. BLAKEY. Just your best recollection.

Judge RANDALL. So when we met at the Gianinos, he immediately started in with Richard O'Hara.

Now, you see, I gave this no thought, but there is certain things about the story, and I may be wrong, you know. It is only my opinion. You gentlemen have got to reach your own. I am not trying to influence yours.

But here he comes to me sometime in 1974 and says the story is somewhere, and he wants legal advice. I think that it is a good possibility that he told that story to O'Hara thinking if I am questioned about it, I will know he is the informant because he was

dealing with this man, you understand. He wasn't worried about these other things.

Now, you asked the basis of my opinion. I gave it to you. I am not trying to sell it to you.

Mr. BLAKEY. You have no specific information that would support that speculation as to why Byers told you the Sutherland offer back in May of 1974?

Judge RANDALL. I have no information except what I have related to you. I don't know whether you call that specific or general.

Mr. BLAKEY. Did Mr. Byers ever indicate to you anything specifically that would lead you to conclude that he was trying to identify O'Hara as the informant?

Judge RANDALL. Oh, he told me he did identify him. Oh, yes.

Mr. BLAKEY. He was trying to identify it by telling O'Hara the story about Dr. King.

Judge RANDALL. Sir, what he was trying to find out if he could, whether O'Hara was an informant because he wanted to quit working with him if he was an informant. He wanted to quit dealing with him.

Mr. BLAKEY. Let me see, Judge, if I can clarify somewhat what the record is on this story.

It is your belief that Mr. Byers was trying to identify Mr. O'Hara as an informant for the FBI by planting with Mr. O'Hara the Dr. King offer story, hoping that the FBI would check the O'Hara story with Mr. Byers himself, and if Mr. O'Hara and the Bureau fell for the ploy, Mr. Byers could then identify Mr. O'Hara as an FBI informant. Is that the essence of it?

Judge RANDALL. Yes. That is all in my belief. It has nothing to do with this committee.

Mr. REED. It should be clearly identified as such, I think, Mr. Blakey, that it is only an opinion. I think it is an accurate paraphrase of what he said. But it must be characterized as an opinion of Judge Randall's.

Judge RANDALL. I think that is what Mr. Blakey says, my belief and opinion.

Mr. BLAKEY. Perhaps, Judge, the committee might find it useful if you and I discuss that opinion. Would you mind?

Judge RANDALL. I have discussed all I know about it.

Mr. BLAKEY. OK.

You had known Mr. Byers for some years, hadn't you?

Judge RANDALL. No.

Mr. BLAKEY. Well, I mean you had some contact with him periodically?

Judge RANDALL. I didn't know him very well.

Mr. BLAKEY. Did you have an opportunity while you did have contact with him to make a judgment about his basic intelligence or maybe native shrewdness?

Mr. REED. At this point, Professor Blakey, I am going to have to object. I think that the questioning has now ranged far afield from the area from which substantive evidence with respect to this matter could be expected to derive.

As a result, I think that the further questioning with respect to this collateral matter is inappropriate. I don't think the judge has prepared, and I am certainly not prepared to advise him as to the

area in which you are presently questioning him. I don't see the relevance.

Mr. BLAKEY. I will withdraw the question.

Mr. REED. Thank you.

Mr. BLAKEY. OK. Let me see if I can clarify one other thing, Judge Randall.

You did not give to the committee investigators your speculation when you were interviewed in July of—

Mr. REED. I will object to that.

Judge RANDALL. I will answer it.

Mr. BLAKEY. If I may finish the question, it might not be objectionable.

At least if I understand your testimony correctly to the degree that the interview report did not include it, and you indicated to the committee that the interview report was substantially accurate, do I understand your testimony today as being that you did not give it to the committee investigators in July because you had not had a—you had a subsequent conversation with Mr. Byers in which the informant issue arose?

Judge RANDALL. Sir—

Mr. REED. Hold it.

Judge RANDALL. No, let me answer. First, I didn't even know there was an FBI report. The committee investigators didn't tell me about that. I learned that later.

Mr. BLAKEY. That is the point that I am trying to develop.

Judge RANDALL. So I didn't have the speculation then.

Mr. BLAKEY. That is right. And therefore omitting it from—not mentioning it to the investigators is really of no evidentiary significance.

Judge RANDALL. Absolutely none, sir.

Mr. BLAKEY. Your testimony here today, then, is consistent with the testimony to investigators every time?

Judge RANDALL. I hope so.

Mr. BLAKEY. You see the point I was trying to develop, both in bringing out the interview report that did not include speculation and the speculation today.

I wouldn't want this record to indicate Judge Randall came up with speculation subsequent and could have given it to the committee investigators at an earlier point in time.

Judge RANDALL. I appreciate that.

Mr. REED. I don't—

Judge RANDALL. All right.

Mr. BLAKEY. I wonder, Judge Randall, if you would read now for the record the rest of your letter, beginning in the beginning.

Judge RANDALL. Well, of course the purpose of this letter is I had requested the staff to let me testify in executive session. That had been rejected.

Your committee has subpoenaed me to testify publicly in a matter concerning one Russell Byers, who is known here to be one of the most dangerous criminals in this city. He has received a lot of publicity here in recent months.

Just a few months ago in the course of an ongoing investigation. . .

This is all newspaper stuff, as you know—

... here of him by the FBI and police with respect to assaults on one Finer and related matters, it was reported in the public press that his principal associate in crime was murdered almost immediately after the associate visited an FBI office.

I believe that this man's murder was arranged by the person to whom he and Mr. Byers—

This was all newspaper stuff—

... had sold the statues stolen from the museum, and Mr. Byers is now fearful that this publicity is classing him as an informant and this same fate will occur to him.

I had evidence of that as I met with him. He was scared. He told me this publicity had him on the spot. He was angry. He said he wasn't going to testify before television. He was angry that the committee seemed to indicate he was in on the plot, which he claimed he wasn't.

I believe my public testimony and that of Mr. Byers will endanger lives, including my own.

That is the rest of my letter.

Mr. BLAKEY. Thank you, Judge Randall. I have no further questions at this time.

Judge RANDALL. And let me tell you something else. No, I got to add something. I also was fearful that the FBI, if that name came out here, would accuse me of not reporting it to them.

I had been negligent. I knew that for 2 months. I should have reported it sooner. So, I sent a copy of this to Bill Webster, FBI Director, because I didn't want to appear here in public testimony and blow the name of an informant and then be accused of, you know, failing to report it.

But then I got scared; the informant would be in danger, if you want to know the truth about it. OK?

Mr. BLAKEY. Thank you, Judge.

Chairman STOKES. At this time the Chair will recognize the gentleman from Tennessee, Mr. Ford, for such time as he may consume, after which the committee will resort to the 5-minute rule.

Mr. REED. If you please, Mr. Chairman, at this point I would respectfully ask the committee if a brief recess is in order. Judge Randall I think would like to refresh himself. I know I certainly would, and I think we would be in much better position to continue after 2 or 3 minutes.

Judge RANDALL. If this isn't going to take long, I am going to overrule you again.

Mr. REED. Your Honor, I won't be overruled in this case. If you wouldn't mind. Two or three minutes I think would be sufficient.

Chairman STOKES. How much time would counsel desire, then?

Mr. REED. Two or three minutes would be sufficient, I think.

Chairman STOKES. The committee will now suspend for 5 minutes.

Mr. REED. Thank you. Thank you, Mr. Chairman.

Chairman STOKES. We will be in recess for 5 minutes.

[Brief recess.]

Chairman STOKES. The committee will come to order.

The Chair at this time recognizes the gentleman from Tennessee, Mr. Ford.

Mr. FORD. Thank you, Mr. Chairman.

Judge Randall, I again would like to welcome you.

Judge RANDALL. How are you, Congressman?

Mr. FORD. Fine, thank you very much.

Judge Randall, when Mr. Byers discussed with you the conversation he had with Kauffmann to kill Dr. King, did you give him any legal advice as to his possible involvement in the assassination?

Judge RANDALL. No, sir. The thing he wanted to know from me—

Mr. REED. Judge, you have answered that question.

Judge RANDALL. He wants me to stop. You will have to ask another question.

Mr. FORD. Well, why not?

Judge RANDALL. Well, he didn't ask me what to do. His only question was if I get questioned, he was trying to determine should I talk or should I insist on immunity. He asked me the procedure for immunity.

You see, this is not something he thought was imminent. You know, he just wanted to be a little prepared. I told him the procedure was you appear before the grand jury, take the fifth amendment, go in open court, and get immunity, and went back.

He was trying to decide in his mind if I am questioned about this, shall I talk or shall I insist on immunity. He didn't like the immunity because he didn't want the publicity. But there was no thought about reporting it.

Hell, this was 10 years after the event, and everybody is dead. You know, you don't think about reporting it if everybody is dead and it is 10 years old.

Mr. FORD. Judge Randall, did you personally take any action upon the information Mr. Byers had shared with you?

Judge RANDALL. Took the action of advising him what he should do if he is questioned about it, yes.

Mr. FORD. Turning now to page 1 of this confidential letter addressed to Chairman Stokes, I have here I think it is your first paragraph, maybe your second paragraph. You talk about Russell Byers, who is known here to be one of the most dangerous criminals in the city.

Could you explain that to the committee, please?

Judge RANDALL. Well, you know, I don't want to go into all the stuff that is reported out in St. Louis in the press. You can read the press.

Mr. FORD. But you said it in your letter. Could you tell us what you meant by that particular statement in your letter?

Judge RANDALL. What is in the press out there, gentlemen.

Mr. FORD. You had read it in the press.

Judge RANDALL. Yes, sir.

Mr. FORD. And you included that in this letter?

Judge RANDALL. Yes, sir.

Mr. FORD. Mr. Chairman, I would like to yield back the balance of my time.

Chairman STOKES. The gentleman yields back the balance of his time.

The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. I have no questions, Mr. Chairman.

Chairman STOKES. The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. No questions, Mr. Chairman.

Chairman STOKES. The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. No questions, Mr. Chairman.

Chairman STOKES. The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. No questions.

Chairman STOKES. The gentleman from Michigan, Mr. Sawyer.

Judge, obviously this is a sign that you have done a very thorough job here. There are no questions from the committee. I have none.

Does counsel have anything further?

Mr. BLAKEY. I don't have any questions. I would once again, Judge, like to express the appreciation of the committee, the staff, for your taking time to come here. You have been of great help to us.

I am sorry if my questioning sometimes seemed dense. I have had it said among my students in class that they didn't always understand what I was getting at, either.

Judge RANDALL. Well, Professor, they weren't dense to me. They were dense to my counsel.

Mr. REED. May I object in the record.

Judge RANDALL. He can object to that.

Chairman STOKES. Judge, prior to extending to you the 5 minutes which you are entitled to as a witness before this committee, let me say on behalf of our committee how very pleased we are to have had your appearance here today.

We certainly regret any inconvenience caused the State of Missouri or your courtroom by having asked you to come here. But it was imperative that we have your testimony in this matter.

I think it is a matter that is important to the Nation and you certainly made an outstanding contribution to the work of this committee by appearing here today.

Judge RANDALL. I only have one thing to say. I take back all the things I said to the staff. I feel different now. If you want to know what they are, ask them.

Chairman STOKES. I must officially also extend to you under the rules of our committee, either you or your counsel, at the conclusion of your testimony you are entitled to 5 minutes for the purpose of any statement you care to make.

Judge RANDALL. I have none.

Chairman Stokes. Mr. Reed?

Mr. REED. I have none on his behalf. Thank you again.

Chairman STOKES. All right. We thank you both for your appearance here. You are excused at this time.

Judge RANDALL. You want these copies back that you loaned us, is that right?

Chairman STOKES. At this time the committee will recess until 2 p.m. this afternoon.

[Whereupon, at 12:30 p.m., the select committee recessed, to reconvene at 2 p.m.]

AFTERNOON SESSION

Chairman STOKES. The committee will come to order.

The Chair recognizes counsel, Mr. Mathews.

Mr. MATHEWS. Mr. Chairman, Lawrence Weenick is the other attorney told by Mr. Byers of the offer to murder Dr. King. Mr. Weenick is presently in private law practice in Clayton, Mo.

It would be appropriate, Mr. Chairman, to call Mr. Weenick. Chairman STOKES. The committee calls Mr. Weenick.

Please raise your right hand and be sworn.

Do you solemnly swear that the testimony you shall give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. WEENICK. I do.

Chairman STOKES. Thank you. You may be seated.

The Chair recognizes staff counsel, Ron Adrine.

Mr. ADRINE. Thank you, Mr. Chairman.

**TESTIMONY OF LAWRENCE WEENICK, ATTORNEY, CLAYTON,
MO.**

Mr. ADRINE. Mr. Weenick, would you state your full name for the record, please, and spell your last name?

Mr. WEENICK. Lawrence Weenick, W-e-e-n-i-c-k.

Mr. ADRINE. And, Mr. Weenick, are you currently employed?

Mr. WEENICK. I'm in the private practice of law in Clayton, Mo.

Mr. ADRINE. Now were you engaged in the practice of law in the early 1970's?

Mr. WEENICK. Yes, I was.

Mr. ADRINE. And where was your practice located at that time?

Mr. WEENICK. In Clayton.

Mr. ADRINE. Mr. Weenick, have you been supplied with a copy of the committee's rules?

Mr. WEENICK. Yes, I have.

Mr. ADRINE. And have you had an opportunity to read those rules over?

Mr. WEENICK. I read them over, yes.

Mr. ADRINE. And do you understand those rules?

Mr. WEENICK. I understand them.

Mr. ADRINE. Sir, you are here under subpoena today?

Mr. WEENICK. Yes, I am.

Mr. ADRINE. Have you ever represented an individual named Russell G. Byers?

Mr. WEENICK. Yes.

Mr. ADRINE. Mr. Chairman, at this time I would like to request that the witness be shown Martin Luther King exhibit No. F-576.

Chairman STOKES. You are asking that it be made a part of the record also?

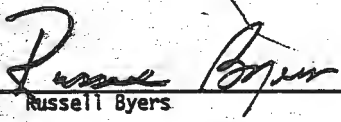
Mr. ADRINE. Yes.

Chairman STOKES. Without objection, it may be entered into the record at this point and shown to the witness.

[The information follows:]


WAIVER OF ATTORNEY-CLIENT PRIVILEGE

I, RUSSELL BYERS, hereby waive my attorney-client privilege with respect to any and all communications or documents between Lawrence N. Weenick and myself concerning an offer, solicitation, or plan to assassinate or harm the person of Martin Luther King, Jr.



Russell Byers

Dated this 7th day of June, 1978.



Mr. ADRINE. Thank you.

Mr. WEENICK. The document you have in front of you I think you have seen before, and it is a waiver of the attorney-client privilege between yourself and Mr. Byers; is that correct?

Mr. WEENICK. Yes. I have seen it and I have a copy of it.

Mr. ADRINE. Is it a fact, sir, when you were first approached by committee investigators that you requested to see this document before you would talk to them about anything that occurred between you and Mr. Byers during this time frame?

Mr. WEENICK. Well, when Mr. Baetz and Mr. Waxman first came to see me, I wasn't at liberty to tell them anything; and subsequently they brought this document over to me, at which time I discussed what they wanted to know.

Mr. ADRINE. But it is correct to characterize your reluctance as a concern for the attorney-client privilege; is that correct?

Mr. WEENICK. That's correct.

Mr. ADRINE. Therefore, having seen this document, you realize that you are now free to discuss those matters that relate to the incidents that we are investigating before the committee; is that correct?

Mr. WEENICK. That's right.

Mr. ADRINE. Mr. Weenick, what type of matters did you represent Mr. Byers on?

Mr. WEENICK. Oh, they were all civil matters. He had been sued several times, had a problem with the IRS.

Mr. ADRINE. Do you recall when your representation of Mr. Byers began?

Mr. WEENICK. Well, I knew Mr. Byers before I started representing him, and I don't know when it was. It was sometime after Judge Randall went into law practice, because it was my understanding that Judge Randall represented Mr. Byers prior to the time he became a judge.

Mr. ADRINE. Did you hear Judge Randall indicate that he entered into the judgeship or gave up his private practice sometime in 1973 or 1974?

Mr. WEENICK. Yes.

Mr. ADRINE. Does that comport with your recollection?

Mr. WEENICK. Probably close to it.

Mr. ADRINE. Did there ever come a time when Mr. Byers spoke to you about the existence of a plot to kill Dr. Martin Luther King, Jr.?

Mr. WEENICK. He spoke to me about an offer made to him; whether it was a plot or not, I don't know.

Mr. ADRINE. And do you recall when he spoke to you about the offer?

Mr. WEENICK. No. It was sometime after he spoke to Judge Randall. I think Judge Randall testified this morning that it was sometime in 1974, and it was after that, because I remember Mr. Byers told me that he had told Judge Randall about this. So it had to be after that time, and I don't know when.

Mr. ADRINE. So as a result he would have had to have told you about this offer sometime subsequent to the time that Dr. King had been killed?

Mr. WEENICK. Oh, yes, quite a bit after that.

Mr. ADRINE. Several years, as a matter of fact?

Mr. WEENICK. Oh, yes.

Mr. ADRINE. Now, did Mr. Byers reveal any of the details of that offer to you?

Mr. WEENICK. Well, he told me what had transpired. If that's what you mean by "details."

Mr. ADRINE. That's correct.

Would you relate what you can recall from that conversation?

Mr. WEENICK. Well, it was a very brief conversation, and I really don't know how it came up, but he told me that he had been approached one day by John Kauffmann, and Mr. Kauffmann had asked Mr. Byers if he—if Mr. Byers—wanted to make some money.

I think the figure was \$50,000, and I guess Mr. Byers said, "Sure," he'd be interested in it; and Mr. Kauffmann then took Mr. Byers to a man's house down in Imperial or Barnhart, Mo., a man by the name of John Sutherland, at which time Mr. Sutherland repeated the offer to Mr. Byers, to pay him the sum of \$50,000 to either kill or procure the killing of Dr. Martin Luther King.

Mr. ADRINE. Were you told any of the details or the descriptions of the places where the meeting was held?

Mr. WEENICK. Yes. It was at Mr. Sutherland's house, and Mr. Byers briefly described the house to me, at least some of the interior furnishings, which consisted primarily of a large carpet, either in the den or in the entry hall—I don't recall which—which was made to resemble a Confederate battle flag; and the walls of the study or the den was hung with another Confederate flag and various other military-type paraphernalia.

Mr. ADRINE. Did Mr. Byers give you a personal description of the individual with whom he met?

Mr. WEENICK. Mr. Sutherland?

Mr. ADRINE. That's correct.

Mr. WEENICK. No.

Mr. ADRINE. Did Mr. Byers indicate to you where the money—the \$50,000—was to come from?

Mr. WEENICK. No, he did not.

Mr. ADRINE. Did he give you any indication as to why he—that is, Mr. Byers—had been selected to have this offer made to him?

Mr. WEENICK. No, he didn't.

Mr. ADRINE. Did Mr. Byers indicate to you whether or not he had agreed to the undertaking?

Mr. WEENICK. He told me no, that he refused their offer and, really, he didn't really consider it very seriously.

Mr. ADRINE. Sir, did you know John Sutherland?

Mr. WEENICK. No, I never met John Sutherland.

Mr. ADRINE. Did you know of him?

Mr. WEENICK. I had heard about him. He was a patent lawyer in the city of St. Louis. I don't believe I ever met him.

Mr. ADRINE. Mr. Chairman, I have no further questions.

Chairman STOKES. The Chair at this time will recognize the gentleman from Tennessee, Mr. Ford, for such time as he may consume.

Mr. FORD. Thank you, Mr. Chairman.

Mr. Weenick, I want to pick up where counsel left off.

Did you ever turn over this information to the authorities prior to the time you were contacted by this committee?

Mr. WEENICK. No, I did not.

Mr. FORD. Do you mind telling the committee why not?

Mr. WEENICK. I was not at liberty to turn it over to them.

Mr. FORD. Sir, isn't it a fact that your client, Mr. Byers, denied accepting the offer to kill Dr. King?

Mr. WEENICK. Yes, that's correct.

Mr. FORD. Then what was the purpose of keeping this information privileged?

Mr. WEENICK. Well, it was not up to me, Mr. Ford, to tell anybody about this thing. If Mr. Byers wanted it to be known, then it was his duty to tell them, not mine.

Mr. FORD. The fact that you represented Mr. Kauffmann, did it in any way influence the advice that you gave Mr. Byers concerning this information?

Mr. WEENICK. I think Mr. Kauffmann was already dead when Mr. Byers told me this, so it would not have made any difference.

Mr. FORD. Did you ever consider going to the authorities with what you knew?

Mr. WEENICK. Did I ever?

Mr. FORD. Yes.

Mr. WEENICK. No.

Mr. FORD. Were you specifically instructed not to tell anyone about the plot?

Mr. WEENICK. By Mr. Byers, do you mean?

Mr. FORD. Yes.

Mr. WEENICK. Well, Mr. Ford, any time a lawyer is told something in his capacity as an attorney, when the client-attorney relationship has been established, we are not allowed or authorized to tell anybody what has been communicated to us, unless, of course, the client authorizes us to do so.

Mr. FORD. But what about your client, Mr. Byers, did you ever advise him as to what he should do with the information?

Mr. WEENICK. He didn't ask me.

Mr. FORD. So you never advised him of what to do?

Mr. WEENICK. Well, you have to understand this was some, oh, I guess, 6 or 7 years after Dr. King had been killed. Mr. Ray had been apprehended. The thing was ended. There was no talk of a conspiracy, nothing of any kind or description; so there really wasn't any sense to it as far as I could see.

Mr. FORD. What type of relationship did you enjoy with Mr. Kauffmann when you represented him?

Mr. WEENICK. Well, I was his attorney.

Mr. FORD. Just his attorney?

Mr. WEENICK. Right.

Mr. FORD. You represented Mr. Kauffmann, who Mr. Byers says was the person that set up the meeting where he was offered the money to kill Dr. King. Were you familiar with that?

Mr. WEENICK. I heard him testify to that, yes.

Mr. FORD. You heard it where?

Mr. WEENICK. Right here, this morning, I heard Mr. Byers say that.

Mr. FORD. So you are saying Mr. Kauffmann was dead when you learned of this?

Mr. WEENICK. I believe he was, yes, because it was sometime that I heard about this in late 1974 or 1975, and Mr. Kauffmann died in 1974.

Mr. FORD. But you never heard Mr. Kauffmann talking about this; is that correct?

Mr. WEENICK. No. I had no more dealings with Mr. Kauffmann after about December of 1968; and I had not talked to him since that time.

Mr. FORD. Mr. Chairman, I yield back the balance of my time.

Chairman STOKES. The gentleman yields back the balance of his time.

Mr. Weenick, let me ask you this: The testimony we received from Mr. Byers is, of course, very important testimony, because, if believed, it gives an outline to the possibility of conspiracy to kill Dr. Martin Luther King. In support of his testimony, we have now heard the supporting testimony of a sitting judge and yours as a practicing attorney, which gives credence to the testimony of this witness, and, of course, the committee ultimately will have to determine the credibility of this witness based upon whatever testimony comes before this committee.

I would ask you this question: Knowing what you know of Mr. Byers, are you in a position to be able to tell the committee whether you would believe him under oath?

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

I don't know what his motive would have been.

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

Chairman STOKES. And that's the precise question I was really addressing, is whether the witness would have any motivation to lie, and if so, what that motivation would be.

Mr. WEENICK. I can't think of a reason why.

Chairman STOKES. Thank you very much.

I have no further questions.

The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. No questions, Mr. Chairman.

Chairman STOKES. The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. Thank you.

Following up on what the Chairman's questions to you were, when Mr. Byers told you this, was he seeking legal advice relating to this incident?

Mr. WEENICK. As far as I can recall, he just told it to me. I recall it was in my office, and we had been discussing another matter, and it may have been around the time Mr. Kauffmann died—I'm not real sure—and that may have been what prompted him to tell me. I really can't recall.

Mr. PREYER. It was in your office?

Mr. WEENICK. Yes.

Mr. PREYER. Not at a neighborhood bar or something like that?

Mr. WEENICK. No.

Mr. PREYER. And you were discussing legal matters at the time when he was visiting you in your office?

Mr. WEENICK. Yes, to the best of my recollection. I don't know why he would have been there otherwise.

Mr. PREYER. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

I have one question: I wasn't sure, and I want you to clarify it for me. You said that he, meaning Byers, "told me he never took it very seriously."

Would you clarify for me what you meant by that?

Mr. WEENICK. Well, what I mean by that is that I don't think he ever seriously considered accepting the offer.

Mr. FITHIAN. But you were not alluding to a question of the seriousness of the offer on the part of those who were proffering it?

Mr. WEENICK. I would think that if they had made the offer they were probably serious. I don't know.

Mr. FITHIAN. Was there anything about Mr. Byers' demeanor or comment, or your own observation that would shed any light on it for the committee as to whether you felt that when he told you this that he was telling you about a serious offer by these folks?

Mr. WEENICK. I think he thought they were serious at the time. That was the impression he left with me.

Mr. FITHIAN. Thank you.

I have no further questions, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired. Any further members of the committee seeking further recognition?

Mr. Weenick, under the rules of our committee, when a witness has completed his testimony before this committee, the witness is entitled under our rules to 5 minutes during which time he can explain or amplify his testimony in any way he so desires. I would extend to you 5 minutes for that purpose, if you so desire.

Mr. WEENICK. I have nothing further, Mr. Stokes.

Chairman STOKES. I certainly, on behalf of the committee, want to thank you for your appearance here and for your cooperation with the staff and with this committee, and we are indebted to you for your testimony here today. Thank you very much.

Mr. WEENICK. Thank you.

Chairman STOKES. The Chair recognizes Mr. Mathews.

Mr. MATHEWS. Mr. Chairman, before we call our last witness, it is necessary, in order to clarify the record, to recall Mr. Byers for one additional question.

I might note, too, Mr. Chairman, he still will continue to invoke rule 6. Therefore, an order may be appropriate to indicate to the media that the cameras, radios, tapes, et cetera, should be shut down.

Chairman STOKES. At this time then, the witness having requested the invocation of rule 6, the media are asked to comply with that rule of the committee, which provides that no photography or other recording of the witness be made; and the Chair would also

extend the application of Rule 6 to the hallway area which is immediately adjacent to the hearing room, as per the request of the witness.

Mr. MATHEWS. It might be appropriate now, Mr. Chairman, to recall Mr. Byers.

Chairman STOKES. The committee recalls Mr. Byers.

The Chair would say further, this witness being under U.S. Marshal security, all persons are requested to remain in their seats anytime the witness is either entering or departing from the hearing room.

The record will reflect that the witness, Mr. Byers, has returned to the hearing room and is accompanied by counsel, Mr. Jim Hamilton of the District of Columbia Bar.

Mr. Byers, the Chair would admonish you that you are still under the oath which I administered to you this morning. Do you understand that?

Mr. BYERS. I understand it.

Chairman STOKES. All right. The Chair recognizes Professor Blakey.

**TESTIMONY OF RUSSELL GEORGE BYERS, ATTORNEY, CLAYTON, MO., ACCOMPANIED BY COUNSEL, JAMES HAMILTON—
Resumed**

Mr. BLAKEY. Mr. Byers, after you testified this morning, Judge Randall appeared and testified, and he indicated that he had racked his memory and done the best he could to recall as many details about his conversation with you as he could, and he gave the committee his best recollection of what you said to him, and what he said to you.

After comparing and contrasting his memory against your testimony, there were several items that I thought it might be appropriate to clarify in the record. Nevertheless, based on conversation with your counsel and his representations, I would only ask you one question at this time.

Judge Randall indicated that his memory was—and the record will, of course, correct me if I am wrong for misstating—that in the conversation with Mr. Sutherland you questioned him, that is, Mr. Sutherland, in detail, and learned—Judge Randall remembered—names of other members of the organization that were apparently going to be the source of the financing of Dr. King's killing.

My question to you, therefore, is: Is it your best recollection that you did, in fact, learn the names of other members of that southern organization?

Mr. BYERS. No names at all, to the best of my recollection, nobody. If he recollects something, it's beyond me.

Mr. BLAKEY. Do you recall any aspect of the conversation in which Mr. Sutherland indicated that there were other members of the organization?

Mr. BYERS. No. When he said "secret southern society," he mentioned no names, and I pressed for no names.

Mr. BLAKEY. I have no further questions, Mr. Chairman.

Chairman STOKES. Any other member of the committee seeking recognition?

Mr. FITHIAN. Just one clarification, if I may, Mr. Chairman.

Chairman STOKES. The gentleman from Indiana, Mr. Fithian. Mr. FITHIAN. Did Mr. Sutherland refer to the southern organization by title?

Mr. BYERS. By what?

Mr. FITHIAN. By title, by name of organization, as distinct—

Mr. BYERS. No; just a secret southern society or organization that he belonged to; that was all.

Mr. FITHIAN. But he did say he was a member of it?

Mr. BYERS. The best I remember, to phrase him, he says, "We"—it's been a long time; I'm trying to remember—"We belong to a secret southern organization"—or "society". He could have said "I" or "We." I cannot be sure.

Mr. FITHIAN. But you have the impression that he did belong to this organization?

Mr. BYERS. That's just my impression, that he did, yes.

Mr. FITHIAN. I have nothing further, Mr. Chairman.

Chairman STOKES. Do you recall him saying anything about there being prominent people?

Mr. BYERS. No; I recall nothing of that nature.

Chairman STOKES. Thank you.

I would again at this time, concluding your testimony before this committee—we will now release you from further testimony—I would extend to you, either you or your counsel, 5 minutes under the rules of this committee, if there is any further statement you or your counsel care to make to the committee.

Mr. BYERS. We can't think of another thing to say.

Chairman STOKES. Mr. Byers, I want to thank you, on behalf of the committee, for your cooperation with both the committee and our staff, and for the testimony you have given this committee here today. Thank you very much. You are excused.

Also, persons are requested to remain in their seats while the witness departs the room.

Rule 6 of the committee is now hereby lifted and you can resume coverage of the hearings.

The Chair recognizes counsel, Mr. Mathews.

Mr. MATHEWS. Mr. Chairman, following Mr. Byers' appearance in executive session before the King subcommittee on May 9, 1978, the committee took Mr. Byers' testimony seriously and it concentrated a major share of its investigative resources and time on exploring the possible relation between the conspiracy manifested in the offer to Mr. Byers and the events in Memphis.

Here this afternoon to present the results to date of that effort is Edward Evans, the chief investigator of the King task force.

It would be appropriate now, Mr. Chairman, to call Mr. Edward Evans.

Chairman STOKES. The Chair calls Mr. Evans.

Mr. Evans, the Chair would admonish you that you have been previously sworn in these hearings and the application of that oath would apply at this time. Do you understand that?

Mr. EVANS. Yes, sir.

Chairman STOKES. You may proceed.

**TESTIMONY OF EDWARD EVANS, CHIEF INVESTIGATOR,
SELECT COMMITTEE ON ASSASSINATIONS—Resumed**

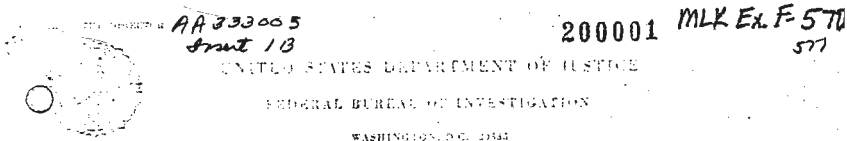
Mr. EVANS. Mr. Chairman, members of the committee, the FBI memorandum that first brought to the attention of the committee the allegation of a conspiracy in Missouri to assassinate Dr. King is dated March 13, 1978. It relates that an FBI informant sometime in March 1974, reported that the informant had been party to a conversation late in 1973 in which, according to the informant, a Mr. Byers claimed to have been made an offer for \$10,000 to \$20,000 to murder Dr. King.

It would be appropriate now, Mr. Chairman, to introduce that memorandum as MLK exhibit F-577.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

MLK EXHIBIT F-577



March 20, 1978

HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

In connection with the HSCA's investigation into the assassination of Martin Luther King, Jr., the St. Louis Office of the FBI surfaced information during a file review in an unrelated matter which it is believed is of interest to the Committee. This information concerning a St. Louis informant discussing with (first name not furnished) Beyers several individuals who may have information germane to the HSCA's investigation was furnished to FBI Headquarters, in the attached memorandum dated March 13, 1978.

In order to facilitate the Committee's evaluation of the information contained in above-mentioned memorandum, the St. Louis Office was asked to furnish background data on Beyers. On March 17, 1978, the St. Louis Office telephonically furnished the following:

NAME: Russell George Beyers
DOB: August 19, 1931
FBI NUMBER: 101-311E

The information contained in the memorandum of March 13, 1978, was discovered as a result of a file review conducted for background data on Beyers who was recently arrested by the St. Louis Police Department for his alleged participation in the burglary of a St. Louis museum.

Where information is not provided, it is because it is not retrievable or is not being furnished pursuant to the Memorandum of Understanding.



UNITED STATES DEPARTMENT OF JUSTICE

200601

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

March 13, 1978

HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

In the course of a file review conducted at the St. Louis FBI Office in an unrelated matter, a St. Louis informant file was reviewed. This file contained a contact memorandum dated March 19, 1974, which set forth information relating to several criminal matters and also contained the following paragraph:

"During the Fall of 1973, five or six months ago, date not recalled, Beyers came to the shop inquiring as to whether they could get together to talk, and they later did so at Pizza and Cream, Clayton, Missouri, in the area of a Broad-Dugan Paint Store, where informant had traveled on business. Beyers talked freely about himself and his business, and they later went to informant's house where Beyers told a story about visiting a lawyer in St. Louis County, now deceased, not further identified, who had offered to give him a contract to kill Martin Luther King. He said that also present was a short, stocky man, who walked with a limp. (Later, with regard to the latter individual, Beyers commented that this man was actually the individual who made the payoff of James Earl Ray after the killing.) Beyers said he had declined to accept this contract. He did remark that this lawyer had confederate flags and other items about the house that might indicate that he was 'a real rebel'. Beyers also commented that he had been offered either \$10,000 or \$20,000 to kill King.

Extensive further research in the St. Louis indices and files failed to reveal this information was in any way disseminated and the information simply reposes in the informant file.

Mr. EVANS. As we now know from Mr. Byers' testimony before this committee, the alleged offer by John Sutherland was set up by John Kauffmann and it was made in late 1966 or early 1967, and it was for \$50,000. Mr. Byers said in 1974, as he said today, that he did not accept the offer.

What follows is a report of the select committee's investigation of the Byers allegation:

Byers was located at his home in Rock Hill, Mo., a suburb of St. Louis. He initially denied any knowledge of the offer, but after consultation with his attorney he indicated that he might have information relevant to the committee's inquiry but that he would only reveal it under subpoena and with a guarantee of immunity.

Following issuance of a subpoena, Mr. Byers appeared before the King subcommittee on May 9 and he was granted immunity under title II of the Organized Crime Control Act of 1970 pursuant to an order issued by the U.S. District Court for the District of Columbia.

Mr. Byers' executive session testimony may be outlined as follows:

In late 1966 or early 1967—he wasn't sure which—Mr. Byers was approached by John Kauffmann, a friend and business associate, and asked if he would like to earn \$50,000. When Mr. Byers asked, "What do I have to do?" Mr. Kauffmann told him to meet him that evening.

Mr. Byers met with Mr. Kauffmann at 6:30 that evening and together they went to the home of John Sutherland, a St. Louis patent attorney. Mr. Sutherland's home was in a rural area near Imperial, Mo., outside of St. Louis.

The three men met in an office or den that had a rug replica of a Confederate flag. Mr. Sutherland, who appeared to be in his fifties or sixties, was wearing what looked to Mr. Byers to be a Confederate colonel's hat.

After a short period of social conversation, Mr. Sutherland asked Mr. Byers if he would like to make some money. Mr. Byers said he was interested, and Mr. Sutherland offered \$50,000 to kill Martin Luther King.

In response to Mr. Byers' question as to the source of that money, Mr. Sutherland said he belonged to a secret southern organization, and they had a lot of money.

Mr. Byers said he neither accepted nor declined the offer but indicated he would think about it. He further stated that he never seriously considered accepting it, that he never saw Mr. Sutherland again, and that Mr. Kauffmann never mentioned it again.

Committee investigators then were sent out to investigate whether such an offer had, in fact, been made.

In his testimony Mr. Byers said he had told two attorneys—Lawrence Weenick, of Clayton, Mo.; and Murray Randall, of St. Louis, about the offer.

After being shown attorney-client privilege waivers from Mr. Byers, both Mr. Weenick and Mr. Randall were interviewed and confirmed that Mr. Byers had told them of the offer, and the details they gave were substantially similar to those provided by Mr. Byers. Both attorneys said Mr. Byers had related the incident to them after the assassination of Dr. King.

Committee investigators contacted the informant who had supplied information about the offer to the FBI. He confirmed the report of the conversation with Mr. Byers in 1973.

Background checks on Mr. Kauffmann and Mr. Sutherland were initiated in June. Mr. Kauffmann was born April 7, 1904, and died April 1, 1974. He was a lifelong St. Louis resident, involved in a variety of business activities, including the manufacture of gliders and real estate development. From the early 1960's to his death he owned and resided at the Buff Acres Motel in Barnhart, Mo., and his widow, Beulah, still lives there.

Mr. Kauffmann's criminal record discloses he was arrested and convicted for the manufacture and sale of amphetamines in 1967.

Committee investigators reviewed the files of the Federal drug case that led to Mr. Kauffmann's arrest and conviction. They reveal he had been operating a legitimate drug company that marketed a cough mixture called Fix-A-Co. Through the company he was ordering amphetamine sulfate powder in bulk and making amphetamine pills from this powder. During 1967 and 1968, the report shows, Mr. Kauffmann sold over 1 million pills illegally to undercover Federal agents.

A Federal informant testified at Mr. Kauffmann's trial that some of the illegal pills were delivered to the Missouri State Penitentiary in Jefferson City, Mo. This is the prison where James Earl Ray was incarcerated until his escape in April 1967.

Mr. Kauffmann's file was also checked for indications of a propensity for violence. Although it was negative, it was noted that a Federal narcotics agent was ambushed and shot just after talking to an informant about Kauffmann. This incident occurred shortly after Kauffmann's arrest but following disclosure that the victim was a Federal agent who had worked undercover on the Kauffmann case.

There were two other details disclosed in the check of Mr. Kauffmann's criminal record: (1) He told an undercover agent he had threatened a person who owed him money in order to scare him; and (2) he had been solicited to assist in obtaining parole, on work release, for the convicted murderer of a police informant.

While there is no indication that Mr. Kauffmann himself engaged in acts of violence, he associated with persons who were capable of violent behavior and he may have played the role of a broker for criminal activity for these and other people.

In addition, while the committee was unable to obtain information that would provide details on Mr. Kauffmann's political attitudes, it did establish that he was associated with John Sutherland in efforts to establish an American Party in the St. Louis area in 1967-1968. Examination of American Party petitions filed with the Missouri secretary of state for the 1968 Presidential election shows Mr. Kauffmann's signature as either the circulating officer or as a notary public. The American Party supported the candidacy of Gov. George Wallace of Alabama.

John Sutherland, a descendent of early colonists, was born in Charlottesville, Va., October 19, 1905; he died in 1970. He was a 1926 graduate of Virginia Military Institute with a degree in electrical engineering; he received a bachelor of law degree from City College of Law and Finance, St. Louis, in 1931, and a master of law

degree from Benton College of Law. He held a commission in the U.S. Army Reserve from 1926 to 1936, though he apparently never served on active duty. He was married in 1930 to Anna Lee of Atlanta, who survives him.

Mr. Sutherland practiced patent law in St. Louis throughout his career. The firm of Polster & Sutherland was dissolved at the time of his death. He was a lifelong resident of the St. Louis area.

Mr. Sutherland belonged to a number of social, fraternal and professional organizations and he was active politically throughout his adult life. In view of the statement attributed to him by Mr. Byers that referred to a "secret southern organization" as a source of funding for the proposed assassination, the committee searched for any affiliations with an organization that could be considered secret, southern or both. Three were examined.

The first was a St. Louis social order with confidential membership, traditionally white; it was also once the target of civil rights demonstrations. No evidence was obtained, however, that would indicate it was other than purely social in nature.

The second was a white citizens group, formed by Mr. Sutherland in the early 1960s. It had ties to a Deep South parent organization and its stated purpose was to promote States rights and racial integrity. Mr. Sutherland served as the first chairman of the steering committee. While Mr. Sutherland withdrew from an active leadership role after the council's first year of existence, he remained interested in it until his death, although there were indications that the organization was not sufficiently activist to suit him. No evidence was obtained, however, that any member of this organization was involved with Sutherland in a plot against Dr. King.

The third was the Southern States Industrial Council of Nashville, whose president in 1968 was Thurman Sensing; he was also an associate and frequent correspondent of Mr. Sutherland.

The committee's examination of the Southern States Industrial Council developed that Mr. Sensing addressed the Daughters of the American Revolution in Washington on April 15, 1968, less than 2 weeks after the King assassination. While Mr. Sensing called it a " * * * senseless, tragic crime," and recommended that the killer—" * * * be apprehended if possible, and brought to trial for his crime,"—he also used the occasion to criticize Dr. King and those associated with him. He stated at one point, "It is not too much to say, in fact, that Martin Luther King, Jr., brought this crime upon himself." Holding Dr. King to account for his attitude toward civil disobedience, Mr. Sensing speculated that the assassin " * * * may well have said to himself, 'I think Martin Luther King should be killed. I realize there is a law against murder, but in this case, I think the law is unjust.'"

The Washington Field Office of the Bureau, favorably impressed by Mr. Sensing's speech, brought it to the attention of Director Hoover.

It would be appropriate at this time, Mr. Chairman, to insert in the record a copy of Mr. Sensing's speech, and the accompanying FBI memorandum, as MLK exhibit F-578.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

MLK EXHIBIT F-578

AA 333005
Serial 5A-1

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6
UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 7/1/68

FROM : SAC, WFO (62-0)

SUBJECT: THURMAN SENSING
EXECUTIVE VICE PRESIDENT
SOUTHERN STATES INDUSTRIAL COUNCIL
1103-111 STAHLMAN BUILDING
NASHVILLE, TENNESSEE
MISCELLANEOUS - INFORMATION CONCERNING

B.A. [unclear]
[unclear]

OK
Encl
X

Enclosed to Bureau two copies of speech entitled "A Call To Law and Order" reportedly delivered by caption on 4/15/68, to the National Defense Luncheon of the National Society Daughters of the American Revolution at the Mayflower Hotel, Washington, D.C.

In his speech, Mr. SENSING condemns Communism, false compassions, civil disobedience, court decisions that have disarmed law enforcement and man's criminal instincts as the roots of riots in America. Mr. SENSING calls for a return to law and order.

Enclosure furnished WFO by _____, an SAC contact.

Enclosure furnished Bureau in order that the Bureau have the benefit of Mr. THURMAN SENSING's thinking on one of our major national problems.

Re WFO airtel to Director, dated 2/20/58, entitled DEFENDERS OF STATE SOVEREIGNTY AND INDIVIDUAL LIBERTIES, IS-X (WFO# 100-32567-10) noting THURMAN SENSING spoke at the

- ② - Bureau (Encl 2)
- 2 - WFO
- (1 - 80-114,

SAC CONTACT

WLL:fjc
(4)

Serial 92 2 651

REC-42

16 JUL 2 1968

54 JUL 11 1968



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

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WFO 62-0

Second Annual Convention of above group held at Richmond, Virginia, 2/18-19/58. Mr. SENSING spoke mainly on State Sovereignty and the need to keep the Federal Government from operating the states.

ReWFOlet to Director, dated 10/16/56, entitled MARYLAND PETITION COMMITTEE, IS-X (Bufile 100-415566 and WFO 100-32942-7) enclosing a copy of a pamphlet entitled "THE REAL QUESTION ABOUT INTEGRATION" by THURMAN SENSING, published by the Southern States Industrial Council, MARTIN J. CONDON, III, President, at Nashville, Tennessee.

Submitted for information.

A CALL TO LAW AND ORDER

By

Thurman Sensing, Executive Vice President
Southern States Industrial Council
 1103-1111 Stahlman Building
 Nashville, Tennessee 37201

About three months ago, I gave Mrs. Griswold the choice of two subjects for my talk to you here today. One of these subjects was "A Call to Law and Order," and that is the one she chose.

It is rather ironic now that this subject should have been chosen for this setting three months ago because if any city in our whole nation has needed law and order, it has been Washington, D. C., the capital of the nation, during the past several days. During those days smoke caused by fires set by arsonists curled around the Washington Monument, the dome of the nation's Capitol, and settled like a pall over the White House. People have been shot to death and stores have been looted right here in our Capital City - a shame and a disgrace for a people who call themselves law-abiding citizens.

Naturally, this speech has been prepared for some time because I only returned from a five-weeks' trip over the continent of South America a week ago, and knew that I wouldn't have time to prepare a talk after I got back. Therefore, I am really going to make the speech in two parts -- first, as I had it prepared for delivery before my trip to South America -- everything I wrote then still applies - and second, in view of the happenings during the past ten days.

This is not a racial speech; this is not a political speech -- it is a law and order speech. It is a forthright speech and I will not pull any punches. However, the people named and quoted are named and quoted not because they are black or white, not because they are Republican or Democrat, but because they said what they said and did what they did.

We made a survey of all the Southern States Industrial Council members last fall, giving them a list of 22 national issues, and asked them to rate the issues in order of concern. Crime and lawlessness was named as the issue of paramount concern by a wide margin.

* Delivered to the National Defense Luncheon of the National Society Daughters of the American Revolution at the Mayflower hotel, Washington, D. C., April 15, 1968.

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People of great political influence in this country have permitted the concept of "freedom of speech" to be expanded to include subversion, intimidation, sedition, and incitement to riot. They have condoned the distortion of "academic freedom" to encompass the adulteration of young minds with Communist doctrine and the disintegration of a well disciplined educational system. They have allowed "freedom of assembly" to mushroom into disruption of peaceful activity, mob rule, riot and insurrection.

Unless those in authority in the United States can be influenced to abandon this course -- or unless they can be replaced by men who will -- we cannot hope to restore in our nation the kind of domestic peace and order that have made our many generations proud to be Americans -- living in a land of freedom, security, opportunity, and justice under law.

The crisis we now face is the most serious, the most dangerous, in the history of our country.

Remember, this was written three months ago.

"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

This passage comes, as you will recognize, from the Preamble to the Constitution. The phrase I want to emphasize and dwell on for a while is "insure domestic tranquility." As you know, in many cities and towns in this country in the last few years we have had anything but "domestic tranquility"; in fact, we have had anarchy of the rankest sort. This was especially true during the past summer -- the "long, hot summer" we had been warned about.

Actually it was a rather cool summer weatherwise, but it was certainly hot so far as domestic tranquility is concerned. The riots, arson, looting and murder that have occurred in many of our cities are a shame and a disgrace for a nation that calls itself civilized.

Now then, I want to suggest how we could put an end to arson and looting, both of which are despicable crimes. The solution is this: Issue orders to the police or the guardsmen, as the case might be, to shoot arsonists, looters and snipers on sight -- and investigate later. We have mollycoddled, we have pampered, we have excused law breakers entirely too much in this land of ours to maintain a law and order nation.

This would not only stop the arson and looting -- it would prevent it from happening in the first place. To give orders not to shoot under any circumstances for a period of time, as was done in some of our cities this past summer, not only encourages law-breaking, it also betrays the trust of the mayor or the governor, as the case might be.

Moreover, this is not a racial solution-- it is a law and order solution, because law and order must be observed by everyone alike, both black and white, if we are to live in a civilized country.

The present disregard for law and order has been abounding for quite a number of years. Five causes have worked hand in hand to wreak havoc upon the fabric of America. The riot roots may be found, I think (1) in Communism (2) in false compassion (3) in civil disobedience (4) in court decisions and (5) in the criminal instinct that lies repressed in the heart of man.

Communism, I believe, is the catalyst which has precipitated the present situation in this country. Anyone who has studied the details of the various riots that have taken place in the country must agree that they did not happen spontaneously -- they were planned. Communism thrives on agitation and revolution of all sorts, upon overthrow of the existing order. The Communists are calling the riots in our streets a "war of national liberation." Communists are definitely involved in the various civil rights organizations in the country at the present time. It is no coincidence that Stokely Carmichael, the despicable self-proclaimed apostle of guerrilla warfare in the United States, turned up in Communist Havana at a meeting of the organization created by the Soviets and the Communist bloc countries to organize revolution in both the Americas.

If people like Carmichael and Rap Brown, the present head of the Student Non-Violent Coordinating Committee, better known as SNCC, are very soon not tried for treason

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then we are going to be well on our way to forfeiting our right to call our country a law-abiding, patriotic nation.

By the way, SNCC is certainly a badly named organization. Instead of being called the Student Non-Violent Coordinating Committee, it should be called the Non-Student Violent Coordinating Committee.

The second cause of riots is the false compassion that has been spewed out by our leaders in government, by some of the clergy, and others in positions of responsibility during the past few years.

It was no less than President Johnson who used the civil rights marchers' phrase, "We shall overcome," several times in one of his speeches, and lent them his encouragement. Didn't he know that this was the title of a song written for the civil rights marchers by Pete Seeger, a person who had been identified under oath as a Communist? When Seeger wrote "We shall overcome" it is not hard to imagine that what he meant was "We, the Communists, shall overcome."

It was no less than President Johnson who greeted an audience of students in the summer of 1965 as "fellow revolutionaries" and told them: "I am proud to salute you as fellow revolutionaries. We want change I hope you will go out into the hinterland and arouse the masses, and blow the bugles, and tell them the hour has arrived, and their day is here." Well, the bugles have sounded all right -- in Newark, in Cambridge, Md., in East Harlem, in Detroit, in Milwaukee, and dozens of other cities -- and the day is here.

And speaking of encouragement, I wonder if Vice President Humphrey cares to recall his remarks in New Orleans in the summer of 1966 when he said that if he had to live in the slums "I think you'd have more trouble than you've had already, because I've got enough spark left in me to lead a mighty good revolt." Well, Mr. Humphrey's services were not needed -- there were plenty of other volunteers.

And let me insert right here that it is not buildings that make slums, it is people who make slums. You can take the same people out of the slums and put them in well built high rise apartments and these apartments will soon become more filthy and more dangerous than the slums they left. That has been well demonstrated in New York City.

5.

And how about the carpet-bag Senator from New York -- Senator Robert F. Kennedy when he said in the summer of 1965: "There is no point in telling Negroes to obey the law. To many Negroes the law is the enemy."

And back to President Johnson when he said in 1964: "We are going to try and take all of the money that we think is being unnecessarily spent and take it from the 'haves' and give it to the 'have nots' that need it so much." What kind of expectations did he think that he was arousing? He can look about him and find the answer.

Behind the criminal insurrection in Detroit and elsewhere are liberal counsels of appalling irresponsibility. The rioters, looters and arsonists have been encouraged in recent years to believe that they were above the law. When disturbances took place in Southern communities, for example, hundreds of clerical carpet-baggers descended on these towns and cities to condemn the law enforcement authorities. Now the shoe is on the other foot and the home towns of the liberal clergy and liberal professors are engulfed in the smoke of armed rebellion against lawful government, and Southerners cannot be used as scapegoats.

Looking back at the disastrous Detroit riot Americans may properly, I think, be dismayed at President Johnson's highly political reaction to the disorders. Whereas the White House in the past has been quick to send federal troops into Southern states at the earliest opportunity, Mr. Johnson delayed and delayed sending soldiers into strife-torn Detroit. The delays persisted despite pleas by Republican governor George Romney of Michigan and the Democratic mayor of Detroit.

When the troops finally were dispatched into the city (and they constituted only a fraction of the massive force President Kennedy used to overwhelm the small town of Oxford, Miss., in 1962) he employed a nationwide TV address to explain his extreme reluctance to employ federal troops.

Under the circumstances this explanation seemed peculiar. If there ever was an occasion for federal assistance, this was it. The troopers were requested by state and local authorities. The havoc being committed in Detroit was equal to what an external enemy of the United States might achieve in a massive bombing raid.

6.

Mr. Johnson apparently was trying to get off the hook with "civil rights" groups, but the vast majority of the American people are not political-minded "civil rights" activists. They are people who expect the President to assist the states in upholding law and order.

In the aftermath of the rioting, Mr. Johnson asked the country to pray for domestic peace. He also appointed an investigative committee to inquire into the cause of the riots.

Certainly prayer is in order as a proper avenue to reconciliation. On the other hand, Americans cannot overlook the fact that the liberal clergy is partly to blame for the disorders now shaking this nation. In recent years hundreds of liberal priests, ministers and Rabbis have given their endorsement to civil disobedience and to protest movements which trampled on municipal and state laws. In Selma, Ala., there was an invasion of clergymen from the North. One wonders: Where were these clerical voices of "conscience" when the rioting broke out in Detroit and other cities? How is it that Martin Luther King didn't invade the streets of Detroit to call for non-violence? There is a distinct smell of hypocrisy in this situation.

As for the presidential Investigative Committee, no doubt the members, according to their lights, will search for answers. It would be a mistake, however, to expect much of the Committee. For instance, I refer you to the Warren Commission, so-called, to investigate the death of President Kennedy. The members of this Investigative Committee share in general the social outlook which has prevailed in places of power in the last generation. That is to say, they believe that uplifting of backward people and the ending of public discipline problems can be solved by massive federal expenditures. Thus it would be very surprising if the Committee came up with anything but a recommendation for vast increases in government anti-poverty spending.

President Johnson certainly has indicated his approach to the riot problem. He has spoken of the riots in Detroit, Newark and other cities in such a way as to employ these tragic situations as arguments for salvaging his Great Society programs. In other words, the American people have been listening to him hoping to hear a crystal clear demand for

law and order, and instead they received a stone in the form of a political message for more big government spending in metropolitan centers.

The ordinary citizen in the aftermath of a period of savagery and rampant looting, certainly knows the score. It is likely that President Johnson will feel the sting of a real law and order backlash if he persists in trying to end street revolution by bowing to the blackmail of Negro militants who try to pressure the country by using fire bombs and snipers' bullets.

The third cause of riots is the preaching of civil disobedience and so-called "non-violent" resistance against society. The preachers of civil disobedience have gone so far as to say that "society" owes the Negroes what might be called 400 years of back pay -- and unfortunately many of the people believe them. Actually their ancestors were sold into slavery in the beginning by their own chiefs at the time. One of the clear thinking, clear headed Negroes in this country went to Africa not long ago, and after comparing the Negroes of that continent with the Negroes in this country, came back and said: "Thank God, my ancestors were sold into slavery."

Unfortunately, not many of the Negro leaders have that attitude. Too many of them have told the Negroes: "Obey those laws you think are just; don't obey those you think are unjust" -- thus advocating that each person decide for himself what is the law. Nothing could cause complete anarchy more quickly.

The fourth cause of the riots has been the invidious court decisions that have disarmed law enforcement and made law the protector of wickedness. These well known court decisions have diminished the law itself. Since the federal Brown decision of 1954 the law has abandoned its impartial majesty and become a tool of favoritism and social distortion.

8.

After all, what can you expect from the courts when the President nominates a man for the court of last resort -- the Supreme Court of the United States -- not because he was the best man available, but because by doing so he could gain a lot of votes from a minority bloc in the next election.

The fifth cause of riots which I should mention is no respecter of race. It is the fact that perhaps criminal instincts lie hidden in the heart of man. All men must struggle with the grace of God to overcome their baser nature. Mob rule drowns the pangs of guilt and the objections of conscience, and makes an individual feel, erroneously of course, that he is not guilty of his acts. It is a warning that white mobs may yet be set against Negro mobs by the calculating manipulators abroad in the land. In fact, we saw some of this in Milwaukee last summer. It may get worse, not only in Milwaukee but in many other places.

We have heard and read much this past year about the "long, hot summer" ahead of us, indicating that it would be during that summer we would have riots and anarchy. No doubt we have many long, hot summers ahead of us. Governor Terry of Delaware told the Southern Governors Conference at Asheville last fall that the troubles of 1967 are not "any at all compared with what we are going to have next year." Governor Terry offered no solution except to say: "We must get ready for it, be prepared for it, stop it, or we are going to be taken over." He referred to Black Power agitator Rap Brown's threat of "the day of the atom bomb" -- a statement which Terry said will be the "signal" when rioters "will come out with guns in every city across the nation," and that, Terry said, "will be a sad day unless we do something about it." He still didn't suggest what to do.

And so I go back to my opening statement that the mayors of the cities and the governors of the states should now issue proclamations loud and clear that the time has come to be firm, to be positive, in fact, to get tough. Unfortunately, this is the only language that law-breakers understand. They must proclaim that law and order must be preserved in this land by all people alike, that anyone caught using a Molotov cocktail or a sniper's rifle or looting a store will be shot on sight.

9.

Law enforcement officers are finally beginning to realize there is no other solution. The Chief of Police of Philadelphia issued such orders last fall; later the Chief of police of Miami, shortly before Christmas, issued similar orders, saying: "When the looting starts, then the shooting starts." Since then at least two Associated Press stories out of Miami have related the tremendous drop in crime since that order was issued. Not a single Negro has been shot by a Miami policeman since then -- but crimes of violence have shown a 70% drop. Surely, there is a lesson to be learned from this experience.

The time has come for action. And by action I don't mean rushing millions of dollars into riot-torn areas as a corrective measure -- I mean swift, vigorous police action, expedited trials and convictions when supported by the facts. Detroit, for instance, had received \$100 million since 1960 for urban renewal, and \$41 million in poverty funds. Detroit was a model city in those respects; yet there occurred the worst riot, the most people killed, the greatest property damage in any city in the land.

10.

Now we come to the second part of my speech, mainly centered, of course, on the burning, shooting and looting occasioned by the assassination of Martin Luther King Jr., on Thursday evening, April 4th. Law and order have been violated in more than 100 cities of this land during the past ten days, all of it triggered by King's death.

The man who killed Martin Luther King, Jr. committed a senseless, tragic crime. He violated law and order. He should be apprehended if possible, and brought to trial for his crime.

However, the country seems to have been caught up in an orgy of emotionalism since King's death, and many people have said many things and have done many things that are not supported by facts and reason. It is not too much to say, in fact, that Martin Luther King Jr. brought this crime upon himself. He went around over this country for years proclaiming his belief in non-violence and yet nearly everywhere he appeared and spoke it resulted in violence. One of his basic beliefs was that people were morally obligated to obey only those laws they thought just. He said they were not morally obligated to obey the laws they considered unjust. As I mentioned earlier in my talk, putting these beliefs into practice leads very quickly to complete anarchy.

What Martin Luther King should have realized in adopting this philosophy is that it might work both ways; in other words, his assassin may very well have said to himself, "I think Martin Luther King should be killed. I realize there is a law against murder, but in this case, I think the law is unjust." Anyway, we all know the result.

As Congressman John M. Ashbrook of Ohio said in his speech to the House last October 4, in speaking of King:

"While preaching non-violence, I believe the record clearly shows him to be an apostle of violence. While gaining major support from clergymen, I believe he has preached an expedient, totally materialistic line, which is the antithesis of religious teachings. He has openly associated with the most radical elements in our society. I believe he has done more for the Communist Party than any other person of this decade."

10-A

Mr. Ashbrook went on at length to support these allegations and many others. He pointed out that King made a major speech on Vietnam just a year ago this month. He further said, "I believe that any thinking American who will study his (King's) words must conclude as I have that he is disloyal to the United States. He maligned his country with lies and accusations that came straight from the Communist Party line. A strange statement, you say. Listen to what he said. He praised Ho Chi Minh as the only true leader of the Vietnamese people. He condemned the United States as the 'greatest purveyor of violence in the world today' and likened our nation to Hitler's Germany. He.... threw out wild charges like the United States may have killed 1 million children in Vietnam..... He said we have no honorable intentions in Vietnam and our minimal expectation is to occupy it as an American colony. These are a few of the wild accusations of the Nobel Prize winner many people have been led to believe is a man of peace.

Even the Washington Post could not stomach King's blatant lies and propaganda. Roundly condemning King in an editorial headed 'A Tragedy,' the Post ended by saying: "Many who have listened to him with respect will never again accord him the same confidence. He has diminished his usefulness to his cause, to his country and to his people. And that is a great tragedy."

Early this year, following a meeting with Stokely Carmichael and other agitators in Washington, Martin Luther King promised that more American cities would go up in flames this summer unless -- and this is where the blackmail comes in -- unless the Congress does exactly the bidding of the Black Power movement. King was unable to put

11.

a precise pricetag upon this blackmail, but he said it would cost somewhere between ten and thirty billions of dollars to do it -- to give every Negro in America a guaranteed income, a "good" home, and, of course, "open housing." Failing to get all of this, he said, the Negroes of American plan to take to the streets this summer in fifteen major cities and countless smaller ones. "Our nation," King threatened, in -- what does he call it? -- his non-violent way, "will sink deeper and deeper into the tragic valley of chaos, and our cities will continue to go up in flames." Stokely Carmichael, standing nearby, just grinned.

Were these the words of a minister of the gospel, of a man of peace, a believer in non-violence? The answer has to be -- no, they were not.

Two years ago I made a two-months' trip to Rhodesia, South Africa, South West Africa and Liberia. Now I have just returned from a five-weeks' trip to South America, visiting eight countries including the Panama Canal Zone. The more I study the situation abroad and the more I study the situation in this country, the more convinced I am that we are overlooking the fundamental issue at hand in our emphasis on welfare measures; namely, that it is not the function of government to guarantee prosperity to everybody, provide our citizens with a guaranteed income, provide them with government-subsidized housing, etc. It is only the function of government to provide a favorable climate in which a citizen may prosper. Then it is up to the citizen himself to produce his own prosperity and provide for his own welfare. Anything that is given a citizen beyond this must be provided by charity, not by government.

Applying this to our present-day situation, let me say that it is not the function of government to give a man a job or see that a job is given him simply in order to see that a minority group is represented on a pro rata basis, or represented at all. A man should be employed simply because of his ability, because he is the best man for the job, and he should be paid accordingly.

Let me also say at this point that one group of students in our public schools should never be bused across the city to assure proportionate representation of either

12.

race in our schools. Common sense and logic should prevail here, not a foolish ideology.

Now, considering the events since April 4th, let's pick up two or three loose ends.

I mentioned Stokely Carmichael and Rap Brown earlier in my talk. Stokely Carmichael made some talks in Nashville before the students of the Negro universities in early April 1967. It was undoubtedly these talks that triggered the riots that shortly followed, the first Nashville had had. Not too long after that, Carmichael went to Cuba, then behind the Iron Curtain, and then to Hanoi, thus violating all passport rules as laid down by our State Department. However, the Attorney General of the United States did not see fit to take any action concerning him when he finally returned to this country. Since then he has conferred with civil rights leaders and been active in many ways -- still nothing has been done.

Rap Brown, who succeeded Carmichael as head of the SNCC, has been in jail for quite a while because he violated terms of the bail granted him by a federal judge in Richmond, Va., last September. He has been under arrest for this violation, and just the other day the federal judge turned down his plea to release him in the interest of racial harmony. You will note his plea to be released was not based on the fact that he legally should be released, but in the interest of racial harmony. To a defense attorney's suggestion that "We may be fiddling while our cities are burning," Judge Merhige made this significant and courageous reply: "Assuming the cities are burning, that makes it more important that the law must be obeyed. I'm not going to be bullied by kooks on one side or the other."

The Justice Department is finally investigating Stokely Carmichael's activities in recent days -- something they should have done and should have acted upon months ago. At a news conference in Washington, 14 hours after the death of Martin Luther King, Carmichael said Negroes would "have to get guns" and take to the streets to "retaliate for the (King) execution." Carmichael was on his way at the time to attend a court hearing in Richmond, Va., for Rap Brown on his bail appeal. He said further:

"When White America killed Dr. King, it declared war on us. We have to retaliate for the execution of Dr. King.

"Black people know that their way is not by intellectual discussions. They know that they have to get guns. Our retaliation won't be in the court room but in the streets of America."

In other words, Carmichael denied completely that the Negroes of this country are controlled by the rules of law and order. However, Attorney General Ramsey Clark had nothing further to say about him in his TV interview on April 8 other than that federal investigators are checking his statements to see if "he may have violated any one of a number of statutes." This seems to me to be a very weak statement, a very immature approach to handling two of the most militant civil rights leaders in the country.

Now concerning federal troops, when the rioters camped on his own doorstep, President Johnson rather quickly got over his reluctance to use them, as was true in Detroit last summer. News reports are that more than 60,000 federal troops were called into service during the last several days, being mainly used in the cities of Washington, Chicago, Baltimore, and elsewhere in the North. Even so, in many cities for a period of time looting went uncontrolled, even on the main business street in Washington. It is too early yet to say whether the combined burning and looting and killing amounted to more than in the city of Detroit last summer, but there is hardly any question but that it did.

The assassination of Martin Luther King Jr. has been followed by an orgy of mob violence unprecedented in this country's history. The protest leader who espoused what he called a philosophy of "non-violence" left behind him a heritage of violence among his followers and admirers. As for flying flags at half-mast, as was done through Tuesday of last week, that, it seems to me, was very fitting -- not for the reason given, but because the nation has been shamed by savage rampaging such as good citizens never believed they would see in this proud nation. The death of one Negro soldier in the American armed forces in Viet Nam is a thousand times more worthy of flags being flown at half-mast than was the death of Martin Luther King Jr.

This heritage of violence is no doubt led by a relatively small percentage of the Negro people; in fact, joined in altogether by only a minority of the colored population. However, that only makes the situation more tragic, in that a small part might destroy the whole. What we must all realize in this land, both blacks and whites, is that we must observe all the rules of law and order if we are to continue to live under the kind of government left us by our forefathers.

All people in this country must realize that this is a land of liberty, not a land of license; that this is a land where laws must be respected, not violated; that this is a land where each man is free to carve out his own destiny and choose his own future so long as he harms no one else in the process; that this is a land where a man's value is not determined by his race and his color, but by what he has contributed and is contributing toward making this a decent, law-abiding society in a free nation.

Mr. EVANS. The committee's investigation also determined that the intellectual milieu of the Southern States Industrial Council had been touched by the publicly expressed opinions of J. Edgar Hoover. Mr. Hoover's statements on the efforts of the Communist Party to infiltrate the "Negro movement" were approvingly quoted in the Council's 1967 "declaration of policy."

Mr. Chairman, I think it would be appropriate to have that "declaration" inserted into the record as MLK exhibit F-578A.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

**A DECLARATION
OF POLICY
1967**

Adopted by the
Board of Directors
of the
Southern States Industrial Council

At its Annual Meeting
The Homestead
Hot Springs, Virginia
June 1-2-3, 1967

SOUTHERN STATES INDUSTRIAL COUNCIL

Organized in 1933, the Southern States Industrial Council officially represents the sixteen Southern State area from Texas to Maryland inclusive.

Members of the Council come from all lines of professions and of business and industry in the South—large and small. It also has many members from outside its region. The Council is operated as a non-profit business association and corporate dues are tax-deductible as a business expense.

The fundamental purpose of the Southern States Industrial Council is to restore and preserve to future generations the traditional American free enterprise system which is the basis of our strength as a nation—and which is the product of freedom itself. The Council is entirely non-partisan, dealing only with principles and not with political parties.

The special function of the Council is to represent the voice of free enterprise from the conservative Southern viewpoint. This Southern viewpoint has been a stabilizing influence in the life of the nation, particularly in recent years, and bids fair to continue so in the years ahead.

There is a great body of sound, conservative thinking in the South that has unswervingly supported the basic principles of our form of government—the rights of local and state governments and the freedom of the individual.

This thinking has not submitted to centralized government, it has not been misled by federal aid, it has held fast to basic economic principles. It is this thinking to which the Council gives unified utterance.

Organized on a regional basis, the Council can only speak for the South as a region, but the work it is doing is in the interest of the whole nation—the preservation of free enterprise is just as important to one part of the nation as another.

For further information, address:

SOUTHERN STATES INDUSTRIAL COUNCIL

WILLIAM LOWNDES, President

1103-1111 Stahlman Building

Nashville, Tennessee 37201

A DECLARATION OF POLICY

"IN GOD WE TRUST"

We cherish the fact that our beloved country is deeply rooted in religious faith. This we attribute to the wise and virtuous men who established themselves upon this land through individual enterprise and self-reliance while unashamedly acknowledging God as the ultimate source of their strength and the author of all their blessings.

The Council is gravely concerned and disturbed at many of the changes now taking place in the life of our nation, including the growing secularism of the people. This lamentable trend is—in effect—sanctioned and abetted by court-directed assaults upon the free practice of religion.

Therefore, the Southern States Industrial Council takes this opportunity—solemnly and humbly—to reaffirm its unalterable faith in Almighty God.

L. FOREIGN AFFAIRS

Support a foreign policy which will protect America's sovereignty, security and independence.

National Sovereignty:

Sovereignty, Nationalism, Patriotism, Individual Liberty—these are the living principles under which this Nation has come into being, and, for more than a century and a half, has grown and prospered.

In recent years, we have been witnesses to the progressive weakening and undermining of these basic principles. Our Sovereignty has been impaired. Nationalism has come into considerable popular disfavor. Patriotism is not as highly revered as it once was. Individual Liberty is being constantly eroded by actions of our national government.

The Council reaffirms its unalterable opposition to these trends. It commends the Senate for its refusal to ratify the United Nations-sponsored Genocide Convention and urges it to take similar action when and if the Declaration of Human Rights—also United Nations sponsored—is submitted.

The Council also opposes repeal of the Connally Reservation restricting the jurisdiction of the World Court and urges the Senate Foreign Relations Committee to shelve this proposal, as it did in 1960, should it be brought up again.

The United Nations:

Since the United Nations came into being, ostensibly as a mechanism for promoting world peace, the government of the United States has made support of the U. N. a keystone of our foreign policy.

The high hopes which inspired this support have ended in disappointment, and serious doubt now exists as to whether "peace" is a real and foremost objective of most U.N. members.

In addition, the character, composition, and activities of the World organization have radically changed. This is due to the influx of new African and Asian "nations." Each of them has the same voting power in the U. N. Assembly as does the United States and hence they are in a position to dominate the U. N.

In view of the foregoing, the Council feels that the United States should consider withdrawing totally from the U. N. and from all participation in U. N.-sponsored activities and organizations. It also requests that U. N. headquarters be removed from the U. S.

Sanctions Against Rhodesia:

The Council condemns in the strongest possible terms the shameful action of our own government in imposing a U. N.-sponsored trade embargo upon Rhodesia. Such action is not only contrary to the American tradition of self-determination; it could easily lead to the involvement of this Nation in a war in which the United States would be fighting on the side of barbarism and chaos and against civilization. We earnestly urge the Congress to take whatever steps may be available to it to end this intolerable situation.

Foreign Aid:

The Council notes with satisfaction the growing disenchantment with foreign aid. It has never believed it possible to buy reliable friends and allies. Furthermore, the Council specifically rejects any further aid to Socialist or Communist countries.

We believe our government should avoid dissipation of the Nation's resources in futile attempts to raise the living standards of vast segments of the world's evergrowing population. We believe that all such ill-conceived attempts are foredoomed to failure, and, by raising false hopes, make more enemies than friends.

The Council favors the substantial annual reduction of foreign economic aid with a view to its early elimination and a continuing review of our policy of military aid.

International Trade:

The power to regulate foreign commerce is expressly and exclusively vested in Congress by paragraph (3), Section 8, Article I of the Constitution, which says: "The Congress shall have the power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

The Council urges:

1. The restoration of Congress' authority over tariff-making.
2. Elimination of the balance of payments deficits and the drain on our gold reserves.
3. An immediate review of the entire Trade Agreements program with a view to such rate adjustments and/or the imposition of such quotas as are necessary to protect American producers and workers from unreasonable and unfair competition based upon cheap foreign labor. This should include a prohibition against dumping of foreign produced materials in this country at prices lower than those charged in the producing home markets.
4. Rejection of the idea of government subsidies for domestic industries injured by the Trade Agreements program.
5. The establishment of a joint watchdog committee comprised of members of the Ways and Means and Senate Finance committees to keep constant watch over the effects of imports upon U. S. industries, including employment, profits and prices.
6. An immediate elimination of all trade with Communist nations.

The council applauds our government for imposing a complete embargo on trade with Red China and urges that it be maintained.

Protection of Foreign Investments:

Investment of United States private capital in foreign countries should be protected through agreements fostered by our government. Such agreements should guarantee fair and non-discriminatory treatment of present and future investments, provide firm assurance against expropriation without adequate and prompt compensation, and permit investors to repatriate their earnings. The Council calls upon our government to adopt, without delay, whatever legal measures may be necessary to accomplish these aims.

Monroe Doctrine:

The Monroe Doctrine states in part:

"We owe it, therefore, to candor and to the amicable relations existing between the United States and these (European) powers, to

declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety."

The evil and malevolent system of Communism is now firmly entrenched on the island of Cuba, from which it is spreading to other Latin American countries. Instead of resisting this sinister development with all the power at its command, our government treats Cuba as an inviolable Communist sanctuary and orders a wrong-way blockade against Fighters for Freedom instead of against Castro.

The Council favors the prompt, stern invoking of the Monroe Doctrine in the case of Cuba and other threatened Latin American countries and enforcing it.

Isthmian Canal Policies:

A major objective of the Communist conspiracy in this hemisphere is to gain control over the Panama Canal. The Council urges Congress not to surrender, in any degree, United States ownership of, jurisdiction over, and control of the Canal Zone to Panama or any other nation or international body.

Immigration:

The test of any immigration policy should be, what is best for America? Measured by this test, it remains to be seen whether the new immigration law of 1965 represents any improvement over the McCarran-Walter Act, which it supplanted. The Council doubts that it will, primarily because the new law contains no provision—as did the McCarran-Walter Act—for a National Origins Quota System.

Viet Nam:

The Council supports the efforts of the President to turn back and defeat the Communist drive on South Viet Nam. However the Council disapproves the simultaneous diplomatic "Peace Offensive" which weakens and sometimes contradicts the military effort there. The objective of war is not "negotiation" but victory over the aggressor, and judging by past U. S. losses at the conference table, "negotiation" might well allow the Communists to achieve by guile what they have failed to gain by force. The Council favors the use of all appropriate means to destroy the Viet Cong and—if necessary—to overthrow its Communist masters in Hanoi or wherever located.

II. NATIONAL DEFENSE

Maintain an adequate defense—strong and balanced armed forces—maintain always a military superiority over our enemies.

Disarmament:

Any unilateral or unverified program of disarmament would be suicidal. The Council is, therefore, opposed to any form of disarmament, whether it be by treaty—such as the Nuclear Test Ban Treaty—or by executive order—such as the failure to develop adequate new strategic weapons systems for future defense needs in land, sea, air or space.

Test Ban Treaty Safeguards:

Before the ratification of the Test Ban Treaty, the numerous risks and hazards of the pact were admitted by the Administration *then in power*, but strenuous promises were made that all necessary steps would be taken to reduce them to the lowest possible level. Nothing of the sort has been done. Therefore, the Council calls upon the Johnson Administration to take positive action to ensure national security against the dangers inherent in the unpoliced Nuclear Test Ban.

Arms Control and Disarmament Agency:

The Council feels that the U. S. Arms Control and Disarmament Agency has proven itself utterly useless and futile. It should be abolished.

Over-Extension of Forces:

The Council notes with growing concern our increasing military commitments around the world. We are now formally committed to the protection of the freedom of over 40 Nations. Secretary of State Rusk has stated—in effect—that there is no limit to our role as world policeman. The Council seriously questions the wisdom of any such attempted role and feels that the end result could be catastrophic.

III. SUBVERSIVE ACTIVITIES

Opposition to Subversive Activities:

The Council reaffirms its unalterable hostility to Communism, Socialism, or any form of totalitarian government, and favors the exposure and eradication of similar subversion wherever it exists.

Loyalty Oath:

The Council is unable to discern any valid reason why American college students, whose education is being paid for by the taxpayers, or anyone else receiving Federal funds, should object to taking an oath of loyalty to their own country. We express the hope that this oath will be preserved and, if necessary, strengthened.

Communist Infiltration:

The late Chairman of the House Committee on Un-American Activities, the Honorable Francis E. Walter, once said:

“... (the Communists) objective remains the same: destruction of all free societies, conquest of the world and the enslavement of mankind. The battlefields are every institution and organization of society, including the home, the church, the school and every agency of our government.”

The Council urges Congress to pass legislation that would compel the summary discharge of any non-elective Federal employee upon a written finding and certification by the FBI to the agency concerned that reasonable doubt exists as to the loyalty of such employee to the United States. Government employment is a privilege, not a right.

Infiltration of the Peace Movement:

It is apparent to even the casual observer that the numerous “peace” groups demonstrating throughout the land are not pacifist in nature but are actually in favor of a military victory by the Communists in Viet Nam. When viewed within the context of the current Communist Party Line, it is also obvious that the so-called Peace Groups are giving aid and comfort to the Communist enemy. The Council urges immediate Congressional investigation of the Peace Movement.

The Council further calls on the Justice Department to prosecute those persons who violate the Selective Service Act by urging young Americans not to serve in the Armed Forces.

Civil Rights and Civil Wrongs:

The Council views with grave concern the mounting violence and lawlessness ostensibly carried out in support of various aspects of the so-called civil rights program. It views with even greater alarm and misgivings the actions of the President and other high officials and members of Congress of both parties and the Supreme Court in not only failing to oppose and condemn such violence and open disregard of State and local laws, but actually encouraging and condoning it.

Crime:

The Council views with alarm recent Supreme Court decisions—Mallory, Escobedo, and Miranda cases—which have had the net effect of barring criminal confessions under almost all conceivable circumstances, thus allowing the guilty to go free. The Council supports legislation to correct this situation.

Infiltration of the Racial Movement:

On April 22, 1964, J. Edgar Hoover, Director of the Federal Bureau of Investigation, stated:

"The Communist Party is attempting to use the Negro movement, as it does everything else, to promote its own interest rather than the welfare of those to whom it directs its agitation and propaganda. . . .

"The number of Communist Party recruits which may be attracted from the large Negro racial groups in this nation is not the important thing. The old Communist principle still holds:

'Communism must be built with non-Communist hands.'

"We do know that Communist influence does exist in the Negro movement *and it is this influence which is vitally important*. It can be the means through which large masses are caused to lose perspective on the issues involved and, without realizing it, succumb to the Party's propaganda lures."

The Council, therefore, urgently calls for an immediate Congressional investigation into the Communist infiltration of the Negro movement in the United States.

FBI Succession:

The Council supports legislation to make future appointees as Director of the FBI subject to Senate confirmation.

Biased News Media:

The Council notes with sadness and concern the continued flagrant bias on the part of much of the Nation's press, radio and television media in reporting on Southern race relations. In the opinion of the Council, such reporting—some of it thoughtless and irresponsible—some of it plainly malicious—does not help and frequently hurts the cause of restoring harmonious relations between the white and Negro races in the South and elsewhere. It calls upon the news and opinion media of the Nation to get back to honest, objective reporting.

IV. RIGHTS OF THE INDIVIDUAL

Protect in every way the rights of the individual as guaranteed by the Constitution. These fundamental rights are inherent in every citizen and must be preserved inviolate.

Unalienable Rights:

The Bill of Rights of the U. S. Constitution is based upon the philosophy, first proclaimed in the Declaration of Independence, that all men are endowed by their Creator with certain unalienable rights.

This philosophy is directly contrary to the totalitarian principle that man's rights are conferred upon him by government and that what government gives, it may also take away.

The Council rejects as inimical to the rights and dignity of man the whole socialistic, leveling down philosophy of the welfare state.

Firearms Control:

The Council looks with apprehension upon the firearms control and registration bills being considered by Congress. The Council emphatically rejects all firearms control laws, no matter at what level of government or what the purpose. Such laws cannot impair the criminal's use of arms. The criminal will obtain firearms illegally if he desires them, whereas the freedom of law-abiding citizens to keep and bear arms would be restricted.

V. STATES' RIGHTS

Safeguard the rights of individual States by holding the Federal Government to the delegated power as specified in the Federal Constitution and to the statutory procedure in administering that power.

The Republic:

Our Constitutional fathers, familiar with the strength and weakness of both autocracy and democracy, with fixed principles definitely in mind, established a representative republican form of government. They made a very marked distinction between a republic and a democracy and said repeatedly and emphatically that they had founded a republic.

These men knew full well the dangers of a democracy, and never intended that we should have one. Our pledge of allegiance refers to the flag "and to the Republic for which it stands." When Benjamin Franklin came out of the Constitutional Convention on Sept. 17, 1787, he was asked, "Well, Mr. Franklin, what have we got?" His answer was, "You have a Republic, if you can keep it."

The Council believes that the time is here when the American people must reaffirm their desire to retain a Republic.

Big Government:

The Council notes with extreme concern the ever increasing size, cost and power of the Federal Government, and urges citizens in and out of Congress to take a determined stand against its continued expansion.

Apportionment and Reapportionment:

The Council supports immediate Federal legislation to withdraw from the Supreme Court of the United States appellate jurisdiction in apportionment and reapportionment cases and also to deny jurisdiction to the U. S. District Courts to entertain any petition or complaint seeking apportionment or reapportionment.

The Council also supports Senator Dirksen's determination to amend the Constitution to provide that in all States having two-House legislatures, members of one House may be chosen on a geographical or other non-population basis.

Prayer and Bible Reading:

The Council decries the Communist-inspired drift towards atheism, and urges Congress to provide that the Bible may be read and prayers offered in the public schools with voluntary participation. The Council further believes that prayer in the public schools and public ceremonies should be encouraged rather than forbidden.

Another Road to Socialism:

As one means of promoting more rapid economic growth, it has been suggested that a larger share of our total earnings and resources be channeled by the Government into public, as distinguished from private, investment. The Council opposes this notion as leading to bigger, more centralized government, more intervention and control, and outright socialism as the ultimate, if not avowed, goal.

The Conservative Coalition:

The Council commends and pays respectful tribute to the conservative coalition in Congress and pledges its continued support. It especially commends the coalition in the Senate for defeating repeal of Section 14(b) of the Taft-Hartley Act.

Education:

The Council believes that a return to the fundamentals of education is long overdue, that the public school system should remain under local control and that it, along with the home and the church, should constitute a strong first line of defense against subversive attack from whatever source.

Federal Aid to Education:

The Council opposes Federal aid to education because, whatever may be said, Federal aid has always meant and will and must always mean, Federal control which enables thought molding on a national scale by whatever small group has control of the Administrative Branch of the Federal Government. The potential evils of such power are obvious.

Guide Lines:

In the opinion of the Council, the action of the Department of Health, Education and Welfare in attempting to make compliance with so-called integration "Guidelines" a condition of receiving public tax funds is both dishonest and a perversion of the intent of Congress. The Council calls upon Congress for relief from this bureaucratic edict.

Supreme Court:

The duty of the Supreme Court is to determine what the law is, not to set itself up as a third legislative chamber. It also has a duty to avoid Federal judicial involvement in matters traditionally left to State legislative policy making. The Council earnestly urges Congress to:

1. Propose a constitutional amendment vesting exclusive control of the public schools in the States and their political subdivisions; and
2. Pass legislation to restore the balance of power among the three branches of the Federal Government and between the Federal Government and the States.

The Council also believes that the Supreme Court is misinterpreting and mis-applying the general welfare clause of the Preamble to the Constitution, as well as the 10th Amendment reserving to the States or the people all powers not specifically delegated to the Federal Government.

The Council further holds the view that no one should be appointed to the Supreme Court who has not had at least five years prior appellate judicial experience.

Federal Preemption:

The Council supports Federal legislation to require that no act of Congress shall be construed as indicating an intent on the part of Congress to occupy the field in which such act operates, to the exclusion of State laws on the same subject matter, unless such act contains an express provision to that effect.

Force Bills:

The Council profoundly resents the action of Congress in passing, and the Supreme Court in upholding, P. L. 89-110, the so-called Voting Rights Act of 1965. Born of hate, hysteria and hypocrisy, this law re-imposes reconstruction on certain States of the South with no appeal to the local courts. It does this by requiring these States to entreat Federal authorities for approval of local laws before they can become effective. As Mr. Justice Black said in his dissenting opinion: "Any State or States treated in this way are little more than conquered provinces."

The Council opposes so-called Federal civil rights legislation as a further unwarranted encroachment by the Federal Government upon the rights of the individual citizen, the State and local communities. It also opposes—and for the same reason—executive action in this area.

Presidential Electors:

The Council recognizes the right of the several States to appoint Presidential electors as they choose, but favors the principle that such electors shall be chosen in the same manner and upon the same basis as are members of Congress.

VI. GOVERNMENT ECONOMIC POLICY

Promote honesty, economy and efficiency in government—Federal, State, and local.

Fiscal Policy:

The national debt now amounts to \$331 billion, up \$8 billion from last year. This does not include government-guaranteed loans and other contingent liabilities, conservatively estimated to aggregate more than \$1 $\frac{1}{4}$ trillion.

Notwithstanding the recent tax reduction, taxes are still far too high. In some States having State income taxes, the combined Federal-State rates actually exceed confiscatory levels.

In the light of these facts, the Council urges the Congress to take the following action:

1. Reduce the Federal budget by reducing expenditures that are not essential to the functioning of the government as defined in the Constitution.
2. Avoid any further increase in the debt ceiling and the contracting of any further obligations outside this ceiling.

3. Approve an amendment to the Constitution limiting Federal expenditures to receipts in time of peace.
4. Limit Federal income tax rates by Constitutional amendment except in time of war.
5. Provide for a return to a convertible gold coin standard and the liquidation of the present managed currency system.
6. Approve an amendment to the Constitution requiring reduction in the national debt except in time of war or congressionally-declared state of emergency.

Inflation:

We have had a deficit in our national budget for 31 of the past 37 years. This is largely responsible for the 58 per cent decline in the purchasing power of the dollar and this decline is accelerating.

The deficit for the current fiscal year (ending June 30) is estimated at over \$11 billion, while President Johnson estimated next year's deficit at \$8.1 billion—a figure generally regarded as highly unrealistic in view of the increasing costs of the "Great Society" and the war in Viet Nam. In these circumstances, the Council recommends a substantial cut-back in "Great Society" spending. We do not believe that a tax increase would be significantly deflationary since it would only reroute funds from private to public spenders.

The New Economics:

While the Council recognizes that, as with a family going into debt to meet living expenses, the day of reckoning may be postponed for a time, it rejects the whole of the so-called "New Economics" as a cynical, cruel and demagogic hoax designed primarily to gain votes.

Depressed Areas—Appalachia:

The Council reaffirms its opposition to this type of legislation, the cost of which will run into the billions. It suggests that a meaningful solution of the problem of depressed areas and regions will not be found in subsidized Federal pump-priming; rather it will be found in the dynamic workings of the free enterprise system.

The Federal Reserve System:

To have a sound monetary, credit and fiscal policy, it is essential that the Federal Reserve System continue to function as an independent agency.

Subsidies:

In general, Federal subsidies, including rent subsidies, are politically motivated. They also make for additional Federal controls. The Council believes that the general welfare will be best served by the progressive elimination of all subsidies, except where necessary to the national defense.

In addition, the Council favors a fair and equitable user charge to be paid by those industries which use publicly-financed facilities and which compete with other industries which do not use such facilities.

Agriculture:

One of the largest and most expensive of our many ventures into welfare statism is the farm program which resulted in the accumulation of vast surpluses and the loss of billions of dollars annually. Now these surpluses (except in the case of cotton and tobacco) have largely disappeared due to the food give-away programs in India and elsewhere and the U. S. may face a shortage of feed grains notwithstanding the 15 per cent increase in acreage recently ordered.

The Council feels that this situation offers a unique opportunity for the government to make at least a beginning towards freeing the farmers from the bureaucratic stranglehold under which they have operated these many years. It urges prompt revision of the laws governing agricultural production and marketing with a view to returning control to the farmer; restoring the law of supply and demand, not only for what the farmer has to sell but for what he has to buy; and giving farmers and consumers the benefit of a free, unrigged market.

Joint Committee on the Budget:

It is beyond the ability of Congress as presently organized to inform itself as to each of the items in the budget and to know which can be eliminated or reduced without injury to essential public services. To remedy this and to restore to Congress control of spending, the Council recommends the establishing of a joint House-Senate Committee with an adequate staff to make a continuing study of the budget and advise Congress.

Back Door Approach to the Treasury:

The Constitution of the United States provides that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." Notwithstanding this clear prohibition, the practice has grown in recent years of authorizing the heads of government agencies to go directly to the Treasury for their money without further appropriations action by Congress. The Council urges an end to this unconstitutional and irresponsible practice.

One General Expenditure Authorization Act For Each Fiscal Year:

The need for reform in Congressional procedures for enactment of spending legislation is obvious. Congress has lost control over Federal expenditures and acts on spending bills without relating them to revenue and without knowing whether it is creating a deficit or surplus. Partly as a consequence, deficit financing has been the rule—not the exception—for more than a quarter of a century. The Council advocates one general expenditure authorization for each fiscal year.

Uses for Non-Convertible Currencies:

As a result of food sales and the counterpart funds generated by the foreign aid programs, the U. S. Government now owns billions of dollars worth of non-convertible currencies. Both as a means of economizing in the expenditure of dollars and to help our balance of payments deficit, the Council favors:

1. The use of these non-convertible currencies in payment of the cost of any U. S. activities and other foreign commitments in the respective countries; and
2. Sale of these currencies to U. S. tourists for use in the countries of origin.

Department of Housing and Urban Development:

The Council opposed this primarily for the reason that it would further increase the power of the Federal Government over municipalities. It believes that towns and cities should be encouraged to finance their own development and work with state governments before looking to Washington for assistance and planning.

VII. FEDERAL AND STATE TAXES

Help develop an equitable tax system that will restrict the Federal Government to its proper Constitutional functions, reserve certain sources of taxation to the State and local government, broaden the tax base, eliminate the double taxation of corporate dividends, and provide equality of taxation to all competing business enterprises.

Constitutional Limitation of Federal Taxes:

The Council submits that a fixed ceiling on the rate at which Federal income, estate, and gift taxes can be levied and collected, except on income taxes in time of war, should be written into the Constitution.

The unlimited power to tax presently exercised by the Federal Government is socializing earnings, preventing the formation of risk capital, and destroying the profit incentive. It is also taking away important sources of revenue which should be reserved for the State and local governments.

State Sharing in Federal Income Tax:

The governors have requested the President to initiate a study of how the States should share in the Federal income tax. In the opinion of the Council, any such sharing would make the States even more dependent than they now are on Federal revenues and this should be avoided. However, if a Federal sharing plan is adopted, the Council holds that the states should be reimbursed in proportion to the amount collected by the Federal Government from each state.

Double Taxation of Corporate Dividends:

Individuals should be exempt from Federal taxation of that portion of their income derived from corporate dividends, since such income has already been taxed once to the corporation. The Council urges Congress to take appropriate action to correct this inequity.

Tax Equality:

In the interest of free and fair competition, the Council urges Congress to plug the remaining loopholes in those laws which give cooperatives, credit unions, and similar businesses an unfair tax advantage.

Capital Gains Tax:

This tax retards the free flow of investment capital and has a stifling effect on our economy. It should be repealed, thus permitting such gains to remain tax free for reinvestment.

Adequate Allowance for Depreciation:

During a period of inflation the cost of replacing worn-out or obsolete buildings and equipment is much more than the amount allowed as a charge to depreciation under present Federal tax laws. This is particularly harmful when taxes are taking more than 50 percent of the profits earned by many businesses.

We urge that Congress establish a current value formula for determining depreciation based upon the current cost of replacement.

Investment Tax Credit:

The Council commends the President for recommending and the Congress for passing a measure to restore the 7 per cent tax credit for machinery and equipment and the tax benefits of accelerated depreciation of commercial buildings.

Depletion Allowances:

The Council supports the principle that industries based upon the extraction of exhaustible resources should be allowed adequate depletion allowances.

No Censorship by Taxation:

The Council believes that contributions and expenditures by business enterprises to support or oppose legislation at all levels of government should be deductible as ordinary and necessary business expenses for Federal income tax purposes.

State Taxation of Interstate Commerce:

The Council urges the States to get together and formulate and adopt uniform standards in this field.

VIII. PRIVATE ENTERPRISE

Government competition with private enterprise is contrary to the principles upon which our economic system rests and should be eliminated.

Socialization of Commerce and Industry:

The Council opposes government competition with taxpaying private enterprise in all fields of endeavor, including but not limited to transportation, home building, home financing, banking, consumer financing, insurance, fertilizer, and other manufacturing. In particular, the Council opposes government encroachment into the electric power business by such governmental agencies as the Tennessee Valley Authority, Bonneville Power Administration, Southwestern Power Administration, Southeastern Power Administration, and Rural Electrification Administration.

The Rural Electrification Administration was authorized some 30 years ago and was empowered to make loans for rural electrification to persons in rural areas who at that time were not receiving central station service.

The REA loans money to the Rural Electric Cooperatives at 2% interest and on terms up to 35 years. Cost of this money is considerably less than the cost of money to the government. This means that the Rural Electric Cooperatives are being subsidized by all the taxpayers in the country and, in addition, they are income tax exempt.

The Council urges Congress to discontinue financing rural electric cooperatives by ceasing to appropriate tax money for REA. Since 98% of the farms in America now have electricity available, there is no reason to continue appropriating millions of dollars which this bureaucratic agency seeks in order to expand its public power operations far beyond what it was originally commissioned by Congress to do.

The Council calls on Congress to phase out REA which has completed the job for which it was created and, in the meantime, insist that it be compelled to operate within the law.

The Function of Profits:

Profits and the concomitant risk of loss are what make the free enterprise system run, the dynamic, driving force of industrial progress. Without profits there would be no investment to provide new jobs and additional opportunities for the growing work force of an expanding population. A no-profit economy inevitably results in a socialistic economy.

The Council deplors the government policy of attempting to influence wages and prices.

Business Size and the Public Interest:

American industry and business have evolved over the years in response to the changing needs and desires of the consuming public. The Council favors fair and effective enforcement of the anti-trust laws, but rejects the yardstick of mere size as a criterion of monopoly, undue concentration, or lack of competition.

Administered Prices and Wages:

There is no justification for Federal interference with management's price-making procedures on the basis of company size in relation to its particular industry, or any other basis. The Council also believes that individual sellers should be left free to meet price and other forms of competition, and that price controls of any sort including wage and price "guidelines" are unnecessary and harmful.

Truth in Lending and Packaging:

The Council believes that regulation of consumer credit and other so-called consumer safeguards including so-called "Regulation W" controls proposed by the President and/or Congress are properly functions of the States and not of the Federal Government.

Natural Gas:

Since the production of natural gas is not a monopoly, it is desirable that legislation be enacted to remove producers of natural gas from rate regulation in accordance with the principles of our free enterprise system.

Railroads:

The usefulness of the Nation's railroads to shippers and to national defense is definitely handicapped by inequitable regulatory laws, by discrimination in taxation by state and local communities, and by enormous government expenditures for the benefit of other modes of transportation, sometimes at no cost to the mode of transportation receiving the benefit. These policies prevent the maximum utilization of one of the Nation's most vital resources and add billions of dollars each year to the public's transportation bill. Continuation of

present regulatory practices prevents the railroad from lowering transportation rates, thereby impairing the financial health of the railroads by depriving them of traffic they can handle at a profit and placing an unreasonable burden of transportation charges on the shipping public.

The Council accordingly requests in the national interest prompt action by the Congress to correct regulatory laws which impair the efficiency of the railroads and prevent them from passing on the benefits of lower cost transportation to the public. It further requests that the Congress and state legislatures enact legislation to recover the public expenditures from the modes of transportation that receive the benefits from such expenditures in order that the competitive inequality forced on the railroads be alleviated.

It further requests that inequitable taxation be removed, particularly that with respect to assessments by state and local authorities of railroad properties at higher levels than the comparable properties of others.

Federal Licensing of Corporations:

The Council is opposed to the Federal licensing of corporations as a condition to engaging in interstate and foreign commerce as an unwarranted extension of the Federal power.

Furthermore, the Council is opposed to the Federal Communications Commission's so-called "fairness doctrine" concerning the presentation of the conservative viewpoint over radio and TV as an infringement of free speech.

Atomic Power:

The Council believes that atomic plants for generating electricity should be built and operated by private enterprise.

Federal Control of the Transmission of Electric Energy:

The Council opposes the construction of a national Federally-controlled network for the transmission of electrical energy so as to interconnect Federal power marketing agencies through the use of Federal appropriations, power revenues, loans or grants, or funds available to State power authorities or other State or local agencies. The Council further opposes turning Federal transmission lines into so-called common carrier transmission lines. Inevitably this will lead to the requirement that all non-federally owned transmission lines become common carriers with the result that the Federal Government will then effectively control the transmission of electric energy nationally, regardless of source or ownership.

The authority to preserve and protect the public lands and any regulations purporting to be issued thereunder should not be misused to advance the Federal power operations nor to hamper the planning, construction and operation of non-Federal transmission lines.

IX. SOCIAL WELFARE

Oppose those government plans which destroy individual initiative and self-reliance.

Socialized Medicine:

The Council continues to oppose any program of compulsory health insurance, including social security-connected hospital care for the aged. It believes that Medicare will prove a serious disappointment to those it is intended to benefit and will result in a general deterioration of the quality of medical care and increased expenses.

War On Poverty:

Our nation was founded on the Christian principle of individual freedom, the right and the responsibility of the individual to work out his own destiny and to choose his own future. The proper function of government is to provide a climate favorable to freedom, initiative and growth, leaving to the individual the largest possible area for development. Furthermore, the Council believes that direct relief, when necessary, is the responsibility of the States and localities. For these reasons the Council advocates the elimination of the Federal Government from this field.

Public Housing—Urban Renewal:

The Council opposes subsidized public housing because it uses the taxes paid by all the people for the benefit of a few. In particular, it condemns the abuse of the power of eminent domain to seize homes and other private property, which are then resold, below cost, to private developers. Slums are created by people and could be minimized if local governments would adopt and enforce decent housing codes.

Unemployment and Workmen's Compensation:

The States should have maximum latitude in the solution of unemployment problems peculiar to their localities. The Council strongly opposes any Federalization of the unemployment program, or workmen's compensation program, including Federal payment of benefits or the imposition of Federal standards for the payment thereof.

Job Corps Program:

The Council does not believe that this program will solve the problem of untrained young people. The young people of America need to

work in free enterprise organizations, not in any form of Federal labor battalions. But they must first receive at least an elementary education and some vocational training. The Council believes that such a program under State control would be far more productive of the desired results than temporary service in Federal job corps.

X. LABOR RELATIONS

Protect the rights of the individual worker and the general welfare of the people by opposing compulsory and monopoly unionism and by advocating State control of strikes and picketing.

Compulsory and Monopoly Unionism—Industry-Wide Bargaining—State Control of Strikes and Picketing:

The Council believes that the privilege of seeking and keeping employment, with or without union affiliation, is a birthright of every American citizen guaranteed by the Constitution.

Under existing Federal law permitting the imposition of the union shop, the individual worker may be compelled to join the union in order to keep his job. Present law also permits industry-wide bargaining and industry-wide strikes. This further limits the worker's freedom of choice and gives to a few union officials the power to paralyze the industrial life of the Nation. To remedy this situation, at least in part, the Council advocates:

1. That the States be allowed to exercise their constitutional authority to deal with strikes, picketing and boycotts and that this power not be usurped by the Federal Government.
2. That Federal anti-trust laws be made to apply to unions as they now apply to industry and business;
3. That strikes be made subject to control of the bargaining unit by secret ballot of membership after consideration of the employer's last negotiated best offer;
4. That picketing for organizational purposes be made an unfair labor practice;
5. That existing restrictions against secondary boycotts be retained and strengthened;
6. That compulsory check-off of union dues be prohibited: whenever check-off of any nature is allowed, that the employee be permitted to terminate the check-off agreement on exactly the same basis that was used in agreeing to the check-off;
7. That all union officials be elected rather than appointed, such elections to be held regularly by secret ballot.

National Labor Relations Board:

The NLRB has completely lost any inclination to act as an impartial, judicial body. Instead it has become a policy-making tribunal which is blatantly pro-union and anti-employer and anti-free enterprise. The whole concept of "administrative" justice is fallacious and unworkable. The Council believes that the NLRB should be abolished and legislation passed to replace it with a labor court similar to a federal tax court.

Right to Work:

The Council is opposed to all forms of compulsory unionism, including the closed, union, and so-called agency shops. It supports State Right-to-Work laws, and opposes repeal of Section 14(b) of the Taft-Hartley Act, which authorizes them.

Common Situs Picketing:

The Council feels that existing Taft-Hartley prohibition against secondary boycotts at construction sites should be retained.

Strike Violence and Lawlessness:

The use of physical force, threats, violence and mass picketing interferes with the employee's freedom of choice and should not be permitted. Conscientious and fearless enforcement of the law at State and local levels would largely eliminate these evils. In many instances, public officials, charged under their oath of office with law enforcement, have been grossly derelict in their duties.

Fair Labor Standards, Walsh-Healey and Bacon-Davis Acts:

The Council opposes government wage and price fixing on principle. However, so long as the present Wage-Hour law is on the books, minima established under it should also become the minima for employees engaged in work on government contracts.

The maladministration of the Walsh-Healey and Bacon-Davis Acts regulating the wages paid on government procurements and construction contracts constitutes a prime example of executive distortions for political purposes. The Council believes that both of these laws should be repealed.

It opposes current proposals for rationing job opportunities (shorter work week and double pay for overtime), and believes that the Federal minimum wage law should be amended to permit marginal workers, including the least skilled and the very young and very old, to obtain jobs at rates they are willing to accept and employers are willing to pay. In addition, the regulations now applying to youthful workers should be relaxed so as to permit them to work at any non-hazardous occupation.

THE COMMITTEE ON DECLARATION OF POLICY

W. M. BLOUNT, Chairman, Blount Brothers Corp., Montgomery, Ala.

ALLEN NIXON, President, E. C. Barton Co., Jonesboro, Ark.

WILLIAM B. BRYAN, Assistant Vice President, Southern Bell Telephone & Telegraph Co., Atlanta, Ga.

CHESTER GULICK, General Manager, Kentucky-Tennessee Clay Co., Mayfield, Ky.

CHARLES W. WALLACE, Chairman, Union Oil Mill, Inc., West Monroe, La.

ROBERT N. WINSTON, Vice President, State Loan & Finance Management Corp., Silver Spring, Md.

FRANK G. SMITH, Vice President, Mississippi Power & Light Co., Jackson, Miss.

JOHN R. GRIFFITHS, Vice President, American Zinc Co., St. Louis, Mo.

LOUIS V. SUTTON, Chairman, Carolina Power & Light Co., Raleigh, N. C.

E. B. PATTERSON, Vice President, Patterson Steel Co., Tulsa, Okla.

E. B. RODGERS, Vice President, Standard Knitting Mills, Inc., Knoxville, Tenn.

PAUL S. BELKNAP, President, Charleston Rubber Co., Charleston, S. C.

J. LEWIS FOSTER, President, Foster Cathed Co., Wichita Falls, Tex.

L. C. BRENNAN, Treasurer, Columbian Peanut Co., Norfolk, Va.

L. NEWTON THOMAS, President, Carbon Fuel Co., Charleston, W. Va.

R. R. BURNS, President, Tennessee Corp., New York, N. Y.

W. L. THORNTON, President, Florida East Coast Railway, St. Augustine, Fla., Chairman.

Mr. EVANS. Despite a major effort, the committee was unable to identify the "secret southern organization" that Mr. Sutherland referred to, according to Mr. Byers, but it did establish strong segregationist leanings in at least two of the organizations he did belong to, and in Mr. Sutherland himself. Indeed, one close associate told the committee that Mr. Sutherland was a "diehard southerner" who would "never let the Civil War die."

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

While the committee has been unable, 10 years later, to show a direct link between either Mr. Kauffmann or Mr. Sutherland and the events in Memphis, it did determine that they met the necessary criteria for being considered participants in a serious conspiracy, to wit: (a) they had the motive—in Mr. Sutherland's avowed social, political and economic attitudes and Mr. Kauffmann's readiness to earn money legally or illegally; (2) they had the monetary means—from Mr. Sutherland's own funds and from those of associates; and (3) they actively sought an opportunity to carry out their objective, as evidenced by their alleged solicitation of at least Mr. Byers.

The committee was unable to find evidence to counter Mr. Byers' claim that he declined the offer to assassinate Dr. King.

Because of the apparent serious character of the offer to Mr. Byers, the committee explored the possibility that the offer might also have been communicated to someone other than Mr. Byers, or that Mr. Byers, intentionally or unintentionally, so transmitted it himself. The investigation yielded four theories of possible connectives between Mr. Sutherland, or Mr. Kauffmann and James Earl Ray, the convicted assassin.

I would ask at this time, Mr. Chairman, that MLK Exhibit F-579A be inserted into the record and appropriately displayed.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[The information follows:]

ST. LOUIS CONSPIRACY (1)



MLK EXHIBIT F-579A

Mr. EVANS. There are a total of four exhibits here, Mr. Chairman, and I would just like to enter this one at this time, and the total of four illustrate the theoretical connectives, though emphasis should be placed on "theoretical," since the evidence available cannot be taken as having shown that all individuals and organizations identified on the charts were actually involved in a conspiracy to murder Dr. King.

The charts merely are intended to depict the means by which word of the existence of an assassination contract might have reached Ray. Each theory, in turn, will be considered.

The first chart which is displayed, is called "St. Louis Conspiracy (1)," shows how there could have been links from Mr. Sutherland, Mr. Kauffmann, and Mr. Byers via John Paul Spica, a relative of Mr. Byers who was a fellow inmate of Ray at the Missouri State Penitentiary.

The committee determined that Mr. Spica, a brother-in-law of Mr. Byers, was convicted and imprisoned in 1963 for the contract murder of a St. Louis businessman. Missouri State Penitentiary records show that Mr. Spica was incarcerated from 1963 to 1973, and that for at least part of that time he occupied a cell in the same cellblock and same tier of the prison as Ray.

In testimony before the committee, Mr. Spica has acknowledged that he was acquainted with Ray, but he denied having had close contact with him. Committee interviews with prison officials and other inmates, on the other hand, indicate a much closer friendship between Mr. Spica and Ray than Mr. Spica admits.

Mr. Spica has stated that he knew nothing of the offer to Mr. Byers by Mr. Sutherland and Mr. Kauffmann until Mr. Byers advised him of the committee's investigation in 1978.

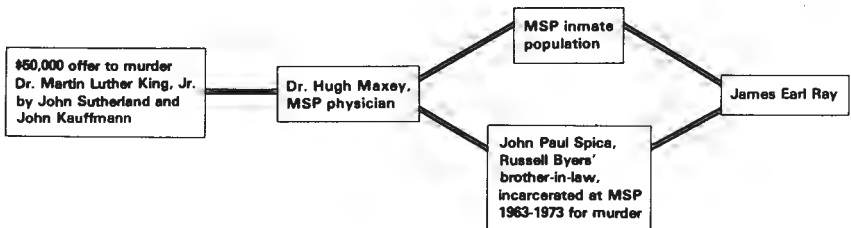
As Mr. Byers has told the committee, he never mentioned the offer to Mr. Spica in visits to the prison. A check of prison records reveals that visits by Mr. Byers to Mr. Spica at the prison occurred after the assassination of Dr. King.

Mr. Chairman, I would like to have introduced into the record now that which has been premarked MLK exhibit F-579B.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

ST. LOUIS CONSPIRACY (2)



MLK EXHIBIT F-579B

Mr. EVANS. This chart labeled "St. Louis Conspiracy (2)", shows a possible connective to Ray at the Missouri State Penitentiary through Dr. Hugh Maxey, a medical officer at the prison.

Interviews with relatives and associates of John Kauffmann indicate that Mr. Kauffmann and Dr. Maxey were associated for several years. Mrs. Kauffmann said it was a purely social relationship, one that lasted from the early 1960's until Mr. Kauffmann was sent to Federal prison for the sale of amphetamines.

Dr. Maxey, who is over 80, acknowledged in an interview with committee investigators that he had known Mr. Kauffmann. He declined to discuss the association, except to say it was social.

The committee looked into other reasons for an association between Dr. Maxey and Mr. Kauffmann. It was learned, for example, that Dr. Maxey assisted Mr. Kauffmann in obtaining the services of parolees in work-release programs; and there were reports that Dr. Maxey was involved with Mr. Kauffmann in the distribution of amphetamines in the prison. While it was confirmed there was an amphetamine problem at the prison in the 1960's, the charge that Dr. Maxey was involved in distribution could not be substantiated. Dr. Maxey also denied any participation in illegal drug distribution.

Prison health records show Dr. Maxey had contact with James Earl Ray at the prison and the doctor told committee investigators he did know Ray, but only as a patient.

While Ray was pushing a food cart in the prison hospital, John Paul Spica, in fact, worked for Dr. Maxey in the same hospital. During this same period Ray was disciplined for trying to smuggle contraband into the prison infirmary.

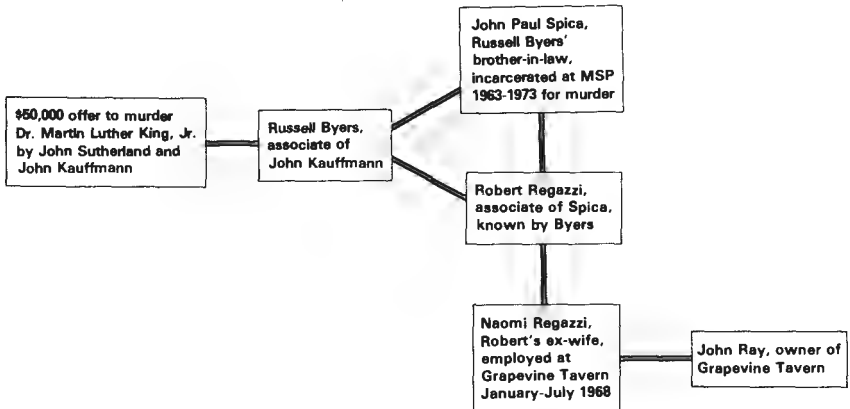
Dr. Maxey said he was unaware of an offer to murder Dr. King circulating at the prison while he was employed there.

Sixteen Missouri State prison inmates were questioned as to the existence of an offer to kill Dr. King, or any rumors that one existed, and most said that speculation about a reward did not arise until after the assassination.

The chart labeled "St. Louis Conspiracy (3)" which is MLK exhibit F-579C, I would like to have entered now, if I may, Mr. Chairman.

Chairman STOKES. Without objection, it will be entered.
[The information follows:]

ST. LOUIS CONSPIRACY (3)



MLK EXHIBIT F-579C

Mr. EVANS. This chart shows a possible connection between the offer and James Earl Ray through a Spica associate and Ray's brother, John.

Mr. Byers told committee investigators that he was acquainted with a St. Louis resident named Robert Regazzi, and that Mr. Regazzi and Mr. Spica also knew each other. The significance of

this is amplified by the knowledge that Naomi Regazzi, a former wife of Robert, was a bartender at the Grapevine Tavern in St. Louis from January to July 1968. The Grapevine was operated by John Ray at the time.

The committee reasoned that if Mr. Byers had told Mr. Regazzi about the offer of money to kill Dr. King, Naomi could well have been aware of it and, in turn, communicated it to John Ray. Mr. Byers said, to the best of his recollection, he did not discuss the offer with Mr. Regazzi.

Mr. Spica was questioned about his association with Mr. Regazzi. He said he knew him but there was no friendship between them. Since—as Mr. Spica has claimed—he had no knowledge of an offer to kill Dr. King, he could not have passed it along to Mr. Regazzi.

Mr. Regazzi, when interviewed by committee investigators, claimed he had no knowledge whatsoever of the King assassination. He said he had been separated from Naomi at the time she was employed at the Grapevine and he could not have communicated an offer to her had he known about it.

Naomi Regazzi told committee investigators she did not recall hearing about an offer for the murder of Dr. King. She said she had never talked with John Ray about Dr. King, except to ask him if James was his brother, after he had been identified as the assassin.

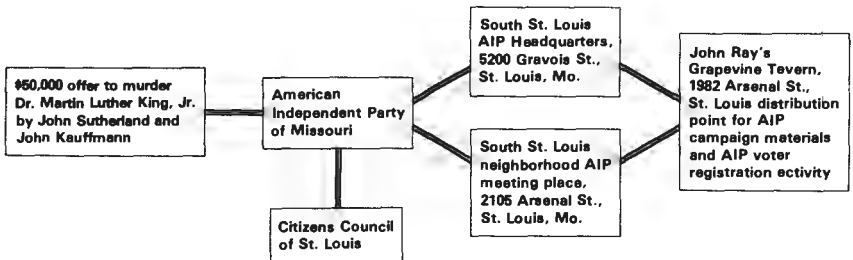
Naomi Regazzi confirmed she was separated from Robert during the period she was employed at the Grapevine.

Mr. Chairman, I would like to have entered into the record now MLK exhibit F-579D.

Chairman STOKES. Without objection, it may be entered.

[The information follows:]

ST. LOUIS CONSPIRACY (4)



MLK EXHIBIT F-579D

Mr. EVANS. This chart shows a possible connective through the American Party campaign for the Presidency in 1968. Both Mr. Sutherland and Mr. Kauffmann were active in the party, also known as the American Independent Party. Mr. Sutherland was a political activist, while Mr. Kauffmann appears to have worked in a supportive capacity.

Committee interviews with officials of the American Party in 1968 have revealed that Mr. Sutherland, who was a candidate for elector, was active in behalf of the party at both the local and national levels. Committee interviews with American Party mem-

bers in St. Louis in 1968 indicate that support was derived from people who felt that both the Republicans and Democrats were too liberal on civil rights.

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

Floyd Kitchen, a former White Citizens Council field director, an organizer for the American Party in St. Louis in 1968, and a Missouri State chairman for the American Independent Party, indicated to the committee that his AIP salary of \$600 a month was paid by Mr. Sutherland.

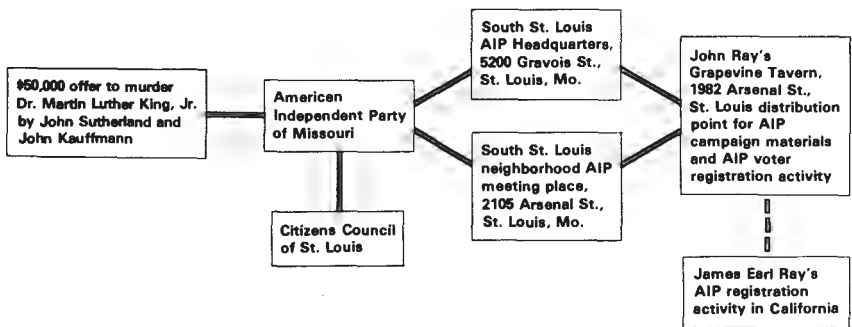
John Ray was also active in the 1968 American Party campaign. Investigation by the committee, as well as testimony by his own brother, Jerry Ray, indicate that the Grapevine Tavern was a distribution point for party literature. At the same time, James Earl Ray was engaged in party activity in California.

Mr. Chairman, I would like to have the overlay which has been marked as MLK exhibit F-579E be entered into the record.

Chairman STOKES. Without objection it may be entered into the record.

[The information follows:]

ST. LOUIS CONSPIRACY (4)



MLK EXHIBIT F-579E

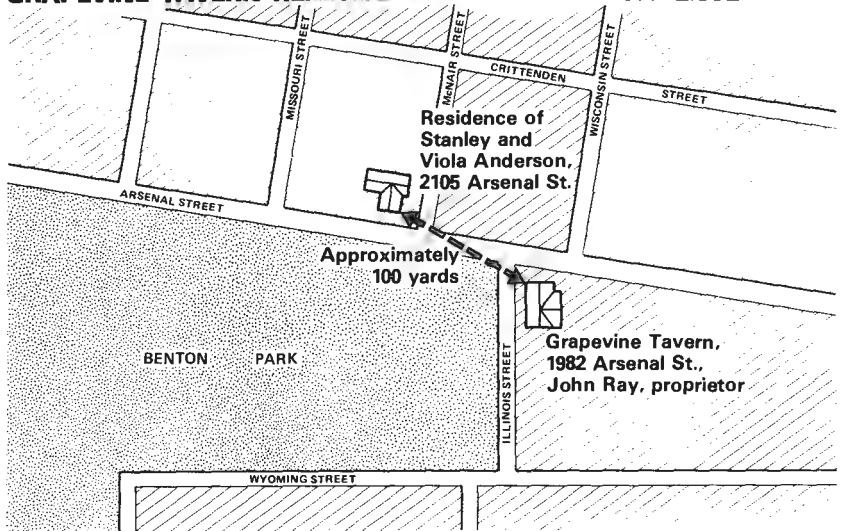
Mr. EVANS. John Ray's interest in politics seems out of character since he apparently had never evidenced it before 1968, and since a convicted felon, he was not able to vote. Nevertheless, extensive research of party activities in St. Louis in 1968 revealed that a woman who was extremely active in the party in the southern part of the city was Viola Anderson. Her home at 2105 Arsenal Street was only about 100 yards from the Grapevine Tavern. Though Mrs. Anderson died in 1977, her widower, Stanley Anderson, confirmed her party activities.

Mr. Chairman, it would be appropriate at this point to insert into the record and appropriately display MLK exhibit F-580.

Chairman STOKES. Without objection it is so ordered.

[The information follows:]

GRAPEVINE TAVERN RELATIVE TO ANDERSON RESIDENCE

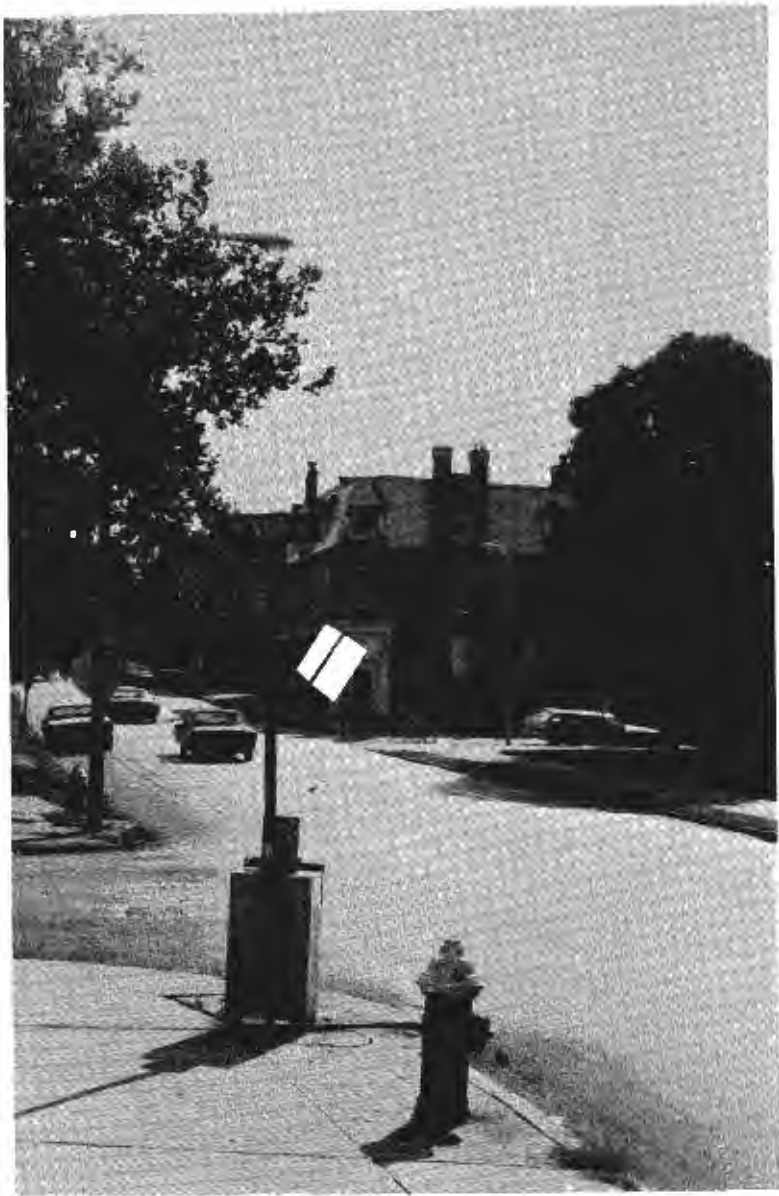


MLK EXHIBIT F-580

Mr. EVANS. Mr. Chairman, I would also like to have entered what has been previously marked 580A, 580B, and 580C which are photographs.

Chairman STOKES. Without objection they may be entered into the record at this point.

[The information follows:]



MLK Ехнівіт F-580A



MLK EXHIBIT F-580B



MLK EXHIBIT F-580C

Mr. EVANS. Mr. Anderson acknowledged to committee investigators that his late wife had met Mr. Sutherland, but she was not close to him. Mr. Anderson insisted that neither he nor his wife nor Mr. Sutherland were prejudiced against Black people. Mr. Anderson also said that he and his wife had once met J. B. Stoner of the National States Rights Party. He said that he did not feel Mr. Stoner was prejudiced against Blacks.

Although Mr. Anderson said he could not remember ever meeting John Ray, he volunteered that he and his wife and another party worker visited the Grapevine on at least one occasion.

Mr. Anderson denied ever hearing of an offer to assassinate Dr. King, but he indicated, after repeated questioning, that conversations critical of Dr. King's activities occurred frequently at meetings he and his wife attended prior to the assassination.

In an effort to gain further insight into the activities of the American Party in St. Louis and their connections, if any, with the assassination of Dr. King, the committee turned its attention to Glen Shrum. Mr. Shrum, it was learned, became active in the party in December 1967 or January 1968. He was instrumental in the organization in the Third Congressional District, and he was in close contact with Viola Anderson in building neighborhood support.

Stanley Anderson told the committee Mr. Shrum and Anderson remained in close touch for several years after the 1968 campaign, and relatives of Mr. Shrum, who subsequently died, said he was also in contact with John Sutherland. While they maintained such contact was minimal, other committee sources revealed Mr. Shrum's activities were directed by Floyd Kitchen.

After the 1968 campaign, Mr. Shrum continued to be active in the American Party in St. Louis as an official and board member. Along with Mrs. Anderson, he also became involved with the White Citizens Council, of which Mr. Sutherland had been an early organizer.

The committee contacted several American Party and White Citizens Council members who said that several informal meetings were held at the Anderson home during the 1968 campaign. Reportedly, Shrum attended many of them. According to Mr. Anderson, he also was a patron of the Grapevine Tavern.

Shrum was also described to the committee as an activist with radical right wing organizations. He belonged to the John Birch Society and the Minutemen. He attended meetings of the National States Rights Party, and he may have been in contact with the Ku Klux Klan. His friends also indicated he held strong opinions on civil rights, leading him to be openly critical of Federal legislation and court actions dealing with equality for Black people.

The committee further learned that Dr. King and his efforts in behalf of the civil rights movement were frequently discussed in meetings at the Anderson home and elsewhere. Witnesses of the meetings were unable to recall specific statements with regard to Dr. King, but they did say the general attitude was not favorable to the endeavors of the civil rights leader.

Committee investigators asked the witnesses about the reaction at the meetings to Dr. King's death. No one was greatly disturbed they said. In fact, there was an atmosphere of jubilation at one get-together shortly after the assassination.

One further aspect of the committee investigation of the Byers allegation must be mentioned. The committee also sought an answer to several other questions: Did the FBI know of the Kauffmann-Sutherland offer prior to the assassination? Did it know of the offer during the active investigation of Ray?

Assuming it had no knowledge prior or subsequent to the assassination, at least until 1974, should it have uncovered the offer at least following the assassination? This aspect of the investigation, as well as others, continues, but certain results may be reported now.

A former St. Louis County detective has been interviewed. He advised that sometime in 1971 or 1972, he was not sure exactly when, a St. Louis Post-Dispatch reporter asked him to check out a rumor that Mr. Byers and an unidentified lawyer had been involved in an offer to kill Dr. King. The detective said he had been unable to develop further information on the rumor. The reporter himself died on February 14, 1974.

Investigators also interviewed a man who, acting under police instructions, had frequented the motel owned by John Kauffmann. The man now occupies a respectable position with a major American manufacturing company. He says, he and a number of "friends" who lived at the motel in 1966, 1967, and 1968, indicated that during that period, those "friends" had engaged in a number of thefts that provided them with a source of income. Kauffmann's role was that of a fence. The individual also stated that he had overheard discussions of other income sources, including "picking up \$10,000 or \$20,000 or \$30,000 from John for killing King."

He said he believed the "John" referred to was Mr. Kauffmann, though he added he had no information that any of his acquaintances at the motel had actually participated in the assassination of Dr. King. He said that this information had been supplied to local police officials at the time.

Mr. Chairman, that concludes this report. I would be glad to answer any questions.

Chairman STOKES. The committee will operate under the 5-minute rule with reference to questioning Mr. Evans.

Mr. Evans, let me ask you this: You are an experienced homicide detective, one of extensive experience with the New York Police Department. Can you say to the committee that in terms of following all police leads relating to the Byers' allegation, that as an experienced investigator the committee has done everything possible to run out every possible lead?

Mr. EVANS. That is correct, Mr. Chairman.

Chairman STOKES. My next question perhaps either you or Professor Blakey might be able to respond to. It would relate to our exhibit F-577 which is now part of the record.

In the FBI report over to this committee, I want to refer to the exact language of what it says there. It says:

During the fall of 1973, 5 or 6 months ago, date not recalled, Byers came to the shop inquiring as to whether they could get together to talk, and they later did so at Pizza and Cream, Clayton, Mo., in the area of a Broad-Dugan Paint Store, where informant had traveled on business.

Byers talked freely about himself and his business and they later went to informant's house where Byers told a story about visiting a lawyer in St. Louis County, now deceased, not further identified, who had offered to give him a contract to kill Martin Luther King. He said that also present was a short, stocky man, who walked with a limp. (Later, with regard to the latter individual, Byers commented that this man was actually the individual who made the payoff of James Earl Ray after the killing.)

Now in light of Mr. Byers' testimony here this morning where there was no mention of this particular allegation with reference to a payoff of James Earl Ray, what can you tell us about any information on this?

Mr. EVANS. Chief counsel will take that question, Mr. Chairman.

Mr. BLAKEY. Mr. Chairman, let me comment on both the question that you asked initially of Mr. Evans and respond more particularly to your question with reference to the FBI report.

Let me do the first first and the second second.

Mr. Evans is quite right that this committee has utilized all the investigative techniques available to it as a congressional committee to explore this allegation. We have conducted field interviews of everyone we have been able to identify. We have subpoenaed, of course, through the committee, the key individuals and talked to them in executive session under oath, and where necessary utilized the immunity techniques to make an effort to break through the normal ring of silence that would surround a conspiracy of this character.

Frankly, though, the question seemingly implied whether everything had been done that could be done. To that question the answer has to be no, that there are investigative techniques available to an executive agency to explore conspiracies of this kind. It is not the normal thing for a congressional committee to develop paid informants in and around a conspiratorial group. That technique has not been employed by this committee. It could be employed by an executive agency. It is prohibited under law and specifically contrary to the rules of this committee to employ either consensual or nonconsensual but lawful electronic surveillance.

Those techniques could be applied in this situation to investigate this case if it were handled by an executive agency. Both of those techniques were available to executive agencies in 1968 and could have been applied at that time. With what results, of course, only educated guesses can be made.

To answer your second question, an effort was obviously made to see if verification could be made of that aspect of the informant report that indicated that the individual probably under the circumstances of Mr. Kauffmann was according to the informant, from Byers' statement, the one who actually made the payoff to James Earl Ray.

As Mr. Evans indicated in his statement, the committee has identified the informant involved and had extensive conversations with the informant. The committee, of course, has also had extensive conversations with Mr. Byers and the committee has been in contact with the FBI agents involved.

The FBI agent has no specific memory, including this informant report. The informant indicates that he did not say that and Mr. Byers indicates that he did not say that. Consequently, that aspect of this informant report is unsubstantiated.

Chairman STOKES. One further question.

I notice the same FBI report says:

Extensive further research in the St. Louis indices has failed to reveal this information was in any way disseminated and the information simply reposes in the informant file.

What can you tell us with reference to that?

Mr. BLAKEY. Mr. Chairman, shortly after this memorandum was forwarded to this committee, the committee was contacted by FBI Director Webster and a request was made of the committee for its permission for the FBI to conduct administrative examination of why this memorandum was misfiled, mislaid or not properly disseminated within the FBI.

That permission was given and an administrative investigation was conducted by the FBI. The reports based on that administrative investigation have been available, made available to the committee, and of course are in the committee files.

In broad outline, that report indicates that this was nothing more than an administrative error. All of the agents involved were interviewed by FBI agents and all indicated that they just made a mistake.

The committee itself has not yet conducted its own investigation of the administrative issue associated with this report. Candidly, its investigative resources have been allocated elsewhere.

I might note for the record that it was necessary for Judge Webster to ask the committee for permission to conduct this administrative investigation since under the memorandum of understanding between the committee and the FBI, anything having to do with the King case will be investigated only by this committee and not by the Department of Justice, or more particularly, the FBI.

Consequently, when this memorandum showed up in 1978 in a file review of an unrelated matter, the FBI and the Department of Justice, under the memorandum of understanding, did not have investigative jurisdiction to act on it at that time.

Chairman STOKES. Just one further question: In his testimony this morning, Mr. Byers, in response to a question I posed to him, indicated that he has never been interrogated or talked to by the FBI. Is that your understanding of our investigation of the matter also?

Mr. BLAKEY. That is correct, Mr. Chairman.

Mr. EVANS. That is true.

Chairman STOKES. Thank you.

I have no further questions.

The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. I have no questions at this time, Mr. Chairman.

Chairman STOKES. The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

Mr. EVANS, just to clarify the record, on page 10 of your testimony, the third paragraph from the bottom, you say 16 Missouri State Penitentiary inmates were questioned as to the existence of an offer to kill Dr. King or any rumors that one existed, and most said the speculation about a reward did not arise until after the assassination.

Now the 16 inmates were interviewed by whom? Our staff?

Mr. EVANS. Our staff, that is correct.

Mr. DEVINE. Did any other information develop from these inmates relative to either James Earl Ray or this particular offer of a reward?

Mr. EVANS. Well, some of the inmates indicated that James Earl Ray was involved in the pushing of amphetamines within the

prison, but we were never able to specifically pin this down with any hard evidence, so we omitted that from our report.

Mr. DEVINE. These 16 inmates, among those were some that were associated with James Earl Ray?

Mr. EVANS. That is correct. They worked with him on details. They were housed with him in different cell blocks during his period of incarceration.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Mr. EVANS, were we able to investigate any possible linkage between this allegation of conspiracy and any others which the committee may have been pursuing, more specifically, between this allegation and the one dealing with Leon and Claude Powell and a mysterious person identified as Ralph who offered, as I understand it, \$50,000, according to the allegation, at least one of the allegations, to them to kill Dr. King?

Mr. EVANS. Mr. Fauntroy, we made extensive efforts to hook this conspiracy up with other conspiracies and in particular the one that you are referring to in Atlanta. But to date we have been unable to connect the two.

Mr. BLAKEY. Mr. Fauntroy, it might be appropriate for the record to note that the information dealing with the Powell's came to the committee prior to the information dealing with the Byers' allegation.

Nevertheless, the similarity between the two offers, the similarity in the nature of the offer, the amount of money involved, and the apparent kind of people involved is obvious to the staff and an effort was made to see if all people who might be associated with Sutherland could be in some way identified and then compared or contrasted with the individual who allegedly made the offer to Mr. Powell.

An extensive effort was made to do that; looking at photographs, reviewing lists of businessmen, lawyers and other associates. To date the committee staff has been unable to show any relationship.

Mr. FAUNTROY. Do you think further investigation of both these allegations could produce any more information than we have been able to obtain thus far?

Mr. EVANS. Mr. Fauntroy, we are continuing with the investigation until December 31. Up until that time we are still making every effort to further pursue the Byers' allegation or to understand better the implications or the facts surrounding the Powell allegation.

Mr. FAUNTROY. Two quick questions.

You mentioned a St. Louis Post-Dispatch reporter who had been making inquiries about an allegation of conspiracy; namely, this one, who died. I wonder if you can tell the committee how old that reporter was and under what circumstances did he expire in 1971?

Mr. EVANS. His death was due to natural causes, I believe. We are in the process of making contact with the publishers of the paper to obtain his files. We are also still in the process of following that particular lead out. I think we will be able to better report on that at a later date.

Mr. FAUNTROY. Can you tell us when and under what circumstances did Mr. Kauffmann die in 1974, Mr. Sutherland in 1970?

Mr. EVANS. That is correct. Natural causes, as best we can determine.

Mr. FAUNTROY. Thank you.

Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Tennessee, Mr. Ford.

Mr. FORD. Mr. Chairman, I don't have a question but I do have a comment that maybe the chief counsel or Mr. Evans could respond to. I am concerned about the purpose of this summary.

We have discussed the offer that was made to Mr. Byers and possibly others that might have been made to them.

Do you think there is anything that could be forthcoming out of this particular area, this offer in connection with the Ray family, before we complete our investigation December 31 that would give us more information than we have at the present time?

Mr. EVANS. I am hopeful, Mr. Ford, that we will be able to answer this conspiratorial allegation as well as others. We are always open to new and additional information. We are in fact obtaining additional information and continuing our investigation relative to the allegation as well as others that we are aware of.

Mr. FORD. We only have 30 or 35 more days.

Mr. EVANS. That is correct.

Mr. FORD. Mr. Blakey, after of December 31 would the committee staff continue on beyond that?

Mr. BLAKEY. Mr. Ford, all things, good and bad, come to an end and this investigation will come to an end as well. While it is true that the committee can continue the investigation through December 31, I think candor requires that we say on the record that the resources that can be devoted to the active investigation are diminishing and that the realistic expectation of a major breakthrough in this area between now and December 31 is small.

I would also make the assessment for you in this public hearing as I would elsewhere that a realistic possibility of a major breakthrough in this body of material by a congressional committee given the inherent limitations of a congressional committee in conducting this kind of investigation is small.

Mr. FORD. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. Yes, Mr. Evans, I listened with some interest to the Judge's speculation, knowing Mr. Byers, as I understood what he said, that he thought perhaps Byers had really made this offer up and floated it through this gentleman named O'Hara to see if it got back to the FBI so he could confirm the identify of a report of an informer.

Did you catch that testimony?

Mr. EVANS. Yes, I did.

Mr. SAWYER. How do you weigh that?

Mr. EVANS. Well, I know Mr. Byers and Mr. Byers would avoid any kind of contact with the FBI if he could. I think he would seek to establish whether or not the individual was an informant through any other way at his command rather than involve him-

self in any sort of conspiracy allegation, conspiracy to assassinate Dr. Martin Luther King.

Mr. SAWYER. But here, of course, under his story, he never had any meeting of minds with anyone. He rejected the proposal. He doesn't become involved in a conspiracy and I am sure he is well enough informed on criminal law to know that when he turns it down.

Both the other gentleman are dead. So he is not really running any danger. Would this be just an ideal thing to try out on an informer and you could almost be certain if he was in fact an FBI informer that such a thing would get back to the FBI and he would be questioned.

Doesn't that sound like an appealing ploy to you?

Mr. EVANS. I beg to disagree, sir, but what I know of Mr. Byers, Mr. Byers is quite active in certain kinds of activity and he would rather not have the FBI or the local police looking at. That kind of a ploy by him by its very nature would insure that he would get some supervision or surveillance over a period of time even after being brought in and confronted with that.

Mr. SAWYER. Wouldn't it be less surveillance than associated with a suspected informer? Might it not be much the better of two evils?

Mr. EVANS. One might just cut one's connections off with that particular person and he can still continue his activities, whatever they might be.

My assumption, and it is perfectly an assumption, were that those activities were of a criminal nature. Mr. Byers is well known in the St. Louis area for his connections.

My thought is that he would avoid that person rather than give the FBI any reason to supervise his activities or to question him.

Mr. SAWYER. Thank you. That is all I have.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. EVANS, I take it from your report that you have surveyed and contacted, et cetera, about everybody that you can think of who frequented the Grapevine Tavern on a regular basis; is that correct?

Mr. EVANS. Well, we made an effort in that direction, but the area—the Grapevine is now closed. It is called Tom's Place and it has been closed for some years. The area where it was located is a transitory area and people frequently move.

I had my investigators there for a couple of weeks conducting canvassing of the neighborhood. They were not well received in view of the fact that that area is still, in my opinion, mainly an area where people, a blue-collar worker area, and they are not quite receptive to this investigation, nor were they to my investigators.

Some had doors slammed in their face and dogs were put upon them. Those people that did talk to us would only indicate that the bar was a place that they did not frequent but they knew that it was there and they cannot associate any activity with it other than there was some Wallace campaign activity in that area.

Mr. FITHIAN. Then at this point you cannot really indicate how widely known, if this offer were indeed made, how widely known that would become in the area of the Grapevine and its inhabitants. Is that what you are saying?

Mr. EVANS. Well, I can't say now what had occurred in 1968, but our investigation shows from other interviews that we conducted that there was talk and there was a rumor of a \$50,000 contract to kill King.

Now whether the persons that reside in the area of the Grapevine Bar were aware of that or not I don't know. As I said before, a lot of residents that are presently there denied that they frequented the bar, although they often passed it.

My investigation revealed that the patrons of the particular bar were persons that did not necessarily reside in that particular area.

Mr. FITHIAN. Thank you, Mr. Chairman. I have no further questions.

Chairman STOKES. I just have one further question for either Mr. Evans or Professor Blakey.

In the narrative this morning some reference was made to other conspiracy allegations that were investigated, reference just being made to three or four of them as I recall. I do note over the last 18 months the King subcommittee spent an enormous amount of time in executive session questioning witnesses with reference to 21 other conspiracy allegations.

I do know that Mr. Evans' investigators have been all over the country pursuant to running out those allegations. I think it might be good to have some comment since we have now zeroed in on only one of those conspiracy allegations in a public hearing, to have some further comment with reference to the results of the other 21 and what the public can expect to learn in terms of some final report.

Mr. BLAKEY. Well, Mr. Chairman, consistent with the practice that has been followed in these hearings, on the whole the staff has not made an effort to evaluate the evidence but really has reported it to the committee.

The ultimate judgment of whether these other five here that were mentioned as more serious and the others that have not been mentioned as serious but have been investigated carry weight obviously will have to wait for the committee's final determination in its final report.

If you would want a general evaluation of them, I suspect I could say a lot more than the one the staff has brought to the committee in the public session. Obviously, as the committee has said, this is the one that seems the most serious.

Chairman STOKES. Thank you.

Is there anything further from the committee?

Mr. Evans?

Mr. Blakey?

Mr. BLAKEY. Mr. Chairman, I might ask Mr. Evans if he might comment on the general character of the population that did frequent the bar. You indicated the geographic character. I wonder if you would indicate the character of them.

Mr. EVANS. What our investigation revealed, my investigators met a lot of hostility in that area in view of the fact that they were

investigating the assassination of Dr. King. Somehow, and we suspect through a local citizens council, the residents of that particular area were alerted that we would be coming and they were quite hostile. I think their actions sort of reflect a racial attitude, much of which we found when we spoke to people in the local citizens council of St. Louis. That attitude was definitely anti-Black, anti-investigation.

Mr. BLAKEY. I wonder if you would comment on whether or not your investigation indicated that any of those people who associated together and were together at the Grapevine Bar in the period 1967 to 1968, prior to the assassination, had criminal records?

Mr. EVANS. Yes, we found that many of the patrons of that particular bar did have criminal records.

Mr. BLAKEY. Was that on occasion a meeting place?

Mr. EVANS. Yes.

Mr. BLAKEY. Where robberies and burglaries were planned?

Mr. EVANS. Yes, it was. The St. Louis intelligence file indicated that it was a place where one could in the vernacular sort of find out what is going on in town, a place where one could hook up a contract and make money.

Mr. BLAKEY. Thank you, Mr. Chairman.

Chairman STOKES. The committee is advised that immediately upon adjourning this open session of the committee there will be an executive session of the full committee in room 304 immediately after we adjourn here.

There being no further witnesses to come before the committee this afternoon, this meeting is adjourned until 9 a.m. tomorrow morning.

[Whereupon, at 3:31 p.m. the committee adjourned, to reconvene at 9 a.m., Thursday, November 30, 1978.]

INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

THURSDAY, NOVEMBER 30, 1978

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

The select committee met, pursuant to adjournment, at 9:20 a.m., in room 345, Cannon House Office Building, Hon. Louis Stokes (chairman of the committee) presiding.

Present: Representatives Stokes, Devine, McKinney, Fauntroy, Sawyer, Ford, Fithian, and Edgar.

Also present: Mark Speiser, staff counsel; Elizabeth L. Berning, chief clerk, and G. Robert Blakey, chief counsel and staff director. Chairman STOKES. The committee will come to order.

The Chair recognizes Professor Blakey.

NARRATION BY PROF. G. ROBERT BLAKEY, CHIEF COUNSEL AND STAFF DIRECTOR

Mr. BLAKEY. Thank you, Mr. Chairman.

When James Earl Ray appeared before this committee last August, the question of his participation in the assassination of Dr. Martin Luther King, Jr. was examined principally through the questioning of Ray himself. Ray's own story was also put in the context of the overall investigation, and such important issues as the validity of his guilty plea and his alibi were considered.

In this current set of hearings, evidence of Ray's participation in the murder has been more fully explored, and the committee has examined facets of his possible motive. In addition, the question of conspiracy has been raised, as the committee has probed a number of puzzling issues, some of them suggesting that officials of the Government might have been guilty of complicity in the assassination.

Yesterday, Mr. Chairman, the committee heard evidence of a conspiracy that might well have led to the death of Dr. King, one involving certain individuals in the St. Louis area. Part of the report of the investigation that was presented by Mr. Evans, the chief investigator of the King staff, was a series of possible ways that word of the contract for the assassination might have reached James Earl Ray, the convicted assassin.

Today the committee will look further into the question of Ray's possible role in the conspiracy. In doing so, the committee is reaching the climax of its investigation of the King assassination.

This much can be said with confidence at this time—if, in fact, there was a plot to murder Dr. King, as the evidence yesterday

strongly suggested, it is logical to assume that the convicted assassin was a party to it.

As those who have followed the hearings will recall, the committee gave careful consideration to the conspiratorial implication of Ray's accounts of his dealing with the mysterious Raoul, even though Ray himself was unable to provide further identification of this individual. All leads on Raoul were pursued on the assumption that such a man might indeed exist.

Nevertheless, when you come down to it, the Raoul theory that seems best to fit, although the ultimate question is for the committee, is that the mysterious accomplice might actually be one of Ray's brothers, Jerry or John, or a composite of the two of them.

The committee has tested this alternative theory against the evidence provided in the statements of James and Jerry themselves, and although the ultimate validity of the theory is obviously something that the committee will have to wrestle with later, it seems to be true that at each point where James' movements or his funding during the fugitive period are explained by James by reference to Raoul, one of the brothers is in fact either on the scene or in contact with James. One question the committee must explore today, is this more than a coincidence?

Four charts have been prepared to demonstrate or show a pattern of James Earl Ray's associations with Raoul, according to James' own story, and with his brothers, according to Ray and other sources.

I would ask at this time, Mr. Chairman, that Martin Luther King exhibits F-607, F-608, F-609, and F-610 be entered into the record and appropriately displayed.

Chairman STOKES. Without objection they may be entered into the record at this point.

[The information follows:]

**JAMES EARL RAY'S TRANSACTIONS
IN CANADA --
WITH "RAOUL;"*
WITH HIS BROTHERS**

- 7-18-67** Ray rents room in Montreal
- 7-25-67** About a week after arriving in Montreal, Ray meets "Raoul" at the Neptune Tavern*
- 7-30-67** Ray goes to Gray Rocks Inn, north of Montreal
- 8-4-67** Ray tells female friend at Gray Rocks that he had been at the inn about a week, *and that he would be leaving in a few days to meet his brother in Montreal*
- 8-5-67** Ray checks out of Gray Rocks, returns to Montreal where he meets with "Raoul" several times*
- 8-18-67** Ray, visiting in Ottawa, tells female friend *he*
or *is working for his brother, that while there*
8-19-67 *isn't much to do, he is well paid and that he*
has no problem with money, since he can
always get some

*According to Ray's own account.

**JAMES EARL RAY'S TRANSACTIONS,
CANADA, CHICAGO, BIRMINGHAM --
WITH "RAOUL;"*
WITH HIS BROTHERS**

- 8-21-67** Ray receives \$1,500 payment from "Raoul" at the U.S. - Canadian border*
- 8-22-67** *Ray meets with brother Jerry in Chicago*
- 8-28-67** Ray rents safe deposit box in Birmingham
- 8-30-67** Ray receives \$2,000 payment from "Raoul" in Birmingham*
- 8-30-67** Ray purchases 1966 Mustang in Birmingham, costing approximately \$2,000
- 8-30-67** Ray receives \$1,000 payment from "Raoul" in Birmingham*

*According to Ray's own account.

**JAMES EARL RAY'S TRANSACTIONS,
LOS ANGELES, NEW ORLEANS, LOS ANGELES --
WITH "RAOUL;"*
WITH HIS BROTHERS**

- 12-14-67 Ray cancels an appointment with a
or psychologist, *stating his brother had found a*
12-15-67 *job for him in the Merchant Marine based in*
New Orleans
- 12-16-67 *Ray calls brother Jerry enroute from*
Los Angeles to New Orleans
- 12-17-67 Ray receives \$500 payment from "Raoul" in
New Orleans*
- 12-21-67 Ray makes \$364 payment for dance lessons,
to 1-68 *later advising instructor he had met his*
brother in Louisiana

*According to Ray's own account.

**JAMES EARL RAY'S TRANSACTIONS,
LOS ANGELES, NEW ORLEANS, BIRMINGHAM,
ATLANTA, BIRMINGHAM --
WITH "RAOUL;"*
WITH HIS BROTHERS**

- 2-68** Ray is told by "Raoul" to meet him in New Orleans in March*
- 3-2-68** Ray states intention to go to Birmingham *to visit his brother*
- 3-9-68** Ray turns down a bartending job, *explaining he is leaving Los Angeles within two weeks to visit his brother*
- 3-17-68** Ray departs Los Angeles
- 3-21-68** Ray gets message in New Orleans to meet "Raoul" in Birmingham*
- 3-23-68** Ray meets "Raoul" in Birmingham, they travel to Atlanta*
- 3-29-68** Ray and "Raoul" go to Birmingham to purchase rifles*
- 3-29-68** Ray receives \$750 from "Raoul" and buys a rifle at Aeromarine Supply Company, but "Raoul" rejects it and tells Ray to exchange it for another model*
- 3-29-68** *Ray tells Aeromarine salesman by phone that, based on a conversation with his brother, he has purchased the wrong rifle, that he wants a Remington 760 30.06 caliber in its place*
- 3-30-68** *Ray exchanges the rifle for a Remington 760 30.06 caliber*

*According to Ray's own account.

Mr. BLAKEY. The first chart, Martin Luther King exhibit F-607, refers to Ray's trip to Canada in the summer of 1967. Having arrived in Montreal on July 18, Ray claims to have met Raoul for the first time in a bar on July 25. Then, on vacation in August at a resort in the Laurentian Mountains, he told a woman companion about his brother who lived in Chicago, an apparent reference to Jerry. More significantly, he told the woman he would be leaving shortly to meet his brother in Montreal. And with whom did he meet in Montreal upon his return? According to James, none other than Raoul.

Later in August, Ray visited the woman in Ottawa. He told her then that he was in business with his brother, and he was well paid for doing little. Ray also said that he had no problem with money, that he could always come up with some.

The second chart, Martin Luther King exhibit F-608, covers Ray's move from Canada to Birmingham, still in the summer of 1967. He says he met at the Detroit-Windsor border with Raoul, who paid him \$1,500 for helping in a smuggling operation. This was supposed to have occurred on August 21.

On August 22, from accounts given by both James and Jerry, we know the two brothers met in Chicago. Ray reports two payments from Raoul in Birmingham in August for \$2,000 and \$1,000, with which Ray says he paid for his 1966 Mustang and some camera equipment.

So these facts can be established about Ray in August 1967. He had received or was receiving a substantial amount of money. This we know from his own account and from his expenditures.

He met with Jerry. Thus, the inference that Raoul, the source of his funds, is actually Jerry, is one that the committee must wrestle with.

The third chart, Martin Luther King exhibit F-609, is for the latter half of December 1967. On the 14th or 15th, Ray canceled an appointment with a psychologist in Los Angeles. His stated reason: His brother had found him a job in the merchant marines in New Orleans. There is circumstantial evidence that the brother again was Jerry, for en route to New Orleans on December 16, he placed a telephone call to Jerry. Yet, Ray claims it was Raoul who gave him the \$500 in New Orleans on December 17, although back in Los Angeles he told a dancing instructor of a recent meeting in Louisiana with his brother.

In a conversation with a committee witness, who has asked for anonymity, Jerry Ray has admitted he was in New Orleans with James in December. And the fact that James received a payment of at least \$500 in New Orleans is substantiated by the fact that, back in Los Angeles, he made a lump sum payment of \$364 for dancing lessons, while prior to the trip to New Orleans he had been paying for the lessons at a rate of \$29 to \$50 a week.

The fourth chart, Martin Luther King exhibit F-610, takes Ray from Los Angeles to Birmingham via New Orleans and Atlanta in February and March 1968. Ray claims that in February Raoul alerted him to a meeting in New Orleans in March. Then on March 2 Ray remarked in the presence of a witness at a bartending school in Los Angeles that he was going to Birmingham to meet his brother.

Again on March 9, as a reason for not accepting a bartending job, Ray explained his intent to depart Los Angeles within 2 weeks to visit his brother. In fact, Ray departed Los Angeles on March 17, arriving in New Orleans on March 21 where, according to his story, he got a message to meet Raoul in Birmingham.

After the alleged meeting in Birmingham, according to Ray's account, he and Raoul traveled to Atlanta on March 23, whereupon Raoul took off for points unknown, leaving Ray alone until March 29.

On March 29, again according to Ray's story, he and Raoul went to Birmingham to purchase the assassination rifle. Ray claims he bought a rifle at the Aeromarine Supply Co. with \$750 given to him by Raoul. Ray claims further that Raoul rejected this rifle and told him to exchange it for another model, but when Ray telephoned the salesman at Aeromarine, he said he had learned he had purchased the wrong type of a rifle from a conversation with his brother. The following day Ray made the exchange for the rifle that was found at the scene of the King assassination.

The witness today, Mr. Chairman, is Jerry Ray. He is the brother to whom James refers in all of his admitted contacts with the brother during the fugitive period. What is more, he has spent more time than anyone else with James since his arrest for the assassination itself.

It would be appropriate at this time, Mr. Chairman, to call Jerry Ray.

Chairman STOKES. The committee calls Mr. Jerry Ray.

Would you please stand and be sworn? Please stand. Raise your right hand.

Do you solemnly swear the testimony you give before this committee is the truth, the whole truth and nothing but the truth, so help you God?

TESTIMONY OF JERRY RAY, ACCOMPANIED BY FLORENCE R. KENNEDY AND WILLIAM PEPPER, ATTORNEYS FOR MR. RAY, AND BETSY WEST, PARALEGAL ASSISTANT TO MS. KENNEDY

Mr. RAY. Yes.

Chairman STOKES. Thank you. You may be seated.

Would the other persons at the witness table please identify themselves for the record?

Ms. KENNEDY. My name is Florence R. Kennedy. I am an attorney, 8 East 48th Street, New York, N.Y. This is my assistant paralegal, Betsy West, 8 East 48th, New York, N.Y.

Mr. PEPPER. William F. Pepper, attorney from Westerly, R.I., associated with Florence Kennedy. We have been called to represent, and accepted the call to represent Jerry Ray, pretty much at the 11th hour, Mr. Chairman. In light of that, and in light of ensuing publicity over the course of the last 2 weeks, which we think has been distressingly inflammatory with respect to this witness, we would request an opening statement of 5 minutes, which is certainly within the realm of the committee's power to grant.

Chairman STOKES. The Chair would state that there is no provision under our rules for an opening statement by the witness of 5 minutes. There is provision under our rules at the conclusion of the

witness' testimony for either the witness or his counsel to make a 5-minute statement to this committee, at which time the witness can amplify or explain or in any way make further comment upon his testimony before this committee

Ms. KENNEDY. Mr. Congressman, let me just say for the record that in light of the fact that counsel for this committee has stood here and indicated on the record a number of speculations, a number of possibilities, a number of leaps of logic to this media event makes it very prejudicial to Jerry Ray.

We have found this throughout this committee's hearings that every truth or everything that works against the theory that James Earl Ray is a lone assassin has been covered by a story based on speculation and circumstantial evidence, and you just heard a perfect example of it this morning, and these people have taken this statement, and now you deny us the right even to make a statement in response to that, and this is typical of the way this entire subcommittee has been handling this affair.

Chairman STOKES. Counsel's comments will be noted for the record.

At this time the Chair desires, Mr. Ray, to address you with reference to the scope of the inquiry that this committee will be conducting today. The scope of the committee's inquiry is defined in House Resolution 222. It is to conduct a full and complete inquiry into the facts and circumstances surrounding the assassination and death of Dr. Martin Luther King, Jr. This will enable the committee to examine the adequacy of existing laws, including the civil rights statutes, and the investigatory jurisdiction and capabilities of agencies and departments of the U.S. Government, and to recommend the amendment of existing legislation or the enactment of new legislation if the committee deems it appropriate

The Chair at this time recognizes counsel for the committee, Mark Speiser.

Mr. SPEISER. Thank you very much, Mr. Chairman.

I would like to welcome you to Washington, Mr. Ray. Before I begin my questioning of you, Mr. Ray, I would like to ask and address one question to counsel, and that is, I would like to have counsel answer on the record whether or not he and she are or have been in the past affiliated with any other attorney that has represented a witness in the past before this committee?

Ms. KENNEDY. Would you want to name the attorneys that you have in mind?

Mr. SPEISER. I do not have any attorney in mind. I am asking you a question of a general nature.

Ms. KENNEDY. And may I ask the nature of the association you have in mind? You want to know whether we know any of the other attorneys?

Mr. SPEISER. I am asking you whether you are associated as counsel with another attorney that has represented another witness before this committee?

Ms. KENNEDY. I take it you are fishing to find out if we know Mark Lane. I know Mark Lane. I have seen him about three times in 10 years.

Mr. SPEISER. Ms. Kennedy, you can comment as you choose on my question. I am asking you for a direct response. Are you or are

you not affiliated with any attorney that has represented a witness in the past before this committee?

Ms. KENNEDY. I don't know all the attorneys who have represented witnesses before this committee. I know Mark Lane, and I know Mark Lane for many years, and I have seen him twice or three times in about 10 years. I have not discussed the representative, the representation of James Earl Ray with Mark Lane.

Mr. SPEISER. Thank you very much, Ms. Kennedy.

Mr. Pepper?

Mr. PEPPER. Counsel, I have not been associated with any attorney who has represented any witness before this committee.

Mr. SPEISER. Thank you.

Mr. Ray, before I begin my questioning, I would like to advise you of the posture which you take before this committee. This committee views you in a dual capacity. You are appearing here as a witness to assist this committee in its investigation in areas that are relevant and pertinent and material to this investigation.

In addition, I must advise you that we have received information of an incriminatory nature which would suggest that perhaps you might be involved either as a coconspirator or otherwise in assisting Mr. Ray to escape from prison, harboring him once he escaped from prison, financing him while he was a fugitive, and, last but not least, assisting him possibly in the assassination of Dr. Martin Luther King. So I want to emphasize to you, Mr. Ray, that you must be aware of the posture in which we view you when you are testifying here today.

Now we have called you back today not for the sole purpose of questioning you strictly on the areas upon which you were questioned when you were here in executive session. Some of the questions that will be propounded to you in fact were addressed to you while you were here in executive session, but the reason why that is being done is because, subsequent to your appearance here, this committee has received information, credible information, which would suggest that your testimony was perjurious, false, and inaccurate.

In addition, Mr. Ray, the second reason why we are asking you to appear here in public session is that new information has been uncovered since your prior appearance, information which you are no doubt aware of through coverage in the press, concerning possibly a St. Louis-based conspiracy that might be responsible for the assassination.

In view of this, Mr. Ray, I would like to advise you that this committee, on November 8, secured from U.S. District Court Judge Charles Bryant an immunity order. This immunity order can only be effectuated upon your assertion of your fifth amendment privilege. Whether or not you assert that privilege is a matter that is up to you and a matter which I suggest that you should discuss with your counsel, but this immunity order will not take effect until you assert your fifth amendment privilege. Do you understand that?

Are you ready to begin?

Mr. RAY. I would like to ask one thing. You uncovered reliable information that I was involved in the murder of King? Is that what you said?

Mr. SPEISER. This committee has received information which would suggest that perhaps you were involved in the assassination directly or indirectly, or perhaps facilitated the means by which the assassination took place. We will get into that area at a later juncture in this questioning, but I just wanted to advise you of that fact to make you aware of the posture in which we view you here today.

Mr. RAY. I was wondering—

Mr. SPEISER. Will you speak into the mike, please?

Mr. RAY. I was just wondering if it came from people like this, Ollie Patterson and Richard Geppardt?

Mr. SPEISER. Excuse me?

Mr. RAY. I was just wondering if information came from people like this.

Mr. SPEISER. Mr. Ray, later on in our questioning we will enlighten you perhaps on the source of information. Now that you brought the matter up, I want to advise you further, Mr. Ray, that this is not a grand jury, and consequently we are going to confront you with all the information that we have, and that has come into our possession, because we are here seeking the truth. We are not here seeking to entrap you. We are not here seeking to trick you into making perjury. We are going to confront you with all the information that we have. Do you understand that?

Mr. PEPPER. Would counsel advise our client why this confrontation has been a unilateral one for the last 2 weeks in the media based upon leaks from this committee, rather than this committee and counsel waiting so there could be a face-to-face confrontation?

Mr. SPEISER. I do not think it is appropriate for me to—

Chairman STOKES. I do not think that counsel has to respond to that. It is not true, and counsel is out of order.

Proceed.

Ms. KENNEDY. Mr. Congressman, I want to know if there is going to be any limit to the amount of speculation, the amount of testimony referred to, information alluded to, without any support that can be cross-examined or even heard by this witness. And I want to know whether or not counsel is going to be able to indulge in any fantastic theory without giving defense, the witness, an opportunity to learn whether or not an equal amount of inquiry has been made into other possibilities to account for what seems to be an effort to cover up other conjectures, other possibilities, and other facts which have been brought out.

It would seem to me that if this much latitude is given to this committee, with all these charts which give validity to the sort of testimony that you heard on yesterday from a lawyer who, in violation of the client privilege, has indicated—

Chairman STOKES. Will counsel suspend? The Chair is not going to entertain some form of final argument at this time.

Now the Chair will recognize you as counsel to represent your client adequately at any time you interpose objections. There is nothing pending before you at this time to object to.

Ms. KENNEDY. All right, Your Honor.

I move that the entire statement just made by this counsel, whose name I can't see from here, be struck from the record in that it involves a tremendous amount of speculation possibilities,

and that this committee does not afford this witness an opportunity to respond or to hear the testimony on which this purported questioning is based.

Chairman STOKES. Objection is overruled. Counsel will proceed.

Ms. KENNEDY. That figured.

Mr. SPEISER. Ms. Kennedy, for your information, my name is Mark Speiser, so that you can refer to me.

Ms. KENNEDY. Can I have the spelling?

Mr. SPEISER. S-p-e-i-s-e-r.

Ms. KENNEDY. First name?

Mr. SPEISER. Mark.

Ms. KENNEDY. C or k?

Mr. SPEISER. K.

Mr. Ray, I would like you to acknowledge for the record that you are appearing here pursuant to a subpoena.

Mr. RAY. Yes; correct.

Mr. SPEISER. And Mr. Ray, I would like you to further acknowledge that this committee on May 4 of this year, November 7 of this year, and November 22 of this year sent to you letters in which we outlined the scope of our inquiry as it was directed towards you, and the urgency that you retain counsel, and bring counsel with you.

Now I see that you have brought counsel with you. I would like you to acknowledge for the record that you have received these letters.

Mr. RAY. I received the letter telling me I couldn't have Mark Lane as my counsel.

Mr. SPEISER. For the record, Mr. Chairman, I would choose to have these letters entered into evidence as MLK exhibits F-590, F-591, and F-592, and if Mr. Ray's current counsel do not have copies of those letters, I see no problem in the clerk showing them to them at this time.

Chairman STOKES. Without objection, they may be entered into the record at this point, and will counsel specify the basis or the reason for the insertion of the letters?

[The information follows:]

MLK EXHIBIT F-590

LEWIS STOKES, OHIO, CHAIRMAN
 RICHARDSON PRETTI, D.C.
 WALTER E. FAUNTROY, D.C.
 YVONNE BRANTWATE BURKE, CALIF.
 CHRISTOPHER J. DODD, CONN.
 HAROLD E. FORD, TENN.
 J. STEPHEN, IND.
 T. W. KODAR, PA.

SAMUEL L. DEVINE, OHIO
 STEWART B. MCKINNEY, CONN.
 CHARLES THOM, ILL.
 HAROLD S. SANCY, MICH.

(107) 225-4524

Select Committee on Assassinations

U.S. House of Representatives

3331 HOUSE OFFICE BUILDING, ANNEX 2
WASHINGTON, D.C. 20515

May 4, 1978

Mr. Jerry Ray
 591 Cherokee
 Marietta, Georgia 30060

Dear Mr. Ray:

In connection with your forthcoming appearance before the House Select Committee on Assassinations, Committee staff attorney Michael Eberhardt has advised me of your request to have the Committee reconsider the prior disqualification of Mark Lane as your attorney due to his conflict of interests in representing both James Earl Ray and yourself before the Committee. I must advise you that, while you are certainly free to petition the Chairman for a reconsideration of his earlier ruling, counsel for the Committee has determined that the facts surrounding the earlier ruling by the Chairman as to Mr. Lane's conflict of interest remain essentially the same. Therefore, counsel would urge the Chairman to abide by his earlier ruling on this matter.

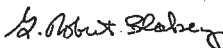
Mr. Eberhardt advises me that you are perhaps contemplating an appearance before the Committee without the assistance of legal representation in view of Mr. Lane's disqualification. As a general proposition, and in view of recent problems this Committee has faced with certain witnesses (whose identity I am not at liberty to divulge) where such witnesses have given the appearance of obstructing the investigation of the Committee by fabricated failures of memory as to significant matters, I would suggest to you that an unrepresented appearance on your part would be quite unwise. While the Committee has no current reason to believe that you will embark upon an obstructionist course during your answers, it is important for you to realize that there are numerous and somewhat complex legal ramifications for such conduct. Furthermore, if you recall, the Committee has indicated that you are a potential subject of its inquiry and that an examination of you might tread upon areas involving criminal conduct on your part. Indeed, you have already invoked the Fifth Amendment and been granted immunity. Apart from your rights under such a grant of immunity, the Committee can foresee possible legal questions as to other rights and privileges which require your benefit of advice from counsel.

While you have expressed an interest in having counsel familiar with the facts of James Earl Ray's case, I would recommend to you that even counsel without the benefit of such knowledge could assist you in terms of your own legal posture before the Committee. Therefore, I strongly suggest that, in view of your prior indication as to the lack of necessary funds to retain counsel, you permit the District of Columbia Bar Association to appoint private independent counsel to represent you. Should you choose to follow our recommendation, please call Mr. Eberhardt and he will make the necessary contact with the District of Columbia Bar Association which in turn will arrange for counsel.

As I am sure you are aware from the prior remarks made to you by the Chairman, and indeed from this letter itself, the Committee has no desire to deprive you of your right to counsel before the Committee. While circumstances have precluded Mr. Lane's representation of you due to a conflict of interest on his part, you should be cautioned that any appearance by you before the Committee without counsel would in our opinion be a grave mistake.

Your appearance before the Committee is now scheduled for May 10, 1978 at 1:00 p.m. Please contact Mr. Eberhardt for further information as to the place where the hearing is to be held.

Very truly yours,



G. Robert Blakey
Chief Counsel and Director

GRB:meh

LOWE STOKES, OHIO, CHAIRMAN
 RICHARDSON PREYER, N.C.
 WALTER E. FAUNTROY, D.C.
 YVONNE BRATHWATE BURKE, CALIF.
 CHRISTOPHER L. DODD, CONN.
 HAROLD E. FORD, TENN.
 J. PITHAN, IND.
 T. W. EDGAR, PA.

SAMUEL L. DEVINE, OHIO
 STEWART B. MCKINNEY, CONN.
 CHARLES THORNTON, NEBR.
 HAROLD S. SAWYER, MICH.

(202) 225-4824

Select Committee on Assassinations

U.S. House of Representatives

3389 HOUSE OFFICE BUILDING, ANNEX 2

WASHINGTON, D.C. 20515

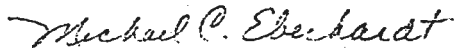
November 7, 1978

Mr. Jerry Ray
 591 Cherokee
 Marietta, Georgia 30060

Dear Mr. Ray:

In connection with your scheduled appearance before this Committee in public session on November 30, 1978, the Committee again wishes to advise you that such an appearance without legal representation would not, in the judgment of the Committee, best serve the protection of your legal rights. As you are aware, the Committee has urged you (to no avail) to either retain private counsel or accept counsel appointed by the District of Columbia Bar Association ever since the disqualification of Mr. Mark Lane as your attorney before the Committee. Attached hereto is a copy of our earlier letter of May 4, 1978, on this topic. Furthermore, given the possible perjurious nature of some of your testimony in executive session and the apparent involvement on your part in serious criminal activity in the past several years, it would appear necessary, again in the judgment of the Committee, for you to have the benefit of legal advice during your public testimony and in any ensuing actions.

Sincerely,



Michael C. Eberhardt
 Assistant Deputy Chief Counsel

MCE:lh
 Encl:as

MLK EXHIBIT F-591

RICHARDSON PRESTON, M.D.
 WALTER E. FAHRHOFF, D.O.
 YVESNE BRANTHAFFA BERGE, CALIF.
 CHRISTOPHER S. BASS, CONN.
 MARSH S. CURRIE, TEXAS
 J. STEPHEN, IND.
 W. H. EDWARDS, FLA.

SAMUEL L. BEVEL, OHIO
 STEPHEN B. MCKINNEY, OHIO
 CHARLES THOMAS, MISS.
 HAROLD S. BAUTER, MISS.

Select Committee on Assassinations
U.S. House of Representatives
 320 HOUSE OFFICE BUILDING, ANNEX 2
 WASHINGTON, D.C. 20515

(202) 225-4824

November 22, 1978

Mr. Jerry Ray
 591 Cherokee
 Marietta, Georgia 30060

Dear Mr. Ray:

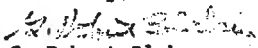
Mark Speiser, Committee staff attorney, has advised me of his conversation with you on November 21, 1978 in which you confirmed your intention of traveling to Washington by car and your securing of your own hotel accommodations while you are here, pursuant to subpoena to testify before this Committee on November 30, 1978.

Let this letter serve to remind you, as we have done in prior correspondence to you on May 4, 1978 and November 7, 1978 that it is our firm belief that you should be accompanied by counsel when you appear to testify at the public hearings. Counsel will be in a position to advise you as to your constitutional and legal rights. This should be of paramount concern to you in view of our earlier warning to you that you are considered a subject of this investigation and furthermore, in light of the apparent falsity of portions of your testimony in executive session.

Our position remains unchanged with respect to your representation by Mark Lane. Mr. Lane, in view of his serving as counsel to your brother James, would have a conflict of interest should he likewise appear as your attorney. Mr. Lane's disqualification in executive session will not be reconsidered merely because you will now be testifying in a public forum.

Therefore, should you choose to bring counsel as we suggest you do, but are unable to afford the cost of such legal services, please contact Mark A. Speiser (202 225-8353) immediately so he can arrange to have independent counsel selected for you by the District of Columbia Bar Association.

Sincerely,


 G. Robert Blakey
 Chief Counsel and Director

GRB:msc

MLK EXHIBIT F-592

Mr. SPEISER. The records are being inserted for a twofold purpose: No. 1, to show that this committee has attempted to bend over backward to advise Mr. Ray prior to his appearance of the nature of the inquiry and the urgency that he retain counsel. Mr. Ray had advised this committee on several occasions that if he could not be represented by Mr. Lane that he would not appear with counsel, and these letters stress the fact that we would be willing to work with the District of Columbia Bar Association to have counsel appointed for Mr. Ray free of charge, in the event he could not afford counsel.

Chairman STOKES. Will counsel make a statement with reference to the conflict-of-interest issue, so that the record is complete on that?

Mr. SPEISER. Well, at this time, Mr. Chairman, there does not appear to be a conflict of interest with Mr. Ray being represented by Ms. Kennedy and Mr. Pepper.

Mr. Ray had represented to this committee, in fact when Mr. Ray appeared here in executive session he appeared initially with Mr. Mark Lane, who was current counsel for James Earl Ray, Jerry Ray's brother, and this counsel felt that there would be a definite conflict of interest in Mr. Ray, in the two Ray brothers being represented by the same attorney, Mr. Mark Lane.

James Earl Ray is the admitted assassin, and Jerry Ray, based upon information that we have, possibly could be incriminated in the assassination. For that reason, in anticipation of a possible conflict, we felt that Mark Lane at that time and at this time could not satisfactorily represent the rights, constitutional, legal or otherwise, of Jerry Ray. And we want to set forth that fact in these letters that I have just marked and requested be entered into evidence.

Ms. KENNEDY. We appreciate your concern for avoidance of a conflict of interest between Jerry Ray and James Earl Ray. However, I am a little mystified by the arrangement that you came up with, which was to appoint counsel from the D.C. Bar. Does this mean that counsel of his own choosing will not be compensated or will not be approved for compensation, because if it does, it means that his right to counsel, a constitutional right, is seriously jeopardized.

Mr. SPEISER. Ms. Kennedy, I think the question is moot at this time, and I would choose to proceed to the substance of our questioning today.

Mr. Ray, are you currently married?

Mr. RAY. No, I am single.

Mr. SPEISER. Do you have any children?

Mr. RAY. One.

Mr. SPEISER. Are you currently employed by Mr. J. B. Stoner?

Mr. RAY. That is correct.

Mr. SPEISER. And is Mr. Stoner currently affiliated with the National States' Rights Party?

Mr. RAY. That is right.

Mr. SPEISER. What is his relationship with the National States' Rights Party?

Mr. RAY. He is the head of it; chairman.

Mr. SPEISER. When did you first meet Mr. Stoner?

Mr. RAY. Late 1969.

Mr. SPEISER. Late 1969?

Mr. RAY. Late 1969.

Mr. SPEISER. It wasn't near the time that your brother was getting ready to plead guilty to the assassination of Dr. King, which was in March of 1969?

Mr. RAY. No. It was after the guilty plea.

Mr. SPEISER. It was after the guilty plea?

Mr. RAY. After the guilty plea.

Mr. SPEISER. Substantially after the guilty plea?

Mr. RAY. Yes.

Mr. SPEISER. In what capacity are you employed with Mr. Stoner?

Mr. RAY. I wouldn't know how to describe the job. I just run errands and pick up the mail at the post office, and things of that nature.

Mr. SPEISER. Since when have you been employed by Mr. Stoner?

Mr. RAY. Since the FBI got me fired off my job at the Twin Orchard's Country Club.

Mr. SPEISER. I do not know if you answered my question. At what point in time was—

Mr. RAY. It was when he escaped the place.

Mr. SPEISER. The escape from Brushy Mountain?

Mr. RAY. In June 1967, I think.

Mr. SPEISER. Are you employed as a bodyguard for Mr. Stoner?

Mr. PEPPER. Mr. Chairman, I want to object to this whole line of questions that deal with any activities of Jerry Ray subsequent to the arrest and capture, and in this instance even the guilty plea offered by James Earl Ray. I want to object to this whole line of questioning on the basis of pertinence, with respect to the scope of the resolution that has established this committee, dealing, therefore, with the assassination of Martin Luther King, and the events subsequent to that with respect to Mr. Ray; I respectfully suggest to the committee they are not pertinent, they are not relevant, nor are they material.

Chairman STOKES. Does counsel to the committee want to be heard?

Mr. SPEISER. Mr. Chairman, I would respond to that by pointing out that questioning of Mr. Ray concerning his activities and actions subsequent to the assassination are definitely pertinent and relevant to the scope of this inquiry.

Let me finish, Mr. Pepper, please.

Following the assassination of Dr. King and a plea by James Earl Ray, I submit that actions and activities of Jerry Ray subsequent to those dates are relevant, since they serve as a good indicator of prior actions of Mr. Ray.

Second, they served to establish, in the committee's eyes, the credibility of the witness, namely Jerry Ray.

For example, this committee has been furnished with certain information concerning the activities of Jerry Ray subsequent to the plea by his brother to the assassination of Martin Luther King. This information appears credible and verifiable.

Now if Mr. Ray is going to sit here and deny those actions concerning activities he was involved in subsequent to the plea,

then that would serve as an indicator to this committee as to whether or not he is telling us the truth about actions and activities he was involved in prior to the assassination. So for those reasons, Mr. Chairman, I feel that the questions that I am propounding to Mr. Ray are directly relevant.

Chairman STOKES. Does counsel desire to be heard further?

Mr. PEPPER. Mr. Chairman, we are referring specifically and focusing on those questions subsequent to the capture of James Earl Ray, not merely subsequent to the assassination between the period of time of assassination and capture. We are talking about questions that relate to the arrest and capture of James Earl Ray. We do not share learned counsel's position that an individual's future actions, present or future actions, are necessarily linked in relevancy with his past actions or behavior, or should they be given the same credibility.

We will not advise, counsel will not advise that Mr. Ray not be responsive to these questions, but we for the record want to note our objections and our exception to counsel pursuing this line of questions.

Chairman STOKES. Counsel's objections are properly noted and the Chair rules that they are pertinent.

Counsel may proceed.

Mr. SPEISER. Mr. Ray, in view of your association and affiliation with J. B. Stoner and the NSRP, do you share the basic tenets and principles of that organization?

Mr. RAY. Let me to respond to one thing. I never heard of J. B. Stoner or the States' Rights Party until J. B. Stoner visited James Earl Ray in the Memphis county jail in Memphis, Tenn., and the first contact I ever had with him was after the guilty plea when he didn't have no attorneys, and J. B. Stoner offered to represent him for free. And since that time I have been unable to hold a job on account of FBI harassment, and so the only place I can work at is for J. B. Stoner.

Mr. SPEISER. Is your answer then no or yes? Do you share the principles advocated by J. B. Stoner and the NSRP?

Mr. RAY. No, I don't share every principle J. B. Stoner has. I don't share principles you have. The only way I ever got in contact with him was him being James Earl Ray's attorney.

Mr. SPEISER. So your answer is no?

Mr. RAY. No.

Mr. SPEISER. You are aware, are you not, that the organization headed by J. B. Stoner advocates white supremacy and racist principles?

Mr. RAY. Oh, yes, I know that. It is in the papers.

Ms. KENNEDY. May I just put on the record that this kind of prejudicial questioning is a bit absurd in a totally racist society. Most people are employed by people who have either capitalistic views or corrupt views, whether it is Lockheed or whomever, and I don't understand why it will be used further to prejudice this witness, to try to ask him whether he holds with the views of his employer. I don't really feel that this is appropriate, except to prejudice this witness.

Chairman STOKES. The Chair wants to admonish counsel. The Chair will not indulge in statements of this type.

In the first place, you have not even placed an objection before the Chair. You are merely making a statement which the Chair will not indulge. You are overruled. You are out of order.

Proceed, counsel.

Mr. SPEISER. Mr. Chairman, at this time I would like to have introduced into the record MLK exhibit F-593.

Chairman STOKES. Without objection, so ordered.

[The information follows:]

105-66233-209E

ALL THE NEWS SUPPRESSED BY THE DAILY PRESS

The Thunderbolt

N. S. R. P. AMERICA'S LARGEST WHITE RACIST PARTY

THE WHITE MAN'S VIEWPOINT

MAY, 1968

P. O. BOX 6263, SAVANNAH, GEORGIA 31405

ISSUE NO. #101

PRICE 50¢

King Victim Of Own Terrorism

Politicians Protect Black Revolution

Demands Investigation Of Riot Protectors

Congressman John R. Rarick of Louisiana is demanding an investigation of why Lyndon Johnson used troops to protect the rioters instead of using them to end the rioting in Washington.

"Earl Warren's dream has now departed from lofty platitudes and sugar-coated force laws to become a nightmare for all Americans," Rep. John R. Rarick of Louisiana's Sixth District said in a speech before Congress yesterday.

"All about us is Earl Warren's dream come true. Forced equality, court decreed laws favoring Communism, minority pressure control, reapportionment, handcuffing of law enforcement officers, and destruction of all States' rights -- have now centralized all power in the hands of a few who have demonstrated their incapability or lack of courage to protect their country and people," Rarick told his colleagues.

"America's cities are ravished by hordes of revolutionaries, sacking our land. While the nation's capital burned, the President proclaimed again, 'We shall overcome.'" Rarick pointed out. "His behavior raises the question, 'Do we have a President of all the people or a commander-in-chief of the revolution in the White House?'"

"Hundreds of thousands of Americans want to know why some 20 hours elapsed in Washington, D. C., before the federal troops were called to offer an image of concern over the wholesale burning and looting."

"I feel strongly that the House owes a duty to every American citizen to ascertain why, in the federal District of Columbia, the headquarters of the government of all our people, immediate effective action was not taken to protect life and property," Rarick declared.

"For this reason, I am introducing today a resolution calling for a special investigation of this matter by a Select Committee to be composed of members of both parties appointed by the Speaker."

A copy of the resolution is attached.

H. RES. 1129

RESOLVED, That there is hereby created a select committee to be composed of seven

(Continued On Page 3)

The death of Martin Luther King in Memphis was the natural result of a lawless career. On the very day of his death, King was proclaiming defiance of the law of the land. He was in Memphis for the announced purpose of defying the local Federal Court and of deliberately violating the Federal

White man, who shot King did what was actually the duty of President Johnson, the federal marshals and the U. S. Army to do. He upheld the law and the dignity of the federal courts and the executive branch of government by doing their duty for them. He should be given the

takes more Constitutional rights away from. White and gives them to the lawless. The latter civil rights law is known as the Dirksen Act because LBJ was not able to pass it until backstabbing Dirksen betrayed the White people of Illinois and America by joining with LBJ to force it through the Senate with the support of both the Democratic and Republican parties.

CONGRESS HAS ADOPTED A majority of the members of Congress are degenerate black bestial scum who were happy to use King's death for passing another civil rights law against the White people of America. There are only a few patriotic loyal Americans in Congress and one of them is the Honorable John Rarick of Louisiana. The others are the dogs of creation and not fit to associate with deans.

KING'S DEATH MEANS MORE BLACK ANARCHY King's death is being used by the Jew money power and Jew financed blacks as an excuse for general lawlessness and a stepping up of the revolution against us Whites.

MAYOR DALEY PRESSED Mayor Richard Daley of Chicago knows what kind of methods are necessary to stop arson, looting and general insurrection. He gave orders to stop the revolutionaries by shooting to maim and shooting to kill orders that are in support of the common law and American law in general as it has always been the law. As soon as Mayor Daley gave the kind of orders to the police that would stop black rebellion, he was condemned by Mayor Lindsay of the Jew-owned City of New York and by Ramsey Clark, the lawless Attorney General of the United States. Daley's methods would stop black rebellion by allowing the local police to do their duty and uphold the law. The Jew methods of Lindsay and Clark would render the local police helpless and then continue to protect the black revolutionaries with the Army while the black bears loot, burn, and murder.

The Thunderbolt believes in law and order and demands that the black rebellion be crushed as provided by law. This means that the police should be given the necessary arms and ammunition and ordered to mow the black rebels down. That is the traditional and customary way that revolutions are terminated. Otherwise, the White people will protect themselves as they have a right to do.



Martin Luther King

and Court's injunction against him leading a massive black march that was designed to end all rioting and violence.

The Army has been used against Whites in Little Rock, Ark., and Oxford, Mississippi, among other places, to force White people to obey the injunctions of the Federal Courts. Memphis proves that troops are only used to force White people to submit to federal tyranny and never used to force blacks to obey the law or injunctions. America is suffering from a double standard of "justice" which protects black lawless men while denying rights to Whites.

MEMPHIS COURT INJUNCTION The man who shot King was actually upholding the law of the land and enforcing the injunction of the United States District Court in Memphis which had forbidden King's march. The

Congressional Medal of Honor and a large annual pension for life, plus a Presidential pardon.

King's doctrine of non-violence was only a ruse to enable him to more effectively incite violence. He was actually working hand in hand with Stokely Carmichael, Rap Brown and other blacks who advocate violence. King clearly stated that the forthcoming black march on Washington was designed to paralyze our nation's capital and close down the federal government until it granted the demands of the black revolutionaries. That means violence regardless of how much King screamed "non-violence." His brand of non-violence has always been a hoax and a fraud.

CONGRESS YIELDS TO

THE MOB BILLS In the aftermath of King's death Congress passed another so-called civil rights bill that

Negro Solicitors Irk Valley Housewives

San Gabriel, California

"Do you hate Negroes?" asks the Negro man of the lady of the house.

Puzzled — and rightfully so — the woman responds, "Why, no."

"Well, then you wouldn't mind contributing to a Watts children's recreation center, would you?" the man says.

Some of the women who have reported such encounters recently to local police agencies said when they declined to contribute, the solicitor asks to use the bathroom. When permission is granted, the man, the woman reported, enters and dallies around the inside of the house looking everything over. Some householders contributed to the children's center and let it go at that.

As Harry Gist, El Monte city treasurer put it, "It certainly was a poor approach."

Gist had just gotten home from work recently when a young man using the same words called at him through his front screened door. Gist said he got up to go to the door, the caller started to walk into his house. Gist said he stopped the young man and told him that he did not want to contribute to the child's center. He then asked the man for his solicitor's license.

The young man produced the license, said Gist, then Gist said he advised the solicitor that it was his (Gist's) signature that was written on his El Monte license.

Gist explained that law (all men representing themselves as distributors of the Black Muslim's newspaper, Muhammad Speaks, were issued El Monte licenses to sell their newspaper in El Monte. It is classified as a religious publication.

He said "they" came back recently and wanted fee exempt permits to solicit for the children's center in Watts. Gist said the permits were also issued.

One of the problems that has come up is that, solicitors using this distinctive approach have been popping up in Los Angeles, Whittier, Corona, San Dimas and elsewhere. Of course, the solicitation licenses are only good in the city of El Monte but unless a person were to read the small print on the license he would not be able to tell where the license was issued.

One possibility for going to El Monte for their licenses could be that licenses of this type are easy to get in El Monte.

The Tribune checked with Councilman John Gibson's Watts field office and with Muhammad's Mosque No. 27 in Los Angeles, the Black Muslim Temple.

Black Muslim minister Herman Ransom and a spokesman at Gibson's office responded the same. Neither knew anything about a charitable solicitation for a Watts children's recreation center. In fact, neither knew of a planned center at all.

Ransom said, "It is not a legitimate solicitation as far as I am concerned. If we could find out who is doing it, we would take legal action to put a halt to it."

He said, "With the racial situation as tense as it is, this is something that should be stopped."

The law enforcement agencies which have had inquiries from citizens regarding these solicitors, however, say this is a very difficult thing to which to obtain a formal complaint. The reason is that the persons who are confronted either do not obtain sufficient information about the solicitor while he is making his pitch or would rather just forget it than become involved.

Musican Gives Quarter Million To Israel

One of the most popular bands with the youngest set is the Tijuana Brass. Most people think they are Spanish, but Herb Alpert, its leader, is Jewish. Recently he gave a quarter of a million dollars to the United Jewish Appeal. All this money went to Israel to be used against the Arabs.

All his money comes from the sale of records to White Christian children. Let's see buying records which supports Israel.

Negro Officials Unable To Function

(Continued From Page 8)

blems of governing undeveloped countries having primitive populations know that the first imperative essential is STRICT SEGREGATION (or separate development) in schools, colleges, churches, housing, business, government and armed forces. It should be recalled that Abraham Lincoln stated in 1855: "...I am not, nor ever have been, in favor of making voters or jurors of negroes, nor qualifying them to hold office." Note that the recent legislation permitting illiterate negroes (and whites) to vote is just a Red-inspired scheme, welcomed by unscrupulous politicians to give political control to the enemies of our U.S.A. The enfranchisement of uneducated voters should be rescinded!

Surely it is urgent to stop all law-defying movements, including racial violence and flaming. All agitators, especially those with Red affiliations, should be promptly arrested and given long prison sentences. Since this lawlessness is a prelude to the ultimate violent revolution planned by the Communists to seize control of the United States, the authorities of our nation, states and cities should use whatever FORCE is necessary to preserve order.

In countries where strict discipline is enforced and all subversive activities are jealously watched by an iron hand, hard-boiled rulers would not hesitate to stop the propagation of undesirable citizens by compulsory sterilization of feeble-minded, incurably insane, habitual criminals and subversive trouble-makers.

Should we allow our United States of America to become the Soviet State of America — a slave state?

Research Department
Grass Roots League, Inc.

Charleston, S.C.

Charges Pro-Red Officials Hamstringing Military Action

A well known military expert Gen. Thomas A. Lane has analyzed America's inability to counter Communist attacks and stated: "There is only one way to handle Pueblo type incidents. Commanders on the spot must have authority to act with all available power to protect the interests of the United States. These attacks will cease only when the Kremlin knows that our authority rests in the field commanders. In days when the United States was more respected, commander had this authority."

(Editor: Note: L.B.J. has had all military decisions transferred to a handful of so-called civilian advisors — most of whom are Jews. See article elsewhere in this issue on Jewish infiltration of high government posts.)

Gen. Lane also said: "Is the United States so fearful of opening a new front in Korea that it will condone the Pueblo piracy? We are weakened not physically but psychologically. Washington's libidinous about-face-making incite the Communist attack. The enemy knows that such shrivel will be met with no human retaliation but with protracted negotiation. The mere act of negotiating such an issue diminishes the United States and advances the Communist conquest of the world."

Stoner Speaks In Meridian, Miss.



LIKES KING BETTER — J. B. Stoner, vice-chairman of the National State Rights Party, said here last night of the death of Martin Luther King that "he's been a good nigger now since six or seven o'clock tonight."

—Staff Photo

J. B. STONER SPEAKING—

More Violence Predicted In Wake Of King's Death

The vice chairman of the "white racist" National State Rights Party predicted here last night that Martin Luther King's death will bring more Negro demonstrations and violence than anything since the Civil War.

"King's death, I predict, will trigger off more nigger violence than we have had in the last year or in the last 100 years," J. B. Stoner said. "The black power niggers will now say that non-violence has failed and that violence is the only answer."

Stoner, who was in Meridian for an organizational meeting of the NSRP, told a small group that his party is a "white racist, anti-Jew" organization. "We are white racists and we are proud to be white racists," he said. "The black supremacists are proud to be black supremacists."

The National State Rights Party advocates an end to all friendship between the black and white races... an end to all relationship between the races," he said.

Stoner charged that King was not non-violent, but that King, "like all niggers," hated the white people.

"King was not non-violent," he said. "All the time he was saying non-violence he was planning a communist revolution. King was bloody and violent... he wanted a bloody revolution."

"It is hatred for us they have brought about the second Civil War, and that's what we are now in," Stoner said. "We have been a good nigger now since 8 or 7 o'clock tonight," Stoner said of King's death.

He said the NSRP welcomed the riots which are expected to follow and that they were glad to see others encouraging the

negroes to protest.

Stoner said that his group is planning marches and rallies of its own beginning in May—in support of their "political" aims.

"For many years the FBI has guarded King's house and guarded him everywhere he went, and yet he is dead," Stoner said. "I'd rather die in combat than laying in a concentration camp."

He said the NSRP rallies and marches will start in Mississippi in May and before the summer is over, "I think we can convince the majority of the white people in Mississippi."

Asked about reports that King's death might increase Sen. Robert Kennedy's chances of becoming the next president, Stoner replied:

"I wouldn't think so at all... I think the niggers were going to lay low all summer to help Bob by Kennedy, but now they won't be able to control them. They won't be able to control the nigger lawlessness."

"... We (Zionists) are eager to join hands with the Jews of the Soviet," —Journal of Jewish Life and Letters (New York), August 1963, p. 4.

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Mr. SPEISER. MLK F-593 is an excerpt from the tabloid published by the NSRP entitled "The Thunderbolt." At this point I would just like to read a small excerpt from that magazine. This is on page 1:

The man who shot Dr. King was actually upholding the law of the land and enforcing the injunction of the U.S. District Court in Memphis which had forbidden King's marches. The white man who shot King dead did what was actually the duty of President Johnson, the Federal marshals, and the U.S. Army to do. He upheld the law and the dignity of the Federal Courts and the executive branch of Government by doing their duty for them. He should be given the Congressional Medal of Honor and a large annual pension for life, plus a presidential pardon.

Do you agree with the statements in that?

Mr. RAY. When was that published?

Mr. SPEISER. In May 1968?

Mr. RAY. I never heard of J. B. Stoner when that was published. I am not responsible for what the Thunderbolt publishes.

Mr. PEPPER. Mr. Chairman, counsel objects again to this whole line of questioning, particularly as it impinges on the client's first amendment rights embraced by the whole process and range of associations. If counsel wants to proceed to the substance of this hearing, we suggest that you do so rather than dwelling upon any associations of Mr. Ray, and perhaps we can get to the heart of the matter.

Reading such a statement as that into record is inflammatory and we object and ask that it be excluded.

Mr. SPEISER. Mr. Chairman, I appreciate counsel's argument and position. However, we are trying to get at the racial attitude of Jerry Ray at the time Martin Luther King was assassinated, for we feel that that attitude was shared with James Earl Ray.

Counsel, I would appreciate it if you would let me proceed. We have noted your objection.

Mr. PEPPER. But your comment, counsel, does not speak to the fact that Mr. Ray has already stated that he does not know J. B. Stoner at that time. You read an article in the record which was published prior to any knowledge or association with J. B. Stoner. On that grounds it should be excluded.

Chairman STOKES. The Chair is going to sustain counsel's objection and request that counsel for the committee proceed directly into those pertinent questions relating to Jerry Ray.

Mr. SPEISER. Mr. Ray, is it your statement that you did not meet or know of J. B. Stoner until after the assassination of Dr. Martin Luther King?

Mr. RAY. I never heard of J. B. Stoner or the Thunderbolt until—the first time I ever heard when he visited James in the Memphis jail when Arthur Hanes was his attorney. That is the first I ever heard of him.

Mr. SPEISER. At this time, Mr. Chairman, I would choose to have marked into evidence MLK exhibit F-597.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

MLK EXHIBIT F-597

- Jeff Facter - And did you have a conversation with Jerry Ray?
- Harry Avery - In the warden's office at that time.
- Jeff Facter - And can you tell me what that conversation was?
- Harry Avery - Yes, I asked him about the contract and he said he had it with him and I asked him if I might read it and he handed it to me and I read it and it was pretty lengthy, and a lot of things in it/^{that}more or less startled me and I said it will take a little time, it's Saturday afternoon and I want to get a copy of this and I don't know whether the warden has got somebody here to do it this afternoon or not.
- Jeff Facter - Excuse me, this was the contract between Hanes, Huie and James Earl Ray?
- Harry Avery - That's right and one of the things that interested me about that contract was that it was signed and acknowledged by Huie and Hanes a long time before James Earl Ray signed it. He acknowledged it after he got back to the United States before a notary in Shelby County in jail down there and this thing was gotten up in Birmingham without James Earl Ray having the slightest idea that it was being prepared and that interested me terrifically in saying to Jerry, it will take some time to get a copy on Saturday afternoon. He said, well I've got to go to the Noal Hotel and I'll be down there awhile, can you tell me how to get down to Noal Hotel and when I get back, I'll pick it up. And I said well, I wanted to have some excuse for him to ride with me and me have a chance to be with him and talk with him, so I said I could tell you how to get down there

Harry Avery - but I'm sure you would get confused because they are building an interstate across a lot of these streets and they are blocked off and you have to take a sort of a circuitous route to get downtown from here now. But I said I'm going to go and I'll be down there in an hour or two, why not just ride with me and I'll pick you up and bring you back. I said what's the purpose of your trip to the Noal? Well, he said, I am suppose to meet Stoner down there and I said you mean -- at that time I knew his given name. I had read a lot about him and his representation of that case in Alabama, and he said yea, and I said well tell me how he got into it, into this case. And he said why he's been our lawyer for at least two years before Martin Luther King was ever killed.

Jeff Facter - Could I just stop you right there for a second? Are you positive that he said that Stoner had been the family lawyer for two years?

Harry Avery - Had been our lawyer for at least two years before King was ever killed, that was his exact words. Now whether he meant our family lawyer, whether he meant just me and James Earl Ray, I don't know but he said our lawyer.

Jeff Facter - And you are certain about the two years prior to this?

Harry Avery - Yes sir, I'm certain about that. So I not only carried him down there but I asked him then how this fellow Hill got into this case? I think his name is Hill, a young lawyer from Chattanooga and he said, well you know, I got a daughter that lives here in Tennessee. No, I said I didn't know that. Well, he said yea, she's not the

Mr. SPEISER. MLK F-597 represents an interview that was undertaken by this staff with Harry Avery, who was the Commissioner of the Tennessee prison system.

Mr. Avery was interviewed by staff counsel and Mr. Avery indicated, when interviewed, that you advised him when he was taking you to a hotel in Nashville to meet with Mr. Stoner, that Mr. Stoner had been attorney for you and your family for 2 years prior to the assassination of Dr. Martin Luther King.

Is that statement accurate or inaccurate?

Mr. RAY. It is a joke, a sick joke.

Mr. SPEISER. Did you make that statement and intend it as a joke or are you suggesting Mr. Avery is lying?

Mr. RAY. Mr. Avery is lying. I don't joke like that.

Mr. SPEISER. Mr. Stoner has represented you in a prior criminal action, is that correct?

Mr. RAY. That's true.

Mr. SPEISER. And Mr. Stoner has represented your brother, John Ray?

Mr. RAY. Yes.

Mr. SPEISER. And at a time Mr. Stoner has represented James Earl Ray?

Mr. RAY. Yes.

Mr. SPEISER. Do you know why your brother, James Earl Ray, has furnished a waiver to this committee for every single attorney that represented him with the exception of J. B. Stoner?

Mr. RAY. No; I thought he didn't waive Percy Foreman. I thought Foreman was up here illegally making up stories and telling the committee a lie because James wrote a letter I think I got in my thing that he didn't waive Foreman's thing and Foreman just went ahead and came up here and tried to influence the committee and so I thought Foreman and Hanes—Foreman and Stoner neither one was waived.

Mr. SPEISER. In April 1968 how were you employed?

Mr. RAY. April 1968? I was employed at the Sportsman's Country Club in Northbrook, Ill.

Mr. PEPPER. Mr. Chairman, does the committee have in its possession a waiver of Percy Foreman from James Earl Ray?

Chairman STOKES. Counsel will reply to that.

Ms. KENNEDY. Mr. Chairman, is it—

Chairman STOKES. Just a moment.

The Chair is taking an inquiry from your cocounsel.

Ms. KENNEDY. Thank you.

Chairman STOKES. The answer to counsel's inquiry with reference to Mr. Percy Foreman is that Mr. Ray did give the committee a waiver and pursuant to that waiver we interviewed Mr. Percy Foreman on two occasions.

Subsequently, Mr. Ray revoked all of the waivers previously given to this committee.

Mr. PEPPER. Is the Foreman waiver a matter of the committee's record? Has it been entered into the committee's record?

Chairman STOKES. I believe it is a part of the record.

Ms. Kennedy, did you have—

Ms. KENNEDY. Yes, sir, I apologize for stepping on my cocounsel's application, but I was wondering whether or not Mr. Ray can have

copies of the waiver and revocation or if the record can indicate the dates involved in the withdrawal of the waiver for counsel's appearance?

Inasmuch as this has been introduced and counsel was not aware that this would be introduced, I would appreciate copies of the waivers and the revocation.

Chairman STOKES. Ms. Kennedy, I don't think for the purposes of the questioning here of this witness that that is either pertinent or relevant.

The inquiry is merely made as to whether or not he was aware and he has himself replied—he is the one who responded to counsel's question in a way that is now of record.

Ms. KENNEDY. Well, Your Honor, in light of the attorney/client privilege, it would seem rather important if an attorney is making statements against the interests of a present or former counsel, that the waiver situation be clarified.

I just want to make that for the record without taking any more of the committee's time on that point.

Chairman STOKES. The waiver is on the record and counsel can proceed.

Mr. SPEISER. Mr. Ray, in April 1968, you acknowledged being employed by the Sportsman's Club?

Mr. RAY. Yes.

Mr. SPEISER. In what capacity?

Mr. RAY. I was the overnight watchman.

Mr. SPEISER. What were your working hours?

Mr. RAY. Eleven at night until seven in the morning.

Mr. SPEISER. What was your day off?

Mr. RAY. I believe it was Thursday, I believe.

Mr. SPEISER. Thursday was your day off?

Mr. RAY. Yes.

Mr. SPEISER. So you would get off work at 6 o'clock in the morning—

Mr. RAY. About 7 o'clock.

Mr. SPEISER. Seven o'clock in the morning, Thursday morning, and not have to return to work until 10 o'clock or 11 o'clock on Friday evening?

Mr. RAY. Yes.

Mr. SPEISER. Is that accurate?

Mr. RAY. Yes.

Mr. SPEISER. When was your vacation in 1967 and 1968?

Mr. RAY. I cannot remember that. It would be when the season was probably over, probably late in the year, November, December usually.

Mr. SPEISER. Did you normally have a Christmas vacation?

Mr. RAY. No; I worked on Christmas or somebody had to do the job. I was usually around there for Christmas.

Mr. SPEISER. In 1967 you did not take Christmas vacation?

Mr. RAY. I am not saying one way or another because there is no way I can remember that far back. You can check my work records and find out.

Mr. SPEISER. Mr. Ray, I would like to direct your attention to MLK exhibit F-598. F-598 is a copy of your visitor's record at the Missouri State Penitentiary in Jefferson City, Mo., which reflects

Mr. RAY. I don't know what John did because he was in St. Louis and I was in Chicago, the Chicago area.

Mr. SPEISER. So your answer is no, you do not know if John visited him the day before?

Mr. RAY. I don't know if John did. I know definitely I didn't.

Mr. SPEISER. Were you aware that your brother James, prior to a successful escape in April of 1967, had twice previously attempted unsuccessfully to attempt to escape from Jefferson City?

Mr. RAY. There is no way I can respond to that because that goes too far back to remember. I have heard since then about it, but I don't remember hearing about it before.

Ms. KENNEDY. Mr. Chairman, before we proceed too much further, may I just request that the witness be provided with a copy of this record in order for counsel to confer with him subsequently?

Thank you, sir.

Chairman STOKES. Counsel's request will be granted.

Ms. KENNEDY. Thank you.

Mr. SPEISER. Mr. Ray, do you know who assisted your brother James in escaping from Jefferson City?

Mr. RAY. Do I know who assisted him? There is no way I can know. I am working in Chicago. I am working every night when he escaped that place.

Mr. SPEISER. So your answer is you did not assist your brother James in escaping?

Mr. RAY. I did not assist him and there is no way—I hear rumors, but I am not one that pays any attention to rumors.

Mr. SPEISER. Well, setting aside rumors for a moment, do you factually know who assisted James in escaping from Jefferson City?

Mr. RAY. The only way I would factually know is if I was there and seen the escape and I wasn't there. I was working in Chicago and there is no way I can know who helped him.

Mr. SPEISER. Did anyone ever tell you they assisted James in escaping?

Mr. RAY. I never—nobody has ever told me that.

Mr. SPEISER. John never admitted that to you?

Mr. RAY. Never has admitted that to me.

Mr. SPEISER. Did you ever tell anybody that John assisted—

Ms. KENNEDY. Mr. —

Mr. SPEISER. May I finish my question, please?

Ms. KENNEDY. No; I want to refer to the question before this. I would like to ask, Mr. Chairman, to strike the word "admitted." The word "admitted" suggests a fact and I would like the question to be rephrased to eliminate an implication that this committee has firm, factual evidence that John Ray assisted James Earl Ray in escaping from the penitentiary.

Chairman STOKES. Ms. Kennedy, I don't think counsel intended that implication by his question.

Mr. SPEISER. Ms. Kennedy, I asked your client whether John ever indicated or admitted to Jerry that he—

Ms. KENNEDY. I am objecting to the word "admitted." I am objecting to the form of the question, and I am asking that the word be stricken and a less culpatory, objective word be substituted in the question.

Mr. SPEISER. Mr. Ray, did you ever tell anybody——

Ms. KENNEDY. Could I have a ruling?

Chairman STOKES. Can counsel rephrase his question?

Ms. KENNEDY. Thank you.

Mr. SPEISER. Did your brother John ever indicate to you that he assisted James in escaping from Missouri State Prison in April 1967?

Mr. RAY. Not that I remember.

Mr. SPEISER. Did you ever tell anybody that John assisted James in escaping from Missouri State Prison?

Mr. RAY. I have never told nobody anything like that, but I am positive that you can run some informants up here, ex-convicts or FBI informants that will say whatever you want to hear.

Mr. SPEISER. Mr. Chairman, at this time I would like to have marked for evidence and introduced into the record MLK exhibit F-599 which reflects the notes of author George McMillan, taken in a series of interviews with the witness, Jerry Ray; attached to the notes is a brief letter from Mr. McMillan to an attorney on the committee's staff.

Now, on page 25——

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

220341

March 16, 1978

Dear Mr. Eberhardt:

I'm returning herewith the copy of the Jerry Ray interview notes you handed me in your office yesterday.

And, in compliance with your request, I have underlined in red ink those words, phrases, and sentences which are my own notes, thoughts, interlineations.

I understand from your phone call this morning that you will be sending me a voucher for the expenses I incurred in coming to Washington to be interviewed by you and members of your staff.

Sincerely,

Mr. Michael Eberhardt
Select Committee on Assassinations
U.S. House of Representatives
3331 House Office Building, Annex 2
Washington, DC 20515

ALTMAN

JERRY RAY -- SECOND CHICAGO INTERVIEWMONDAY, JUNE 26, 1972

Went only once New Orleans -- Florida several times. He'd pull job. \$1,000 -- \$1,000 -- he'd take off, go Florida; New Orleans. XIII

Dope started in Army. VI

He'd go on vacation after every hit (robbery) -- go California. XIII

He never screwed punk in prison. XV

~~Prison~~ ran prison. Nash was liked. Rumor is Nash committed suicide (JER said) was because his daughter pregnant by black man. XV

JER talked about Robert de Pugh, Minute Man, leader. There are Minute Men in Jeff City. XV

Melba was not prostitute. XIII

That was KK did stabbing in Jeff City. Some of those fellas make themselves The Klan after they get in. Hadn't been in Klan before. McNards were Klan inside. They were dangerous, hung out to themselves. XV

They all pack shivs. Shivs, Jimny, Burns file down a spoon. Nobody bother them. XV

He did get more bitter over the years. XV

Stuff about Knasas City, girl, signature man doesn't sound right now. XIV

I used to sit around ~~dreaming about~~ ^{two or} three hundred thousand dollars -- ~~instead of~~ ^{being} rehabilitated -- but those dreams fell apart when I got out -- like ~~when I would~~ ^{you} charter a plane. XIV

Your mind acts completely different in there (in jail). Different lawyers have different Even old crazy Hill. XV

Questioning in Curtis notes

Page 2--Jerry Ray--2nd Chicago--Monday, June 26, 1972

If you took something of his, he'd kill you-- XV
it was some kind of a challenge to him.

He's fanatic about his health (mineral oil).
Body -- always does exercises no matter where he goes: XV
walks on his hands, push-ups. Been doing it for years
and years.

He always like kids; when he's around -- they're
the only ones he shows affection to, not grown-ups.
Comes out whenever you're around him.

Don't talk about your people in prison because XV
that gets you in a depressed mood.

(Escape Meet)

The town was St. Auber[†] -- the trusties told
JER about town. Jack missed him because JER didn't
get there -- Jack had given him pay phone and JER
called it and Jack came. What he told Huie was true --
a little creek by St. Auber[†]. Jerry went down there
a couple of times. Little creek just before come in
to St. Auber from West -- Jimmy told Jack where to
pick him up. They went East St. Louis and then Chicago.

Jerry wouldn't eat rice at dinner -- "That's
Japanese food." Like father, like son.

Knollwood Country Club, Lake Forest, Ill.

3x5 card

TUESDAY, JUNE 27, 1972

(Pleading Guilty)

JER wrote Foreman 10 reasons why he wouldn't
plead guilty. Got from Foreman 1) hurt my social
standing; 2) number Nixon, Wallace, Humphrey supporters
in Memphis -- that he would never be convicted.

JER was getting more and more depressed way
he was locked up in Memphis. Pleaded guilty because
he wanted get out of that place.

Page 3--Jerry Ray--2nd Chicago--Tuesday, June 27, 1972

(Atlanta Bombing)

JER had 14th St. place in Atlanta. ~~Jerry~~ Guy was from Atlanta. He didn't know ~~Jerry~~-Guy well. Met him in Atlanta. Guy didn't know anything about JER. He was racist guy, hated King, Negroes, --Met him in bar. JER didn't trust Guy. They were gonna blow house up. Guy was supposed to be expert. If expert, he must have been in dynamiting before. JER said Guy lived around there. JER frequented this bar -- it had pool table -- play pool with this guy. Also TV. This brought discussion -- some trouble with Black -- policeman shooting Black. This started discussion between him and JER -- Guy said should give cop medal. Dynamiting came up. He knew Guy knew what he was doing but guy talked too much. The two of them talked about it. They made plans. JER felt guy would be bragging. He was big guy. JER called him BUTCH. Butch was always in that bar. He also came to JER's apartment. They made plans there. The guy had the dynamite. They wasn't no money involved -- just for their own satisfaction.

JER knows all these groups -- where they are-- their addresses -- phone numbers. FIERY CROSS -- LIBERTY LOBBY. Would know must how to get in touch.

He knew Courtney -- how to get in touch --

Way JER told Jerry it was simply that they met in bar over remarks about cop shooting Negroes.

JER ~~doesn't know his~~ he would be listening -- know what everybody saying 3 or 4 tables from him -- whoxx was for him, who against him.

Stoner never did have no contract with JER. If he had, don't worry JER would have had plenty of money to leave U.S.

(Fiery Cross)

Only organization ever mentioned was FIERY CROSS. JER mentioned that several times. He asked me to write to them -- THE SWORD and THE FIERY CROSS. This was before he plead guilty -- when Foreman was on case.

When Stoner went see JER he wanted criminal part, not ~~life~~ LIFE. JER wanted Klan lawyer in Memphis-- Went to Ryan, even before Foreman. JER knew one guy belonged to Klan -- something like Stephens -- from Florida. JER met him in Alabama -- rooming house. Met Stephens in Alabama. In Fla. (JER said) Klan has kitty for legal defense. JER finally told me to forget about writing to FIERY CROSS -- he knew address

Page 4--Jerry Ray--2nd Chicago--Tuesday, June 27, 1972

everything except zip code.

Positive (Stevens)

~~Bent~~ name was Stevens, Jacksonville, FLA. "Cal"

JER knew him while he was in ~~in~~ Birmingham--
But they weren't gonna do anything together. Just told
me to get in touch to help get lawyer.

Stevens only bar-room or casual acquaintance.
He wouldn't have known what was on JER's mind.

(Last Phone Call)

That last phone call -- all excited and
worked up -- more anxious couldn't wait for day.

When talk Chicago -- or at no other time --
in the whole year -- did he mention any group or
individual.

He wasn't plotting nothing with Stevens --
There wasn't nothing to tell me.

The only guy that I can put on any kind of
a conspiracy is that guy in Atlanta.

(Kennedys)

Only people he talked about were/ politicians --
cussing Democrats -- Johnson, Humphrey -- Kennedys
(thought they were lowest trash in world -- "All
three of them should meet same fate. Wiped out.")
Also Jacob Javits. Johnson was lowest of bunch -- a
southerner and a turncoat. His mind's on political
stuff all the time, then and now talks more about
people he hates than people he likes. "Goldwater
would have shot down Blacks." JER

First time I noticed anti-Black feeling was
after he got out of Army.

For all talking we ~~did~~ ^{money} those times, the most
talk was about how to make ~~it~~ Of course, you can't talk
to Jimmy but so long before politics comes up. He likes
Nixon and Agnew.

Page 5--Jerry Ray--2nd Chicago--Tuesday, June 27, 1972

(Chicago Meeting April 1967)

I knew all about escape but didn't know when they would arrive. Jack met him because he was in St. Louis and I was in Chicago. I was half-way ~~kxxxx~~ expecting phone call. I got it. I couldn't leave right then. Next day I went ~~---~~ met Atlantic Hotel. They had already checked in. Main reason took separate rooms. JER been in long time. We all got girls that night. One I got called Co-Co. We talked in Jimmy's room. I registered Jerry Ryan. Jimmy also registered Ryan. Don't know how Jack registered. \$6.50 or \$7.00 for a room.

At was kind of strange seeing ~~him~~ ^{him} I was ~~knocked~~ ^{fiddled} but I knew better than to ~~knock~~ ^{grab} him. He would have knocked me down.

After we talked for so long we went down to Victorian Hotel bar -- had several drinks.

Then back to rooms -- Then JER said "I better get me a head job" so we parted for a while.

At bar, all the talk we did, not over 20 or 25 minutes, was just friendly -- he's serious, he's a businessman --

Main thing we talked about was this ~~xxx~~ pornographic business. Him and Jack talked porno -- Jack had experience. Had figured out before, how to run ads. They were just discussing, neither telling the other. Jack said ads Midnight, Insider -- "The bigger the ad, the more the response. Put everything in that" legal. They send a legal picture. Then pay prostitute to make some real strong pictures."

JER real interested -- said he read in prison how guys get rich off it. Said get Mexican girls to make pix -- do almost anything -- for nothing.

JER said in prison didn't have equipment to learn how to make and develop pix. "That wouldn't be no problem," JER said. "Problem is to get names and sorting out good ones from bad ones. Have to be careful because federal people get you."

John said, -- "Way to beat that is get pix -- no fingerprints on pix or envelope -- no return address -- mail it at post office -- you get the money first."

(Porno)

His big idea was to make plenty of money.

Page 6--Jerry Ray--2nd Chicago--Tuesday, June 27, 1972

He never went all out on one thing but he thought he would turn that porno into a big thing. But it's a slow process -- You have to build that thing -- Who's right and who's not right and JER's not too patient a fellow.

(Chgo. Meeting -- continued)

We discussed where to run them ads -- x either in underground papers or scandal sheets. Woman knows if she answers ad one of those papers that you want everything.

When came back Chicago after 1st Canada he told me about ads he had run ads in Toronto paper FLASH or something like that. He said something there about French culture. He got a few replies. He met one girl there from ad. He was surprised she was nice-looking woman. Met her twice. She was all hot, got head job -- divorcee.

"How can person just go for one way -- just that one thing" -- said Jerry laughing.

Porno was the main topic that night -- less chance of getting caught -- if you did it right -- also he thought there'd be more money in it.

He had graduated (he thought) from this robbery, burglary. Didn't want to go back to that.

He was running dope, too, no matter what FBI says.

We discussed that kidnapping for a while -- Him and me discussed that -- That's too rough-- They never Tk give up on you.

From time he got Chicago until he was caught Porno was main thing on his mind.

(Dancing School -- Bartending)

Dancing School because he really wanted to learn. He always felt uneasy about dancing. He's not good at meeting people. He said -- "I can't dance, Jack can't dance, Jerry can't dance." He thought he'd blend in better with people. It wasn't just to meet 'em for sex.

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Didn't want to mix so much as to blend with them. Baseball, sports, entertainment, he didn't feel at ease, couldn't get in conversation.

*wanted to see
girl as kiss etc.
without having
to be attracted
as a whole*

Bartending kind of same thing -- Even if you've got a withdrawn personality good place to learn to talk -- people will talk to bartender -- especially women -- would resent other men getting fresh and take all kind of stuff from bartender.

(Women)

He was looking for a way to approach women. It's always been on him that's its a kind of task to meet women -- He'd like to meet better women.

He wanted to be able to get a woman on his own -- who liked him -- it's bad on a person's ego just to always be getting a woman from a bellhop.

(Girl at Grey Rocks)

Girl at Grey Rocks -- he was using her for information -- she worked government. Mad Head job wasn't main thing. Reason he broke off with her he was getting serious. He really liked her. She wouldn't give him head job. He screwed her. He got afraid and broke off her. First time since early Chicago days that he liked a girl.

That wasn't his aim in life, to ~~stay~~ stay with woman. He wanted more than that. The Big Boy.

Only 2 things he did (in 12 months) was dope business and porno business -- he didn't roll nobody, hustle nobody.

(Porno in Birmingham)

~~RErry~~ Jerry went down there -- JER wanted Jerry to go in with him -- talked about having to make own movies, pix of everything, girls with girls, boys with boys, in the rear, animals -- had to have everything -- talked in his motel room --

Atlanta police 404-659-1313.

(Birmingham Meeting JER & Jerry, Porno)

JER met Jerry at plane and we went his motel.

He wanted me for Porno -- But he had these 2 or 3 runs from New Orleans to L.A. Then I was gonna

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stay put in L.A. and handle porno business -- for he might like to travel some.

He had wanted me to go down Birmingham in Chicago but I was getting divorce.

But I went Birmingham shortly after he got there. He paid for trip to and from.

Porno was main thing. Dope thing was just temporary -- He was gonna get away from that entirely later on.

He wanted ~~me~~ ^{me} make dope runs with him -- go to Mexico with him to make movies.

Jerry doesn't know of any dope or jewel smuggling across Mexican border.

I might make first dope run to L.A. and stay there.

I wished I had gone with him. He could have done porno if he could have had just one thing on his mind. If I had gone with him, if money had really started rolling in it's possible he could have forgot about THE BIG BOY. But I don't know, If I'd gone with him (to Mexico, etc.) he might not have done anything.

But he couldn't keep his mind just on Porno.

He did get pix in Mexico, a lot. He sold a few in L.A. Nothing to amount to anything.

He didn't make any movies. Just pictures (stills) and this waan't of him. It was somebody. Women and women -- that stuff takes time -- You take even lot of prostitutes won't take stuff like that.

He mixed that with a kind of vacation. Just enjoyed himself.

Carried on experiments in porno -- how to set stuff up.

Got pix of woman and a woman.

Didnt ask me come L.A. because he had just about given up on me and he didn't have anybody else he could trust.

(Mexico -- Los Angeles)

When he got ~~to~~ L.A. he started working like hell for Wallace, had dope thing going.

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It would drive him almost crazy to see King on TV but I don't think he was stalking him then.

What doing Wallace was people in Mustang to sign petition for Wallace -- Got people in around hotel, in bars, maybe as many as 300 people. He never rang doorbells, just talking that stuff to people he ran into. ONLY thing on his mind from time he got up until time go to bed. -- He wasn't quiet about his ideas either.

NOTE: Did he stop working Wallace because Wallace had enough signatures.

He still talks about that till today -- how he helped Wallace get on ballot. He thinks as if Wallace president would put heat on governor Tenn. and commute sentence to 10 years.

First thing he did in Mexico was to get lay of land -- (this typical criminal approach, to stop and think). Went there big reason was to make contact -- see what he could do.

Same as Canada -- to make contacts & -- to look situation -- to feel it out -- to line things up

He didn't mean to marry girl in Mexico -- He just meant to use her. He would never get married to no woman!

When he came back from Canada to Chicago he said he had some with him. More than enough for him -- but don't know whether \$200 worth or \$2,000. He didn't talk about any business in Canada then.

He tried to talk me into going into business with him and when I wouldn't he left car with me.

The whole thing about Raoul and running drugs from Canada was bullshit. He didn't go Canada for porno either.

It was just to look Canada over -- see what things were like.

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But from time he escaped until time he was caught in porno.

Raoul was to throw HUIE off. For some reason he didn't want HUIE to know about porno -- He would laugh in his cell about how he was throwing HUIE off.

All the Windsor-Detroit thing DOPE was BULLSHIT.

Mexican DOPE also bullshit.

Only thing Jerry knows about for sure about DOPE business is from New Orleans to L.A.

It is dangerous down there in New Orleans. They get pretty mean down ther.

Stuff about in the tire -- BULLSHIT -- kept dope right in glove compartment.

Way from New Orleans to L.A. -- well, because important thing is contacts.

Dope was a minor thing to him -- I don't know exactly how much he made. It was hard stuff -- He picked up from guy named Eddie and delivered.

When I called, I said:

"Eddie?"

"Who do you want?" he said.

Then I told him JER's brother, etc.

"Everything's all right. Nothing for you to worry about."

A very short conversation.

Usually when guys get picked up they tell everything Jimmy just wanted guy to know he hadn't talked.

Jimmy was making run the time he came to Chicago from New Orleans -- He left and went California.

He told me had a run to make --

Divorce was big (obsessive) thing to Jerry -- had witnesses lined up, everything. Told him I'd go in with him when I got divorce -- but he never asked me again.

Page 11--Jerry Ray--2nd Chicago--Tuesday, June 27, 1972

He must have made drug contact in Canada. He knew it before he went Birmingham. When Jerry went Birmingham -- JER already knew about runs.

I think he made between \$3,500 and \$5,000 each run for two runs.

He spent quite a bit of money -- hotels, whores, food --

If killed King, he didn't figure be that much heat. He was going to Rhodesia. He was desperate in London. Had more heat on him than he ever dreamed of.

He would never have been caught (he told JER) if he had enough money -- He expected make big score in U.S. before he left but too much heat, he couldn't.

If he had four thousand dollars he wouldn't have been caught to this day.

He figured time was right. Everything jelled. Although newly broke, he figured he could make some money -- didn't realize be so much heat on him.

Things falling into place, moved King from Rosemont..

He knew he was coming back to Memphis. Though that would be a good place -- Memphis police up in arms about King, town against him.

Situation -- Wallace OK on ballot -- Porno lit. a flop -- only one thing on his mind was King -- only thing left.

See, it wasn't necessarily that he would have to leave country after killing King -- he didn't see how much heat there would have been. His main idea was not going Canada but Mexico. He had it on his mind that he might have to leave country and Canada was best way to go. But if hadn't had all that heat on him he would probably be living in Mexico today.

It wasn't his plan to abandon his car and every- thing. His ACTUAL PLAN was after Memphis was to go to Atlanta, pick up his stuff and go to Mexico. It was all over news, FBI came into it right away. He heard it while he was leaving Memphis.

Page 12--Jerry Ray--2nd Chicago--Tuesday, June 27, 1972

By time he got Atlanta ditched car and caught bus for ~~Exa~~ Canada.

He never smoked a cigarette in his life.

He didn't get lost. Took Interstate out of Memphis -- went over into Mississippi and then turned west.

Had King been to Memphis first time by March 17?

Nose operation. He could blend into crowd in looks -- except for two things: his ear and his nose.

Lawson asked King come -- extended invitation -- at end of February. Did he announce it at this time? Ask him?

Lawson telephoned King on March 17 to give briefing -- called King in Los Angeles. Did King announce there that he was going Memphis? That day? Same day JER left Los Angeles.

King arrived Memphis March 18.

Announced that night he was returning Memphis March 22nd.

But snowing March 21st and postponed morning of 21st to 28th.

But 28th was bad day, riot -- King announced would return.

What did King say about his plans on March 16 or 17 in L.A.?

Jimmy told Jerry that something went wrong in Alabama.

He wanted cut King off before Poor People's March--- That if King went, some strong laws would be passed. //

Also he figured wouldn't be all-out manhunt because Hoover hated King, didn't want him come Washington. //

But it worked just opposite, hated King so much was forced to go out and catch Jimmy. //

Even though Jimmy breaks law all the time, he goes by that law book. If King got laws changed, that threat would have upset Jimmy -- more than King's publicity or appearance. //

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The main thing was Alabama -- but if not there, Memphis.

(He didn't have right gun, did he, to shoot in Selma, didn't buy rifle until after Selma.)

When Jimmy left Los Angeles he knew he was going gonna do it.

Last phone call from Memphis was only one when he really said anything about doing anything.

He bought rifle because he knew it was gonna have to be from a distance.

He took rifle out and target-practiced that day he bought in Birmingham at Acro marina.

Also he wanted rifle do it in one shot.

He's an expert shot.

Call day before -- Je just acted excited, ~~just~~ jubilant.

He called Jerry about 9 (nine) times -- once from Mexico, Memphis, Texas, New Orleans, ~~etc.~~

That first meeting in Chicago -- he wouldn't even talk much about N's or MLK in front of Jack. King didn't even come up -- if it had, Jack would have stopped it.

First time anything serious about King was that time I went to Alabama but it hadn't jelled then, no definite time and place. But when he talked about him his whole face changed.

He had mentioned King in prison when I visited him. "Somebody ought to kill that coon."

He talked ~~f~~ definitely about killing King that time he came Chicago from New Orleans and we talked Cypress Gardens.

Still had Porno on mind when he left L.A. So he did still have two things on his mind even then -- when MLK had become main thing.

SEX MANUALS -- ~~g~~ Going back years, since he first mentioned sex, he only talked about head job.

He might have wanted know how, in case he had to screw a woman -- he probably hadn't had.

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He talked about leaving country even before Jeff City -- where he could start new.

Thought about leaving country even x before he had King in mind.

Mexican girls give best head jobs in the world. He said best he ever had.

WEDNESDAY, JUNE 28, 1972

3) If JER could have got in touch with Perez -- he could have got money for killing MLK. Trouble is to get to those people -- you can't just walk in.

Never did talk about making money from killing King. Didn't try get money from Courtney.

He said sent Jerry \$1,000 and I gave him \$900. Jack gave him \$3,800.

Kept some money on him -- couple thousand -- when he travels doesn't spend as much as people think he does.

Only money JER had:

- 1) what Jerry and Jack gave him,
- 2) Klingeman's restaurant,
- 3) dope.

\$4,600 from prison
7,000 drugs
\$11,600

Went to Birmingham, establish residence, live there while drug runs. It was to be like Germany. He'd brag about being from "Wallace Country."

Jerry gonna take week off in August and visit JER and Jack.

About being broke at time killed MLK -- he didn't realize how much heat. Thought he could go Mexico, if necessary sell car. ||

Went to Canada first time to look the place out. How to get out of country.

Met at Cypress Tavern three times -- once before he went L.A., twice while working Winnetka. We might talk baseball.

99-935 0032

Page 15--Jerry Ray--2nd Chicago--Wednesday, June 28, 1972

He was gonna leave country. "He just didn't like United States. Not the way it was going. Way back in Fifties when first civil rights.

He didn't leave from Canada first time because he wanted to get Wallace in and kill King.

I don't believe he escaped for just that one thing -- killing King. He felt everybody had responsibilities -- if you don't do your duty it's not worth living. But he had several things on his mind.

He had everything set up in Mexico for a life after killing King.

He must have studied photo in Birmingham.

Porno -- trace ads Toronto FLASH. He must have had postoffice box. Would have had to give name. Could check that way.

But he didn't place any ads to sell his pictures. Didn't consider th himself set up nor ready to go into business of selling.

What happened pix? Does FBI have any? Stein? Were any in Mustang?

He hadn't reached stage of placing ads for customers only for participants. *? Not sure*

Grace Weiss -- Neighborhood Bar -- 20th and Hickory, St. Louis. Homer Townsley, bail bondsman, owned bar.

Lonely Hearts Club was to get people for pictures Porno.

Running is bullshit -- "comedy stuff."

Porno in L.A. -- made some pix in L.A. as result of Free Press ad.

Cable release was so he could have pix of himself getting head job. But he would never let pix be taken of his face.

Call New Orleans number 389-7581 cited by Weisberg, p. 336.

He got sex magazines, sex manuals for porno business, studying up on all that stuff.

He never liked sex magazines in prison -- didn't

Page 16--Jerry Ray--2nd Chicago--Wednesday, June 28, 1972

want any.

He didn't rob market in Montreal.

New Orleans police dept. 504-821-2000.
April 9, 1969. Sgt. Buras.

Officer BOUGEONIS
Carol Goman
Info. office 821-2000
11 am CST.

"No records in our detective bureau of any
such meeting."

THURSDAY, JUNE 29, 1972: Phone conversation, office
Carol Goman, information office, New Orleans police dept.

ALTMAN

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NOTES

July 12, 1975 Interview with Jerry Ray

Jerry had an account at Wheeling State Bank, Ill., with \$2,900 in it when Jimmy escaped.

He had been getting money from Smitty, the Jeff City guard, from 1965 to 1967. That is, for two years. And it came to about \$2,900.

Before that, Jack got the money from Smitty. That went on about two years. Jack had something between \$2,000 and \$2,500 to give Jimmy in Chicago. NOTE: Was any of this money in Carol's bank account?

Smitty sent the money in postal money orders, usually \$100 at a time. They were bogus and mailed from Jeff City. Sometimes Smitty sent cash -- a \$100 bill usually when he sent cash.

It was all this one guard, Smitty. He got shook down later, and ~~at~~ fired.

Jimmy's hustling wasn't all drugs. It was anything. Sandwiches, magazines, books, drugs. Same guard brought drugs in. Smitty hustled for about 10 ~~guys~~ guys. JER paid guys in the kitchen for ~~good~~ food, etc.

Jerry took the money got to the Wheeling bank and deposited it in an account in Jerry's real name. Jerry thinks the FBI knows about the account because they asked him about it. But in Jerry's eyes it was always, "Jimmy's account," and he never took any money from it for ~~his~~ his own use, he says.

When they ~~et~~ at the Atlantic, Jerry was there only one night, he only had one night off. "I gave him everything in the Wheeling account except for two or three hundred," Jerry says. This later turned out to be \$300.

Account name was Jerry William Ray.

He handed JER around \$2,000 in \$100 bills.

Smitty had been sending money out to Jack before me. Probably from 1965. JER was hustling whole time he was in Jeff City. And thru the same guard. Jack at the time he received money was in Bensonville, Illinois, working at White Pines Golf Club. He had a postoffice box there. Jack handed Jimmy about \$2,000 in \$100 bills, a few \$50's. Jack never handled any more money after that.

Pepper Printing didn't have anything to do with Jimmy's hustle. Carol didn't even know that Jimmy escaped until after he did.

page 2 -- notes on July 12, 1975 interview with Jerry Ray

Jimmy carried the money on him, either in his suitcase or in his pants.

Remember that he had the money he made in the Winnetka restaurant -- on top of what Jerry and Jack gave him. That would mean that he had between \$4,500 and \$5,000 when he went to Canada.

He called Jerry up when he got back from Canada, surprised Jerry -- which means that he had not called Jerry from Canada. Told Jerry to meet him at a place that Jerry was not familiar with, on North Avenue. Jerry was living at North Brook then, said he had got married, told me that his wife was now living in a small town near Morristown, Tennessee, and that he had a 13-year-old son there.

The night the two of them met on North Avenue, Jimmy did not say anything about the Gray Rocks woman which makes Jerry think that ~~xxxx~~ he did like that woman, and he told Jerry later that he did.

~~Jerry drove Jimmy down to the~~ When Jimmy was ready to leave Chicago for Birmingham, he drove them down to the Greyhound bus station in Chicago, got out and turned the car over to Jerry, ~~xxx~~ and left.

In Chicago, Jimmy did tell Jerry that he had a contact in Montreal who put him in touch with a guy in Birmingham who put him in touch eventually with The Fence in New Orleans.

In the Birmingham safe deposit box Jimmy put money, car title, plus "Raynax I. D." "Remember he was switching I. D.'s right then," says Jerry.

The Fence offered Jerry a job. He apparently estimated Jerry as a somewhat less high-powered operator than Jimmy. He offered the job of simply picking up a car someplace and driving it to Los Angeles, or someplace else. The car would already have to ~~xxx~~ drugs in a tire. But Jimmy carried the ~~dsuga~~ drugs on his person, said Jerry, and delivered them to someone at the St. Francis in Los Angeles.

Jerry said The Fence really liked Jimmy, and they got close. Jerry talked with ~~xxxxxxx~~ The Fence twice, the second time for more than 2 hours. He said The Fence had lots of confidence in Jimmy. And Jimmy had confidence in him, talked with The Fence about hustling in prison.

About the Grey Rocks girl: "He had feelings for her. I know because he didn't mention her to me."

page 3 -- notes on July 12, 1975 interview with Jerry Ray

The guys name

Reynard J. Rochon
 xxxxxx 246 Crowder Road
 New Orleans, La.

Jerry gave me the address as 7080 Dreux Avenue, but when I called information she gave me the Crowder Road address. I was pleased to find this confirmation, that the guy actually existed, after Stroheim.

The way a fence works. If you broSght him \$10,000 in jewelry he would pay you \$3,000 cash. Jimmy would bring in enuf for \$600, \$800 or even \$1,000.

Jimmy hauled dope to Los Angeles.

The last time Jerry went to see The Fence, he gave Jerry ~~xxxxx~~ \$1,000. That was January 20, 1975 -- this year! "Jimmy wasn't putting heat on him," says Jerry. "He just asked him." Of course there is an implied threat that Jimmy will expose The Fence.

The Fence gave Jerry \$800 the first time he went to him, this was the time that Jerry saw Courtney, in 1969 (check Courtney interview for exact date).

Jimmy hauled dope to Los Angeles.

He knew Jimmy as Harvey Lowmeyer.

Of course he, the Fence, didn't know that Jimmy meant to kill King.

When Jerry went down the second time they met at Howard Johnson's motel. That is where Jerry was supposed to have stayed, but he couldn't get a room and stayed instead at The Tamanaca Downtown Motel.

Jimmy saw The Fence about 15 times. Sometimes he'd get only two or three hundred. When you're in them places, jewelry stores, you don't pick up no \$20 watches. You don't get nothing out of tha t.

Call from Mexico. He called. He was high. How youk ~~xxx~~ doin', slavin' awayx. You ought to be over here laying out with these senbrites.

Jerry confirmed many telephone calls. Apparently in most of them Jimmy did n't say anything much more than he did from Mexico. It was the same kind of jazz, nonsense, just wanting somebody to talk to.

He didn't call Christmas: "Christmas was just another day to him."

There wasnt anyone else that Jimmy had deals with in the time he was an escaped convict before he killed King. "Jimmy didn't have anything to do with anybody else but this guy in New Orleans. He told me that."

page 4 -- notes on July 12, 1975 interview with Jerry Ray

We knew (Jerry knew) that he went twice to New Orleans. He went more than that. He would get in that car and drive and drive and drive. He was a good driver.

He sent money from Birmingham in 1967. Sometime between September 15 and October 15. He sent \$1,500. Jerry kept it in a safe deposit box at the Wheeling state bank. This money kept by Jerry for his expenses after Jimmy's capture. It was this money that Jimmy was talking about when he told people in London ~~that~~ to see his brother Jerry if money was needed. The sum was actually \$1,800, for Jerry still had \$300 in bank account.

NOTE: On July 16, 1975, I called the Continental Bank branch at O'Hare airport and ~~xxx~~ asked the notary there if the lost document had been found. This is the power of attorney Jerry gave me to examine his bank records at the Wheeling bank. I talked with Miss Wendy Rosenberg, O'Hare branch, Continental Bank, Box 6605, Chicago, Illinois. She told me that someone had found and turned in the document, and that, after a couple of days, she had destroyed it, because it was a "legal document."

Jimmy kept New Orleans safe deposit box in name of Harvey Lowmeyer. It must have "just expired." Might have taken it out just before went Selma, that is the money in it. Jimmy went to New Orleans just before he went to Selma.

Jimmy held lup jewelry stores. In prison he was known as The Mole, and The Roofer. He liked to go in over the roof. He would choose a place where it looked like that even in even if the burglar alarm went off it would take the police a few minutes to get there. You know, he considers himself a professional.

The Fence told Jerry that Jimmy was just about the best all-around hustler he had ever met.

Jerry opened the Manufacturers Trust account (of which I have his savings book) on February 1969 with the \$300 that was left over from the Wheeling Trust account.

ALTMAN

Jerry Ray Interview
 Monday, Memorial Day, May 29, 1972
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Jeff City integration- JER told Jerry on visit that he had been involved incident-with Burns-Poiry had control prison that time-He was con-wise. He really knew. JER told Jerry Menards involved. Burns' brother was detective city police St. Louis-hated each other.

** Somebody to contact incident had just happened-
 "That ends integration here, " JER

JER only Drake, Burns, one of Menards was only one he would-Drake got out before JER escaped- Drake looked Jerry up-He was in that money business with JER

** Drake in St. Louis now unless back in, Mother lives there. got out 1960. His brother in Terre Haute.

*Quincy
1950's*
 Germany: 1948 or 1949-made trips to Quincy from Chicago living Quincy 214 Spring St.
 Before I went St. Charles 1950/ Ceal and old man lived downstairs, drank alot so I moved upstairs. rented out upstairs front rooms. I lived in 2 rear rooms, also Jack. Little kids stay downstairs. I used set pins. Wouldn't wake up old man-sleeps all time but can hear needle drop. Every time came Quincy give me a few dollars. Kided me I was from mixed parents, might not be his brother. Would call me Nigger. Because dark complexion.

When drinks he warms up to you lot more. Him and old man go out drink quite a bit. Sometimes Willie with them.

Came upstairs "my half-brother" He was drinking. Old man must know. Old man and Lucille don't go for that stuff (nazi) Never forget that name-Stroheim

Told how he had worked some niggers over-Stroheim used go in bar where JER went on duty MP. That's when brought Emmet Daniels up-They had worked some blacks over. JER and Daniels got 2 Black guys in Tavern, told them to leave, he and Daniels worked them over.

Jack and Jimmy didn't see each other until 1960-10 or 15 years later, none during Fifties

We knew even before he went in that he meant to stay in Germany-old man knew that

Stroheim asked him to join some kind of org. He told Stro. he was coming back U. S. disillusioned.

Changed his whole life-the Army, his disillusionment.

He was behind Stumm 100% JER never went to his house.

When JER drinking he run around with Old Man-He wouldn't see Carol if sober. He get old man drunk. He don't tell a woman nothing.

Girl friend Chicago. Engaged. Took stock car races.

He talked to Mabel quite a bit until he started getting in trouble, still her favorite. She was high-toned. I got jail 1954. I wrote her a letter. Please send \$10 if you don't I'm going tell all.

JER told JERRY at Menard Jerry tried black-mail her.

He always had strong beliefs. Believed Germans getting raw deal.

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Lucille told him he gonna get killed with his ideas even before he got in Army while working at Tannery.

Mabel used send cigarettes

He used gamble a lot over there-poker-good gambler-win money

Sent money back to Mom-she took care of his money. She put it in her name (in Alton bank?)

Bought car when he got out of service (less than a year old)-gambled, drank some-it wasn't long before money was gone-take old man out, play pool-

He doesn't drink beer-those days nothing but whiskey-Screwdriver-he used to have pint of whiskey with him-mix it with water-

Only pills-goof balls-until after got out of Army
1st I knew was when went Jeff City-

Jeff City-guard who used to bring JER stuff got caught-was fired-guards bring in stronger staff at Jeff City

Number of hustlers at Jeff City. Some are known. They eventually get busted. If too much heat on you, guards don't like to fool with you. JER had hard stuff. Stuff you stiff, all kind of stuff. Just 2 people, the guard and Jimmy-JER always known. nobody wanted to mess with- he's not gonna give anybody trouble, nobody gonna trouble him

Guard bring stuff-in socks-JER kept stashed in cell-only shakedown if under suspicion and JER so quiet.

When guard bring something he wants cash-Money outlawed in 1950's-but all kinds money in prison

If customer didn't have cash, JER would take cigarettes but charge more.

\$1 green worth \$1.50 commissary or 6 packs cigarettes

Little pills \$1 benzies

Hard stuff was expensive

Guard only take cash

Guard could be in kitchen, in yard-but JER's was in cell block.

No money in Menard, can't make anything

If hustling you first live good-keep clothes pressed - extra candy, orange drinks, radio, ice cream yards-

A good hustler had everything, steaks, different kinds soups-if you're a good hustler if a guy wants something you're supposed to have it.

That's Jimmy's life-he's got to have something to do-if he wasn't hustling, he'd go crazy.

You only have so many hustlers-not everybody's got it in them-I haven't-but everybody in prison knows the hustler in whole prison 12 or 15 hustlers-

If no money in prison, no hustling-as Pontiac, Menard

check

2/9/72
hustling

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<u>150 a month</u>	<u>1800 a Year</u>
<u>12</u>	<u>7 Years</u>
<u>300</u>	<u>12,600</u>
<u>150</u>	
<u>1800</u>	

What throws people off-why did he go to work when he went out? He had his reasons.

John had around \$3,000 }^{3,000}
 I had \$1,000 } when JER escaped

Not sure

Guards send Jerry money Box 22, Wheeling, Ill.--send in \$100 bills in mail, nothing else in envelope

He was also paying lawyer in Columbia, Mo.--Jerry would send him \$100 or so - *probably \$200*

You're born hustler, like baseball player--everybody's born to be something--he's born to be one--Hustler--Rife a good one, he has lot of bullshit Jimmy quiet--everybody, bkack white know they can trust you--some people got that little extra--He can get you this, He can get you that

Main thing trustworthiness

Menard has good hustlers but there's nothing to hustle

In prison everybody would like to be one- but only a select few can make it. It's just in you

Main thing is for guard to trust you- They could shake JER down and nobody could break him--He wouldn't talk

That's key--the guard's trust.

You have to close-mouthed

Lazy person can't be hustler

You have to get out--Jimmy talked to lot of people but he didn't have friends.

Little Menard is a hustler

Call them Hustlers--not Merchants

The Mole sounds right for him

Lot of hustlers put on show--Not JER he just wanted money, didn't put on no show--didn't want anybody to know his business

Pill man

But JER dealt in everything.

NOTE: probably started drugs Leavenworth

NOTE: JER sold Mustang to guard

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Some questions to ask:

QUESTIONS

What were his reasons for working even though he had stash

How actually did he develop as hustler? Got his start at Jeff City? Was Earl one at Menard?

If he told Lucille his ideas while at tannery, what were they then, at that point?

What exactly did JER say about staying in Germany? What exactly was his plan?

Did the old man beat Jimmy?

What was Old Man's exact objection to Nazi stuff?

Lucille's?

Did JER cheat? How exactly?

More detail about how guard-contact worked with JER?

Did JER want to be in Top Ten? SHIT

How much did JER get from guard for MUSTANG?

Why did he get discouraged about going straight?

Chicago period April, 1950-May 1952-Get more about this.

Why did he take Spanish Leavenworth? Mexico?

What did he do after April, 1958-paint for Willie?

Until October 1959?

Sentenced 20 yrs. Jeff City from March 1960.

Escapes 1961, 1966

Was on librium by prescription

Read Jerry report p. 18-19 Rule. Comment? Was

JER faking? What was he going to do?

Comment on Rule p. 24, 25

If he had \$5,000, why did he think he needed more?

Rule 25

JER at 2731 North Sheffield, Chi April, 1967

At Indian Trail \$817.66

What about phone calls at Indian Trail p. 33 Rule

Rule p. 37

Was JER smuggling in Canada?

Who was Raoul?

Honey from Jeff City-

The Pepper printing account was set up as a trial to get money out but it didn't work so it was given up- never more than couple hundred dollars in it. Came to rely on guard- who also kited letters out.

**What did he say in these letters?

Name of guard?

Guard was called Smitty. Would put \$100 bill between pieces paper Box 22, Wheeling, Ill. no return address. He also sent some to Jack. Then Jerry write short letter saying everything OK.

Started latter part of 1963.

1960 and 1961 Jerry and Jack worked together rolling Green. Jack worked on until 1965-1966 White Plains, Bensenville, Ill.

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Atlantic 5

Jack met JER in Chi and gave mon/ey-
 Jerry gave JER money in La Salle Street hotel next door
 Victoria-gave it to him just way it had come to me-I
 had kept it in my room.

Jack saw JER day before he escaped.

Jimmy asked him to come-you knew something up-Jack called
 Jerry that night told him to expect to see Jimmy couple
 days. Prison not bugged. He told Jack where he wanted
 him to pick him up. Jack gave him phone number in case
 something went wrong. Jack went down to pick him up about
 40 miles from prison. He'd drive by right on highway,
 flash his headlights, drive on by, go on a mile and Jimmy
 come out- He did that twice. Then realized something
 went wrong. Went back St. Louis. Waited for call and
 JER did call him-and he picked him up. Went to East St.
 Louis and came right up Chicago. Then all 3 met in Chicago
it was the next day after the escape. I was ready with
money.

Atlantic
 We met at *La Salle* Hotel next to Victorian on South St. went
 in Victorian and couple drinks-down State Street couple
 games pool. I went back North Brook. Jack stayed
 with him at that Hotel.

Next night I came in and all 3 spent night together.
 Went around bar-hopping. JER talking about-he had bum feet.
 Said gonna rest up. Then make some plans.

JER asked Jerry-did I want to make some money.
 I knew illegal. I was gonna get divorce. Didn't want
 to leave state said he wasn't gonna do anything right away,
 said gonna look for a job, get straightened out.

We spent night together-got three separate rooms.
 We talked "legal stuff", jobs we might do to make some
 money-he'd been thinking a long time-my time hasn't been
 wasted. He thought best way to make big bundle was kid-
 napping-He had been over every kind to commit-safest
 dope but not as big money as kidnapping. Not kidnap no name
 person with big heat. A banker, a few hundred thousand
 dollars. Told Jerry was in good position to finger somebody
 at golf course. Told me I wouldn't have to be involved.
 JER did most of talking. Jack didn't talk much.
 He didn't like dope, didn't take it, didn't sell it.

JER stayed away from that while Jack was present.

I hung around Caravelle at Northbrook.

Jack left and went back to St. Louis.

Then me and JER would meet at tavern *Express Inn* by train depot at
 Northbrook. The only one where I didn't know anybody.
 I knew everybody at Caravelle.

FBI sent notice to Jerry telling him get in touch
 of JER

Met several times-JER and Jerry-at Northbrook Tavern
 JER wanted know if Jerry had figured out anybody on whom
 they could make big score. I told him several people but I

Jerry Ray Interview
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didn't know anything about. family. only one I know anything about whose got lot of money, married, old, no kids, I gave name and where he lived

JER kept all money we gave him, didn't spend any of it. He was just killing time, getting a car, title, driver's license, he's not a bit lazy and he wanted to save what he had his stash.

JER called Jerry many times-Jerry called JER- week before he left-last time saw him about 9 days before left

Said going Canada, might not be back, hadn't decided whether to work out a hustling angle or get passport and leave country-Hated to try some strange country without more money. He knows those countries don't have that much money flowing-can't hustle.

Called him one time to let me know when he was leaving said he wasn't positive-then they asked him to stay at rest. another week.

Called him day before left, said he was gonna leave, didn't know whether come back or not, depending how things go in Canada.

Then he took off, never phoned from Canada.

When he came back he had a lot more money-he had me come back Chicago hotel next Victorian-we went out for few drinks-we spent night at hotel. said he had run into some good money. Asked me if I wanted to go Ala. with him. Told him about my divorce, after hire two witnesses. Said I wouldn't go.

Next day he caught bus for Ala.

Made mon/ey in dope. Told me he had contact, made it in prison, in Montreal. Some guy who had been in Jeff City. Guy would supply JER with dope-JER had contact Detroit-ran it back and forth. Detroit-Montreal. Red Plymouth, 1962. I gave it to girl I was married to.

But before he went Canada, he went Quincy and seen some old friends-Crowley-Ted's Place-They've been friends for years-Also went East St. Louis and bought Plymouth there.

Ted has connections all over. He used to run whore houses in Quincy. You can always get a gun off Ted. JER has got guns off Ted in past, many times. Ted doesn't fool with dope. JER wanted to check on some guy who could be trusted-to get contacts before he went Canada.

I don't know how much he had when came back Canada-but said plenty more to be made.

Whore house robbery is bullshit. What he did was run dope. He had decided kidnapping too risky.

Said he was gonna get late model car in Ala. wanted get car there, plates there, license-

He had MLK on his mind. Crime is state Crime-Wallace was governor-

Killing MLK just didn't pop in his head. But he didn't talk all that much to me-Not about anything.

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He knew there wasn't any money in it. He told me I'd make money on dope stuff. He figured he was gonna be in Ala. long time-that things would work out (note: be pardoned) I was figuring to go with him.

His plan was to make stash for defense, etc. then eventually get pardoned and remain resident of Ala. permanently.

He had contacts down there-Underworld-

He had between 7 and 10 thousand when he went Ala. and he had that much when he left even after buying Mustang, etc.

He called MLK BIG NIGGER-Talked about going to get BIG NIGGER.

In Birm. not just stalking MLK. making money, also campaigning Wallace

His 2 main things MLK-keeping his eye on BIG NIGGER and working Wallace

He had contact in New Orleans

I even flew down there myself-went for 2 reasons to meet this one guy-JER gave me phone number. I met Courtney in park-JER told me to contact Courtney. Courtney, it was right after JER had plead guilty, wanted Courtney to recommend lawyer, a good conservative. Courtney had photographer. Jerry wouldn't go pix. Said no lawyer touch case until Stoner withdraws.

The other name-just a phone number-call guy tell him (Eddie) everything okay from James. That's all there was to that. This was after JER plead guilty.

The \$500 Jerry wanted from Foreman was for New Orleans.

Eddie was his dope contact in New Orleans. He wanted Eddie to know he hadn't talked, wasn't going to talk.

This was about 5 days after plead guilty.

JER didn't say anything about MLK when he got Chicago. So happy to be out.

JER had woman sent up to his room. Want head job, hardly ever screws 'em.

JER didn't talk one line all the time. Mentioned MLK only 4 or 5 times. What really used to tear him up was seeing him on TV-MLK like Wallace on other side-get Blacks riled-JER said he should have been killed long ago. This when JER in Chicago.

But he would never talk that way in bars. He never ran off at head. Not even when crinking. In Calif. bar it was girl who did talking.

First time Jerry got feeling JER was serious about killing MLK was after he left Birm (Oct 7, 1967)-He went directly New Orleans and then up to Chicago where Jerry saw him at Northbrook station tavern. They talked 3 hours. JER looked good, good complexion, dressed well, had all his color back, he colors good, tie on, sun glasses, dark-complected.

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His coming surprised me. He said BIG NIGGER not gonna be around many more months. He was serious in way he had never been before. More sure of himself-business-like. Self-assured-knew what he was gonna do-sure of what he had in his mind-not in no joking mood-about

That night he was talking about how gonna make money Calif.

I wouldn't go with him. I only do stuff for money. I don't care that much about Wallace. Didn't want to get mixed up with him. Trouble was money wasn't his sole interest. Money not his interest. All that dope taking them chances for another reason-reason was King.

At first I was serious about not going because divorce. But later, I might have done it, if looked easy. I didn't see light. I just didn't like doing time. By time I got divorce I knew what was on his mind and I wouldn't go. He never did pressure me. He knew I didn't want to go.

He talked that night about Wallace-How everybody ought to work for him.

He had 2 reasons go Calif-1. to carry dope, 2. to work for Wallace.

He made at least 2 trips if not 3 between New Orleans and Calif.-He was hauling dope and his supplier was in New Orleans-Eddie

When 1st got out didn't say anything about Canada.

Jerry went Birm. flew down there- JER told could make \$300 a week-spent nite motel near airport.

He had contact in Birm. who supplied him-he said could make \$300 a week.

But there was more on his mind than making money.

He was popping pills but he was always same, talked same way.

300 was good to me and I would have gone Birm. with him except I knew he had something else on his mind.

He thought MLK situation getting worse all the time-too many rights for Blacks, getting them jobs-what bugged JER more than anything was hearing him talk and seeing him.

That Big Nigger has to go more and more on his mind

Began to mention MLK more than Wallace- I knew something changing.

He called me all time-called me from Texas. Feeling good-not drunk-how's things-would ask me if I had changed my mind about coming with me.

He called me one time from Mexico-before he got where he was going. he was supposed contact me from Acapulco

No money in speed, bennies-they don't do that much for you-it was heroin-that's where money is.

He had planned to kill MLK in Atl. by blowing up house-some other guy with him-he didn't trust guy. That's why house was circled.

JER was waiting for his (JER's) time to come

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Never thought about doing anything King in Calif.-
 gonna do it in South-so get "trial right"-he'd rather
 for it to happen in Ala. Don't know why didn't wait.

Talked 2 hrs Memphis after JER plead guilty.

He said plead guilty-he was gonna fire Foreman
 in Court-but was afraid would have made him take public
 defender

Was supposed take place Ala. little bit before that
 (Selma) something went wrong had to postpone

Ala was supposed to be state where everything happened
 buying gun, and to have been killed in Selma.

"No jury would ever convict one in Ala for shooting
 the Big Nigger"

What could have gone wrong in Selma? MLK changed
 some plans there? Check out MLK's movements in Selma.

He brought up house circling at Petros. Was MLK
 in ATL at same time JER was there-right before Memphis

As time passed he was getting more determined-you
 could see that-that's why he went ahead in Memphis

Finally it became all King-no more ball games, nothing

Called Jerry more than Jack-feel closer to me-Him
 and Jack both hot-tempered-He might write Jack sarcastic letter
 Jack would never write him again. He knows I'm not gonna
 get mad at him no matter what he says Jer knew better than
 talk to Jack about it. Jack would try to talk him about it
 Jack gets his steam off by talking about it-Jimmy keeps it
 inside-JER did not tell Jack-Jack's a racist. Jack
 would help if you're in trouble-but would have tried to
 argue JER about it. Jack wouldn't object to job-but not getting
 anything out of it. Jack sore because he (jack) had put
 himself in position to get back in prison by going down there
 and getting Jimmy out. Jack's as strong against dope as
 Ted Crowley. Wouldn't allow it in tavern. JER never was in
 Grapevine. Jack never saw JER after 3 brothers in Chicago.
 Jack and Jimmy don't get along together-They never got
 in fight. It would have been bull of a fight if they'd
 ever gone up against each other-

Jack did hard time-laid in deadlock-lay in cell
 - all day-get out once a week-to exercise, take a bath.
 In that cell 14 months, wouldn't take no orders.

Mabel Ray Quincy Earl's dtr Cannon's night club
 on 4th between Main and Jersey, She was pet of Frank Fuller-
 got everything from him.

** Get mug shot Earl and others from prison authorities

After Eric Galt announced Jerry went down see Jack
 on his day off. They talked in Grapevine how to help
 JER, what they could do-they knew who it was. But there was
 nothing they could do-didn't know where to get in touch
 with him-Jerry wasn't sure going Mexico or Canada. Told
 FBI Mexico to throw them off. I told Jack I hope I never
 hear from him again-knowing then he'd escaped-he knew
 better /than get in touch with us-

Jerry Ray Interview
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we didn't know how much money he had, weren't sure how much he had spent

I wasn't even sure when I went St. Louis Jack knew Jack sore as hell-a fellow in that long-trying so hard to get out-then go and do this-bound to catch him-too much heat-been OK if he had killed ordinary white man
When JER returned Canada to Chicago he told Jerry-
Now I'm gonna be Eric Starvo Galt

*Ar. - which
These are noted* I made an letters Jerry showed me - from James Earl Ray

LETTERS

From James Earl Ray to Jerry Ray

Memphis-20 letters- 8/12/68-2/17/69

8/12/68-Why he want Jerry go Birmingham?

9/9/68 What kind of job?

9/19/68 asked Jerry talk Percy F., opinion about JER taking stand

9/25/68 doesn't thing "that guy in Ga. that much of a lawyer".
Jack's -----also "he has that racial thing against him That look Letter bad right there"

No remorse of any kind-instructions to Jerry-running the case. "No, he ain't a bit sorry for that."
Signs "Jimmy"

10/24-asks Jerry to find names of book authors admitted to trial "I suppose people that were recommended by Justice Dept."
No fear nor fright.

Has Jerry told JER he is talking to me this time?
He says no.

Nashville-24 letters 3/14/69-3/13/70

3/20/69-What Almanac? watch?

4/7/69 "If they can outsmart me, as smart as they say I am, then you don't have a chance"

Who is the real estate tycoon? Jack, Grapevine?

"I learned when I was about 6 yrs old that envelopes can be steamed open"

Who is the Budweiser King? Jerry

Who is Sheppard woman? St. Louis TV

Size 9 shoe

Jerry Ray Interview
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Jerry may have stayed with Stoner to work on escapes

His concern for Jerry-about a job.

McMillan: "That character must be nuts"

McMillan: "Sent me a crazy letter. He's been talking to Bah-Bah (Willie).

He calls old man "pity"

McMillan "is the worst of the lot"

Who told JER I called Weisberg 3 am?

(30)

Jerry Ray Interview
 Wednesday, May 31, 1972
 Page 1

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Some Questions

1. Must know more about dope activities so I can pin it down-so much will now hang on it. Was there a Raoul?
2. The 1961 and other one-J. promised to tell me reasons why on phone.
3. Go thru Hule with Jerry-Place events in
4. Get name Northbrook Tavern, Chi hotel, town where Jack picked JER up after escape
5. Check amount from Jeff City. How often Jerry get bill, how often Jack
6. What said when Jack or Jerry visited JER-day, before escape
7. Why camera equipment Birm.
8. What did he intent to write Mexico? typewriter? Pub's asst?
9. What made JER decide time had come to kill MLK? Why did he leave LA when he did

Clas from Rebel Motel-to help quarters Jerry worked 11 pm to 7 am. First time he had called couple of weeks. Didn't surprise me too much

"Tomorrow it will all be over" he told Jerry
 He was excited, wouldn't let me talk.
 "The Big Nigger has one more day." he said

Talked about 2½ minutes. He paid call.
 Said he might not see me a while- Bruiser, Jack
 "Don't worry about me."
 I was expecting something to happen next day.
 Usually he talk, I talk. If I tried to tell him anything, he'd not let me. I tried tell him about trying to switch to bartending-But he wasn't wanting no small talk
 He'd repeat himself
 "The Big Nigger has had it."
 I knew he didn't bullshit around. But didn't have full effect till next
 Call was between 9 and 11 in morning. Wasn't from bar.
 No noise in background.

Harvey Lowmyer was friend from Quincy-ex-convict Menard
 Monday Atlanta-checked Rebel Wednesday 7:20 p.m.
 Thus call was Wednesday morning April 33
 He sounded as if he had just worked it out, excited, all happy about it
 It wasn't on road, no sound of cars, no tavern, no sound of voices-just his voice and my voice
 He had fired rifle at Corinth.

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Jerry Ray Interview
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Two weeks before he said things going according to plan. That was last call before the last one. It was probably from Alabama, Selma area

Lot of people talk that stuff I knew what was on his mind. He was past making money to get by on and do the other thing. But he didn't give me any details

I first knew he had a definite idea when he got Birm. and when I went down there. That's why I wouldn't go down there.

he'd say-"somebody got to stop him-, the sooner, the better" I knew him-knew he was thinking that he was the one who was gonna stop him

only time I ever left Chicago in period between Jeff City and Memphis was the time I went Birm.

They JER a loner but he likes to have people around- Wanted me in Birm. Had Rife at Leavenworth. Has one at Brushy Mountain. Burns, Drake and one of the Menards at Jeff City

Jack never saw him between Chicago and Memphis. May have talked phone but not often.

How did they have money at Jeff City? Well, when outlawed money, cons just didn't turn it in, declare it. "There was a helluva lot of money in there"

Money comes in thru guards, they bring it in-Guards don't make a damned thing, have to make money on side.

He began send money out 1963, for about 4 yrs. \$500 a year. Sent little under \$4,000 to Jack in 4 yrs.

Note time span was not 7 years but 4 years.?

I think I handed 8 \$100 bills-I had sent \$200 to Lawyer.

First meeting Chicago

He talked about Canada, Rhodesia-which best route to leave country. Said Canada easiest passport, learned prison. He never talked Mexico at all. He said "You two should have passport" I said "can't get one-my name's too fouled up" He explained to us exactly how get passport.

Midnight-Insider News-two pubs where put ads about pix-got some replies and one reason went Mex was to get whore pose cheap-wanted typewriter to correspond with people who answered ads. Couldn't answer longhand. If you can get it down pat, get good names, guys who really pay for stuff. You have to run ads in every tabloids, with pix, they cost. Then you have to pay girls.

They talked this over in Chicago

Customers have different things they like-somebody beating on somebody

To do business you've got to have everything every kind of thing going on-Black and White-head jobs Whipping, everything, queers, lesbians-

When people write in for picture you send him something legal, ~~and~~ girl, then, ask him if he wants more-

nude

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Keep teasing him, give him something better on up to movies
 To be careful (we discussed this a long time in
 Chicago that night) make guys send cash and when send stuff
 wipe fingerprints, no return address.

Buzz used to cut guys, keep money when he gets deep
 enough in.

JER said he was gonna study-would go in it all the way
 But he didn't stay any place long enough to work
 the business. He took box in LA

He had skill-he could make the movies.
 That night Chl it boiled down to two things-dope
 and porno pix-It was porno that took Mexico

He might have sent some pix out when he had Box in
 LA.- but no big money

All those mon/thrs he was free he was torn between different
 ideas-porno pix, dope, killing MLK, Wallace-

He had as much pro-Wallace on his mind as he did anti-
 King

When we met Chicago I hadn't seen him since 1949
 or 1950, since I was 13. You're so happy to see somebody".
 Also first time Jack had been around him since 1948 or 1949

Why help him- "Hell, he'd help us.

He probably made \$7000 out of dope. He spent about \$12,000

He was broke in London

Way it happened was "it kept on his mind, kept on his
 mind, kept on his mind, getting stronger and stronger"

When he left LA "he was on King"

Jerry always asked if OK on money and he never asked
 for a nickel.

Bartending-he talked about that in Chicago that
 night. John told him he was gonna open grapevine. JER said
 always get job as bartender, any country, place to make contacts,
 prostitution, dope.

(remember Speedy's advice-show business, easy work,
 stay clean)

Dancing school-If you want to go out with girls, it
 was to meet right girls-like he did in Canada.

(He didn't just have one thing on his mind)

He had it in mind to get rich woman-you've got know
 right talk. Try to con them

That night Chicago went over everything from snatching
 purses to rolling drunks-

Locksmithing-this don't sound sensible but main reason-
 he's paranoid about one thing-about licking himself out of
 car-he must have done it once-come in handy other things.
 Mention that many times-Like on a robbery where you have to
 get in car quickly

Nose changing. Glasses-disguise-"Ee knew what he was
 doing then.

The thing was supposed to have happen before that-means
1st time in Ala. not Selma-too many people around, didn't
have right opening-NOTE-check MLK's visits to Ala during time
JER Birmingham

Jerry Ray Interview
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That's table stuff-a girl
 The jig is up-when 1st man on moon.

DOPE RACKET-Met 3 times in 2 months in Northbrook Tavern
 Went to Quincy, E. St. Louis before going Canada
 (Hule p. 39) and that was to contact Ted-to get info and
 contacts

When went Canada it wasn't to leave country then-
 went to work dope racket "I'm positive of that."
 Did not try to get seaman's job
 Did not hold up whorehouse-JER now laughs about it
 Did not hold up food store Montreal
 Spent \$300 on new clothes, trying get rich girl at
 Grey Rocks. Not ID. It was the money he wanted.

In Canada had suit (48) sent Birm-thus must have
 known from then-obviously from time he escaped-that he
 was going kill MLK and intended do it Ala.-Birm.

DOPE-his first time in N. O. was first I knew he was
 working dope-He ran stuff from N. O. to Calif-at least
 twice, maybe 3 times

He was in Birm for other (than dope) reasons-to
 watch MLK's movements, to buy car and make his plans. Get
 ID

He didn't contact anybody Birm. Wouldn't have trusted.
 People can be die-hard segs and still turn you into the
 police when you talk about killing MLK

Dope and dirty pix-these only secondary-just ways
 to get money-to keep alive until right moment came to kill
 MLK

He didn't know he was gonna do Memphis thing until
 couple days before-it just clicked off perfectly for him
These things (assassinations) not easy if you really
 mean not to get caught-This is the big difference between
 JER and other assassins. He really thought he was going to
 get away. He had carefully planned escape as had no
 other assassin.

CYPRESS INN is Northbrook Tavern-that was meeting place
 That's why he didn't do Birm. He could have shot
 MLK if he hadn't cared being caught like Bremer, Sirhan,
 Oswald.

He didn't go Mexico escape route-He had that figured
 out exactly-knew the route-that Canada would be it-
 Went Mexico for fun but mainly to make money on
 dirty pix.

Everything second to King-even Wallace-he'd see
 something in paper about MLK, he'd take off-
 NOTE-This is more honest version than I was getting this
 morning.

He left Mexico when he had taken his dirty pix
 Went LA because he had dope run from N. O. to Calif.

Jerry Ray Interview
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He wasn't following MLK, not stalking there-MLK was out there in fact and JER did nothing. It had to be a southern State where he killed MLK.

While in LA he went on with his preparations-nose, bar lessons, dance lessons

Put French culture ad in hippie paper to find girl who would pose for dirty pix, Not for himself.

DOPE-Might have made as much as \$5,000 dope-running across border
 \$1,000 a trip

Probably had \$6,000 when went Birm.

Next dope was trip to New Orleans and made run to Calif. before went Mexico

Probably made \$2500. Not too much chance getting caught but a bad rap. He would get maximum.

Went from LA to Mexico

JER had had experience dope with Hife

He went Mexico in interlude when no dope run to be made "Went to Mexico when he had time to kill."

Worked when had stash-but usually doing something else-preparations for Big Nigger

Staying in Germany-when came home on furlough-He hailed Hitler. Then, even before he went to Germany. He said he'd like to live over there-in a white country.

Later told me Stroheim asked him to stay.

Speedy beat children? Never with fist. Slap me across face. Lucille would do any whipping had to be done with switch off tree and she seldom did it.

He wasn't a dirty kid-never see his face dirty-kept clean what he could keep clean.

Speedy would be same if he had 1 or 20 children-just didn't pay no attention to 'em-show nothing one way or the other. Lucille show affection for all kids

Escaped attempts 1961 and 1966

1961-He got kite out to John, long letter, to pick him up certain time-John working Arlington Hts. So John took off, went down. But JER caught.

1966-got caught out again to John. Then at Grapevine. John went to pick him up. Meanwhile we had been visiting him.

Had planned one for 1965 which didn't work out. Another guy with him. some way to go over wall. If things go right I'll get kite out But he kited that if fell thru.

When I'd go down there main thing he'd talk about was escape, drivers' license, where to pick him up, clothes shoes

Bread truck is the correct story.

He talked about Wallace some when I went down there.

Jerry Hay Interview
 Wednesday, May 31, 1972
 Page 6

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Wrote to me Sportman's how big he was for Goldwater-
 only 3 of us there for him-telling me to vote for him, every-
 body in family should vote-but Jerry didn't even vote
 Goldwater sparked him-first time he showed any strong
 indication for any candidate.

GOING STRAIGHT 1950-1952-Why did he give up? Jerry in
 St. Charles all that time-He didn't go that straight
 anyway. He probably did other robberies. Never same
 after Army-Never did that talk anymore about not robbing

MEXICO-right after Leavenworth-made \$4000 score and
 went down-even came see John a/nd I Menard-talked to us
 about Mexico

He never thought Wallace be president-We started vote
 for Nixon to keep Humphrey out.

Began to write out of Jeff City about headaches.
 Had them practically every day. Wanted outside doctor. I
 figured they came from that dope stuff-taking bennies
 not hard stuff

After Leavenworth fooled around Willie a few months,
 painting signs roads. He stayed Willie, Hotels-made pretty
 good money.

Headaches etc. Jeff City-in last year he in Jeff City
 he wrote more and more about headaches

M E M O R A N D U M

January 5, 1976

SUBJECT: Telephone call from Jerry Ray

This is one of several calls I've had from Jerry about Eugene Straub (Gilbert LeRoy Cameron).

He's still trying to get additional \$250 out of me -- which I have refused to pay him unless he gives me way to prove out Gilbert Cameron is Eugene Straub.

Jerry insisted that guy in North Carolina is the same Cameron who was in Jeff City. He does seem to know the guy who was in Jeff City.

What he told me NEW I today was that he could give me letters from Cameron to himself, Jerry. These he said, I believe he said, were signed Straub.

He said he would give me the guard's name who had carried money out of Jeff City and drugs in for Jimmy.

He said he would show me two cancelled checks ~~xxxx~~ ~~xxxxxx~~ paid to Straub -- one for \$3,000 and one for ~~\$2,500~~ \$2,500. This raises questions, if it is true. I have checks already for \$3,300 as listed in Carol Ray's cash register for her account at the Mercantile Trust Co. That would come to a total of \$8,800. I believe Jerry said these two new large checks were written in March 1967 and April 1967.

Is it possible monies above were involved in Carol's purchase of own home in St. Louis? Check dates.

Jerry said also that he had three pix of Cameron, one of which had Straub written on the back. One of these pix was taken at Jeff City, one in Milwaukee, one at some spot that Jerry can't identify.

He also this time offered pix of whole family together, taken in 1945 approximately when Jimmy was on furlough from the Army, probably just before he went overseas.

Jerry said he had a letter from Cameron written to him Jerry from prison in Asheville just nine months ago.

May 15, 1972

Talk with Jerry Ray

Said he was in Chicago, at Lombard.
He told me couple of things I had never known before.

He said he had talked with Jimmy many times while Jimmy was loose, between time he escape Jeff City and time he left Canada. Said they usually talked about 10 minutes and tried not to say anything they didn't mind being overheard. Jerry said he had calls from Jimmy in Texas, Alabama, New Orleans, and many meetings with Jimmy in Chicago.

Jerry said he saw Jimmy only three times after he left for Canada. Once after he first got back, once in Alabama, and once in California.

This means:

1. That he saw Jimmy many times between mid-April 1967 and mid-July 1967.

2. He saw JER in Chicago August 21-22.

3. He saw JER in Birmingham either (1) between August 25 and Oct. 7, 1967, or (2) between March 29 and 30, 1968 -- the latter being when JER bought rifle & mentioned his brother.

4. He saw JER in Los Angeles sometime between Dec. 15 1967 and March 17 1967.

He also told me no more than \$100 in Pepper printing co, that Canale was wrong about that.

39-935 0057

Also he told me that JER had something on his mind each time he tried to escape from Jeff C ty -- and that the time he succeeded was his third try. I had thought there were only two attempts.

He said would tell me why the map had those particular circles on it, the map of Atlanta.

JERRY CRAV - May 27, 1972 ⁴¹

1. Talked Conale - he'll give me more now.
2. Expect Wallace - no more conspiracy theory, ~~just interest in~~ no more interest in HAD - just Wily - Not in money where it came from.
3. Expense of trip plus paying Jerry
4. Frank has it.
5. Atlanta waste of about \$700

I gonna finish my book & then see what I need

Want to get ^{Jerry} this over with.
Then I'd forget about whole thing.
too bad Wed

QUESTIONS TO ASK JERRY:

Must sign waiver!
Tape? (42)

all of this

1. Was John in touch & to what degree?
2. Call Canada to ask what they have on Jerry & John
Any possibility their indictment.
3. Was he in Birm. when JER bought gun?
4. Why attempt escape Nov 1961?
5. Why in 1966 & March 12?
6. Why did he choose to leave car at Capital Homes?
7. How did he choose rooming house in Birm?
8. Did he have any contact in Birm?
9. How did he choose Eric ~~Stavro~~ Galt alias?
10. Where did he get money for Mustang?
11. Why did he get telephone in Los Angeles?
12. Why did he go understanding school? p 171
13. Why doing school? Birm? La. ? 12/5/67
14. How did he choose places to live in L.A. ? 2/4/67
15. Where did he get Harvey Lowmeyer alias?
16. Why did he go to New Orleans? Did he make a contact there? He said he had business in N.O. p. 16
17. Why orange juice & vodka?
18. Why to Mexico? Fun? Smuggling?
19. What did he think of Wallace? That Wallace would be President? That Wallace would pardon him?
20. Will you show me letters you get from JER?
21. Why did JER have Kodak?
22. Why was JER calling Jerry on way to N.O. p 165
Remember Jerry mentioned having gone there himself; Who to see?

- ~~23. What songs does JER like? country & western~~
23. What songs does JER like? country & western
24. He was planning to leave Los Angeles - it was on his mind as early as Valentine's Day. p 168
25. Was Jerry supplying JER with money? p 168 and he was waiting for money?
- ~~26. Did incident p 169 happen?~~
26. Did incident p 169 happen?
27. Why did JER buy rifle in Birm? Instead L.A.?
Birm Mar 30, 1968? p 170
28. Why locksmith school p 171
29. Why did he circle maps of Atlanta? p 172
30. Did JER work for himself? p 173
31. How did JER get scar on forehead? Palm? 17
32. Why did everyone put down old man as dead? p 175
32. Did JER blast market in Arroyo? p 176
33. Was Earl a "gang leader"? p 182
34. Who was the fence in Peoria? 182
35. Did JER mean to get Raf Brown & Carmichael? 185
36. Why did he write American South African Criminal 18
37. Why wrap pistol handle with tape?

CAMERON / STRAUB 12/26/75 (44)

Jerry Ray

family cloud didn't come
 I'd tell you how to find some
 person I figured he would tell you. (he was
 Straub)

In Jeff City attempt to take fix
 in there. Don't put up yourselves in
 them. Fix taken in Jeff City.

There are other checks to Straub
 50 or 100, maybe 200.

Lived Shenandoah 1962 or 1963

I'll tell you one officer he (Straub)
 worked with - give you his name
 and address. He was contact
 inside to outside.

We left it that Jerry would think over
 situation, see what evidence he can
 present & call me in a few days

Terry Ray 12/27/95

(45)

Cameron was holding money for
Tummy too.

I would get it out of Carol
the most it was holding money.

They had captain's outside -
in Wisconsin after Tummy get out.

John had bible but not Cameron
had meet.

Cameron, know JER better than we did.

Gave him \$1200 in Chicago

I gave \$600 each place

Positive I can get fix in St. Louis

when you're in prison, you meet
 guys who are closer than your
 family
 never seen this guy in your life

TWA 12:30

#101

#2:20 pm

Lv 6pm

#840

10:48 pm

JERRY RAY

Carol Pfeffer
31st →
487-8870

Mass + John Nohren
Jimmy Ray young
young

Wallye Lucile

Music
Jimmy after he escaped
boat with
myself

~~Carol Pfeffer~~

bank inst. basis

Carol had account

Wanted all that much in printing -
just to throw people off
few thousand dollars in this account
Jimmy to be paid to another guy,
order from Jimmy
Bank books cancelled checks
\$2,500 paid at different times -
contact for Jimmy.

make \$50 or \$100 a week you have to
send it out

this guy bankrolled Jimmy - from
Wisconsin
1967 cancelled checks - just
that one year

Chairman STOKES. Has counsel been provided with a copy?

Mr. SPEISER. Do you have a copy of that, Mr. Pepper?

Mr. PEPPER. We are going to object to the admission of author McMillan's notes until we have had an opportunity to look at them and see specifically which notes the counsel is referring to.

We are doing that particularly because of the enormous discrepancies and considerable question that has been raised about author McMillan's objectivity and the facts in his work.

Mr. SPEISER. Mr. Pepper, if I may respond to that, I do not choose at this time to question Mr. Ray about all of the notes of Mr. McMillan. I am going to direct his attention to certain pages and I am here not to test the credibility of Mr. McMillan. I am here to question Mr. Ray, your client, as to whether or not he did or did not tell Mr. McMillan what is reflected in Mr. McMillan's notes. If he feels he did not say that to Mr. McMillan, all he has to say to me is no.

Mr. PEPPER. We are going to object to the inclusion of any of author McMillan's notes out of context. If the author's notes are to be admitted into the record of the proceedings of this committee, we will request that the entire vestige of his work be admitted; that nothing be taken out of context, and we will request to see all of those notes ourselves.

Now, to do otherwise, to take an author or investigator's partial research and to put it in is highly prejudicial, particularly in line of the total scope of Mr. McMillan's work.

Chairman STOKES. Does counsel for the committee want to be heard?

Mr. SPEISER. Yes, Mr. Chairman. Again, as I just stated to Mr. Pepper, I am not going to question Mr. Ray about the entire notes that are contained in Mr. McMillan's manuscript. I am only going to question him about certain portions.

Now, it is Mr. Pepper's position that these portions may be taken out of context. Assuming Mr. Pepper is arguing accurately, I am not interested in whether Mr. McMillan is accurate or inaccurate. I am interested in hearing Mr. Ray's position here as to whether or not he did or did not tell author George McMillan what I am going to question him about.

If he did not tell him that, all I want to hear is a no. If he did tell him that, in jest, I would like him to explain that. That is the sole purpose of questioning him about the notes. Not for substance but for credibility.

Ms. KENNEDY. One of the disadvantages, Mr. Chairman—

Chairman STOKES. The Chair is going to suggest to counsel that you put all of the notes into the record as requested by Mr. Pepper, if you are going to examine the witness from any of it, and that those portions of the record which you are going to examine the witness from be furnished to counsel at this time.

Mr. PEPPER. Mr. Chairman, we appreciate that, and we would appreciate it further if counsel would advise us as to how the authenticity and the time frame in which these notes were written has also been verified for counsel and the committee's satisfaction.

Mr. SPEISER. Mr. Chairman, F-599, which I choose to have entered into evidence, contains all the notes of author George McMil-

lan. I was about to direct Mr. Ray's attention to one page concerning the question I propounded to him.

These notes have been furnished to us by Mr. McMillan, and Mr. McMillan represented to us that these notes represent all the notes he took in his interviews with your client, Jerry Ray.

I would like to question Mr. Ray about one page in those notes at this time if you will permit me.

Mr. PEPPER. Counsel, I will certainly permit you to do that, but if you will just bear with me, I am sure you appreciate the concern that we have with respect to the authenticity in verifying the authenticity of those notes with respect to the time in which they were written and we would like to know if Mr. McMillan under oath has dated for you effectively and verified for you the time in which he took these notes.

Chairman STOKES. All right. Perhaps it can be stated by counsel questioning the witness with reference to whether he did have such conversations with him within that frame of time.

Ms. KENNEDY. Sir, on this same point, I am really not trying to be contentious, but it is extremely important to note that where you have a committee hearing which relies so heavily on hearsay, people who no one has an opportunity to cross-examine, there must be some effort on the part of this committee to establish the authenticity, the bias, the political conflict of interest that might obtain between a writer, a journalist, a witness in these circumstances.

We have no opportunity to confront this witness; we have no opportunity—and this is a part of the nature of this survey and this inquiry, and it is just that a witness without all the facilities of government is confronted with all kinds of prejudicial hearsay and with no opportunity to cross-examine or check the authenticity or any political conflict of interest or any other attempt to cover what we believe perhaps is a situation which will be prejudicial to the Government.

We just feel that this is typical of the kind of disadvantage that this and other witnesses before this or any congressional subcommittee has.

Chairman STOKES. Ms. Kennedy, I think you have stated your objection adequately.

Will counsel make a further statement for the record?

Mr. SPEISER. Ms. Kennedy and Mr. Pepper, Mr. McMillan has represented to us that these notes were taken contemporaneously with his interviews with Jerry Ray. Now again, we are here just to find out whether in Mr. Jerry Ray's opinion these notes are accurate or inaccurate.

I am not here at this point trying to test the credibility of Mr. McMillan. Indirectly that may be the result, but directly what I am trying to do is question your client.

Now, you have a copy of those notes and now I would like you to turn to page 25.

Now, on page 25, beginning in the second full paragraph, according to Mr. McMillan, on the May 30, 1972 interview with your client, your client indicated that Jack—and Jack presumably refers to John—is your brother John also known by the name Jack?

Mr. RAY. Yes.

Mr. SPEISER [reading]:

Jack saw James Earl Ray day before he escaped. Jimmy asked him to come—you know, something up—Jack called Jerry that night told him to expect to see Jimmy couple days. Prison not bugged. He told Jack where he wanted him to pick him up. Jack gave him phone number in case something went wrong. Jack went down to pick him up about 40 miles from prison. He'd drive by right on highway, flash his headlights, drive on by, go on a mile and Jimmy come out. He did that twice. Then realized something went wrong. Went back to St. Louis. Waited for call and James Earl Ray did call him—and he picked him up. Went to east St. Louis and came right up Chicago. Then all three met in Chicago. It was the next day after the escape. I was ready with money.

Now, is that information accurate or inaccurate in your opinion?

Mr. RAY. There is no way possible I can remember everything George McMillan said because he hounded me since 1968 and to us he was just a joke. He was a joke writer. So I can't tell what he's got down here. I don't remember.

Mr. SPEISER. Well, Mr. Ray,—

Mr. RAY. I am going to have to invoke the fifth amendment on all this stuff because I can't remember all this stuff and this has been going on since 1968 with McMillan.

Mr. SPEISER. Is your answer that you cannot remember or are you saying that you are asserting your fifth amendment privilege?

Mr. RAY. I am going to take the fifth amendment privilege.

Mr. SPEISER. At this time, Mr. Chairman, I would like to note for the record that committee counsel secured on November 8, 1978, an order from the U.S. district court Judge Charles Bryant. Judge Bryant ordered as follows:

That Gerald (Jerry) William Ray, in accordance with the provisions of Title 18, U.S. Code, Sections 6002 and 6005, shall not be excused from testifying or providing other information before the Subcommittee on Assassinations of Dr. Martin Luther King or of the Select Committee on the Assassinations or the full Select Committee on the grounds that the testimony or other information sought may tend to incriminate him.

It is therefore ordered further that Gerald (Jerry) William Ray appear when subpoenaed by said subcommittee or committee and testify and provide such other information that is sought with respect to matters under inquiry by said subcommittee or committee.

And it is further ordered that no testimony or other information compelled under this order or any information directly or indirectly derived from such testimony or other information may be used against Gerald (Jerry) William Ray in any criminal case except a prosecution for perjury, giving a false statement or otherwise failing to comply with this order.

Now, Mr. Ray, I understand you have just asserted your fifth amendment privilege.

I would like to have the chairman at this time—first of all, I would like to have this immunity order entered into the record as MLK exhibit F-589.

Chairman STOKES. Let's also furnish the witness and his counsel a copy of it.

[The information follows:]

MLK EXHIBIT F-589

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Application of
UNITED STATES HOUSE OF REPRESENTATIVES
SELECT COMMITTEE ON ASSASSINATIONS

Misc. No. 78-0336

FILED

NOV 8 1978

ORDER
CONFERRING IMMUNITY UPON AND
COMPELLING TESTIMONY FROM GERALD (JERRY) WILLIAM RAY

JAMES F. DAVEY, Clerk

The United States House of Representatives Select Committee on Assassinations having made written application, pursuant to Title 18, United States Code, Sections 6002 and 6005, for an order conferring immunity upon Gerald (Jerry) William Ray and compelling him to testify and provide other information before the Subcommittee on the assassination of Dr. Martin Luther King, Jr. of the Select Committee on Assassinations or the full Select Committee, and the court finding that all procedures specified by § 6005 have been duly followed, it is hereby, this 8th day of November, 1978,

ORDERED, that Gerald (Jerry) William Ray in accordance with the provisions of Title 18, United States Code, Sections 6002 and 6005, shall not be excused from testifying or providing other information before the Subcommittee on the Assassination of Dr. Martin Luther King, Jr. of the Select Committee on Assassinations or the full Select Committee on the grounds that the testimony or other information sought may tend to incriminate him.

The United States District Court
for the District of Columbia
TRUE COPY

JAMES F. DAVEY, CLERK



Deputy Clerk

ORDERED FURTHER, that Gerald (Jerry) William Ray appear when subpoenaed by said Subcommittee or Committee and testify and provide such other information that is sought with respect to matters under inquiry by said Subcommittee or Committee.

AND IT IS FURTHER ORDERED that no testimony or other information compelled under this order (or any information directly or indirectly derived from such testimony or other information) may be used against Gerald (Jerry) William Ray in any criminal case, except a prosecution for perjury, giving a false statement or otherwise failing to comply with this ORDER.



 United States District Judge

Dated: NOV 8 - 1978

Chairman STOKES. I would also request the clerk to do that, please.

Mr. PEPPER. Mr. Chairman, as a matter of clarification with respect to our client asserting his fifth amendment privilege, let us just state that is being done with respect to the specific material and questions being advanced by the committee's counsel due to the extraordinary period of time that has elapsed and the rather understandable difficulty that our client has in remembering very specific kinds of details.

Our client is also very wary of the possibility of informants coming in before this committee and attesting to things which are untrue which might set him up for perjury charges and is highly suspicious of the activity of author George McMillan in the entire affair.

Chairman STOKES. Is it the intention of your client, counsel, to assert his fifth amendment privileges on each and every succeeding question or is it as to this specific question?

Mr. PEPPER. Our client is going to cooperate with this committee to the fullest extent it is possible for him to do so with respect to what is available to his memory. He is going to answer as candidly and openly as he can.

The difficulty is with respect to specific details of matters alleged to have taken place 6½ to 10 or 11 years ago. He has to be protected with respect to that.

He is not going to assert the fifth amendment with respect to every single inquiry of this sort. If he doesn't remember, he is going to say: "I don't remember."

If he does remember, he is going to set forth his position.

He has the desire to be candid and open with this committee. He is very wary of being set up in terms of perjury and we have to put that on the record.

Chairman STOKES. Counsel may proceed.

Mr. SPEISER. At this time I would request the Chair to confirm the fact that the order of immunity has now been bestowed upon Mr. Ray.

Chairman STOKES. Mr. Ray, have you received a copy of the immunity order?

Mr. SPEISER. Mr. Ray, before I have you respond to the pending question, I would like to advise you that despite the fact you have been granted immunity that you must be cautious and leery, that immunity does not protect you from possible prosecution for perjury under title 18, United States Code, section 1621, or for obstruction of justice, which is title 18, United States Code, section 1505, or for contempt, civil or criminal. Do you understand that?

Mr. RAY. Yes.

Ms. KENNEDY. Mr. Chairman, will we have an opportunity to confront McMillan who, without going into great detail, is very well known and very well connected with cover stories written by his wife and him on the Kennedy—

Chairman STOKES. Ms. Kennedy, there is no basis for this committee to afford a confrontation. The witness was merely being asked a question as to whether the statement was true or not, which was read to him, and he has now asserted his privilege. We are now in the process of conferring immunity upon the witness if he refuses to answer. That is all that is before the Chair at this time.

Ms. KENNEDY. Sir, is there a record in executive session of any establishment of the political commitment of McMillan? Has there been any examination in executive session—

Chairman STOKES. Ms. Kennedy, you are entirely out of order.

Ms. KENNEDY. Well, Your Honor, I feel this witness has a right to place the question on the record and obviously it is within your discretion to deny it.

Chairman STOKES. At this time, Ms. Kennedy, we are going to ask you to please refrain from these type of statements.

Ms. KENNEDY. Sir, I would ask you to exert some kind of control over counsel in his bringing before this committee and before the public this kind of far-reaching hearsay.

Chairman STOKES. Ms. Kennedy, you are out of order.

Would you proceed?

Mr. SPEISER. Thank you, Mr. Chairman.

Mr. Ray, let me repeat the question to you. Did you state the information that I just read into the record on page 25 of Mr. McMillan's notes? Did you state that information precisely or substantially to Mr. McMillan?

Mr. RAY. I don't have no idea what all I told McMillan. I seen him since 1968 and—what day was that?

Nineteen hundred and seventy-two; I don't even think he was—in May 1972 he wasn't even writing about the crime back then, I don't think. He didn't even want to discuss anything about the crime. He said his book was ending when James escaped from prison. So I don't remember saying anything like that.

Mr. SPEISER. So your answer is no, you did not state that to—

Mr. RAY. I am saying I don't remember saying anything like that.

Mr. SPEISER. You have no recollection of saying that to Mr. McMillan?

Mr. RAY. No, I don't remember saying anything like that.

Mr. SPEISER. Is it your statement also that you did not know who assisted James Earl Ray in escaping from Jefferson City?

Mr. RAY. I don't.

Ms. KENNEDY. Mr. Chairman, that question has already been asked and that question has already been answered.

Chairman STOKES. Proceed, counsel.

Mr. SPEISER. Did you also tell Mr. McMillan that on the two prior attempts of James to escape from Missouri State Prison that John attempted to pick him up and had planned and intended on picking up James, had he escaped?

Ms. KENNEDY. Mr. Chairman, I object to the form of the question and the use of the word "also."

The witness has denied any recollection of this. The use of the word "also" implies that there has been an admission which has not been made by this witness and I ask that the question be rephrased.

Mr. SPEISER. Mr. Chairman, I don't agree with Ms. Kennedy, but I will be more than happy to rephrase the question.

Chairman STOKES. Please do.

Ms. KENNEDY. Thank you, Mr. Speiser.

Mr. SPEISER. Mr. Ray, did you tell Mr. McMillan that your brother John assisted James in his escape plans in 1961 and 1966 from the Missouri State Prison?

Mr. RAY. I don't ever remember telling him anything like that. If I did, it was false because I didn't know anything like that.

Mr. SPEISER. Have you furnished Mr. McMillan with false information?

Mr. RAY. Have I furnished McMillan with false information?

I think Hon. Walter Fauntroy and everybody knows what type guy McMillan is. He is just a leech and he hounded me since 1968 and so I would feed him a few lines now and then just to get him off my back. You can read his book; his book was a joke.

Mr. SPEISER. Is your answer yes, you did provide Mr. McMillan with false information?

Mr. RAY. I led him along a few times.

Mr. SPEISER. Excuse me?

Mr. RAY. He kept following me and he was always hounding me, coming to see me in St. Louis and Atlanta and Chicago and every place.

Mr. SPEISER. Your answer is yes?

Mr. PEPPER. Counsel, the witness has indicated, I think twice now, that what he has attempted to do at various times was get Mr. McMillan off his back, and whether it is false information to say that he was not going to be in a particular place—

Chairman STOKES. We can't have counsel to testify here.

Mr. PEPPER. I think the witness has answered the question.

Chairman STOKES. It was a very simple question and I think the witness ought to answer the question.

Ms. KENNEDY. He did.

Mr. PEPPER. My suggestion, Mr. Chairman, is that he has already answered it twice.

Mr. SPEISER. You have indicated that Mr. McMillan hounded you. Did you ever attempt to set up interviews with Mr. McMillan?

Mr. RAY. Seemed like one time I met him at the airport in St. Louis.

Mr. SPEISER. So your recollection is that only on one occasion—

Mr. RAY. Only one I can remember, the one I can remember. Seemed like we met at St. Louis for a while a few years ago before his book was published.

Mr. SPEISER. At this time, Mr. Chairman, I would request that MLK exhibit F-96A be marked for evidence and be introduced into the record and a copy be furnished to Mr. Ray and his counsel.

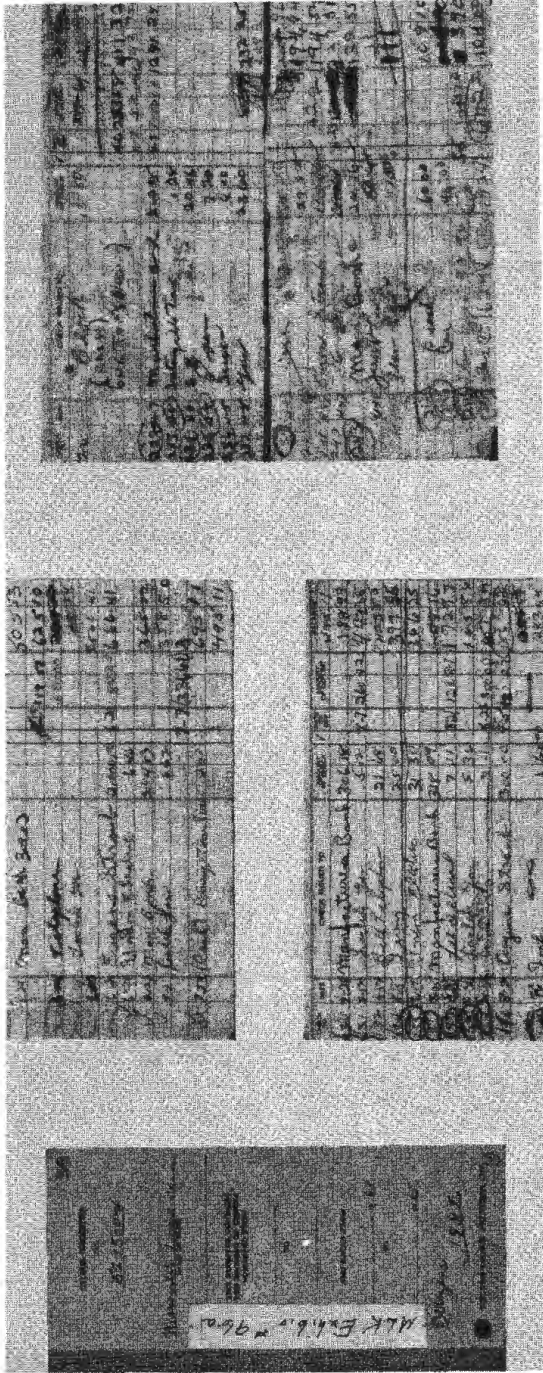
Chairman STOKES. What is the exhibit?

Mr. SPEISER. MLK exhibit F-96A, of which we have a blowup, is a record of entries made into the bank account of Carol Pepper in 1967-68.

Mr. RAY. That is when we met in St. Louis. That is when he came to St. Louis.

Chairman STOKES. Without objection they may be entered into the record.

[The information follows:]



MLK Exhibit F-96A

Mr. PEPPER. Question, Mr. Chairman, on pertinence.

Chairman STOKES. Counsel will reply to the question put to the Chair.

Mr. SPEISER. By responding to the objections raised, I will be in effect indicating to Mr. Ray what my question is, but I have no problem in doing so and what the gist of the questioning is intended to elicit.

Mr. PEPPER. Mr. Chairman—

Chairman STOKES. He is trying to answer your question.

Mr. PEPPER. I know, but we could probably eliminate further objections along this line if the Chair would direct counsel to advise Mr. Ray explicitly—with clarification as to what, in fact, is the objective and what is the overall goal of this line of questioning. Client is entitled to this under the Watkins ruling as well as a number of others with respect to the investigatory proceedings, and so I think we can save a lot of time if counsel would in fact set out explicitly what is the purpose here of this line of questioning.

Mr. SPEISER. Mr. Chairman, if I may respond, I don't think it is necessary and incumbent upon me every time I ask a question to Mr. Ray that I set forth the background for the question and what my objective is.

I am asking Mr. Ray a question that I feel is relevant to the scope of this inquiry. It is directed toward the credibility of Mr. Ray and some of the statements that he has made which would cast and create the impression that perhaps a conspiracy existed.

Now, I want to know from Mr. Ray whether, in fact, the information which I am about to question him upon, was intended to be conveyed to Mr. McMillan for the purpose of creating the impression that a conspiracy existed.

If I may proceed, Mr. Pepper, that is the gist of what I am trying to establish.

May I proceed?

Mr. PEPPER. Yes, so long as you are operating within that context you just set out.

Chairman STOKES. Counsel may proceed.

Mr. SPEISER. Mr. Ray, what has been furnished you and what appears on the easel are three statements taken from the bank records of Carol Pepper. Now, on these bank records which we obtained from Carol Pepper and not from Mr. McMillan, there are certain entries, three in number.

These entries are made under the name of Eugene Straub and the entries appear in the amount respectively of \$1,000, \$2,000, and \$300.

Now, did you sell these bank statements to Mr. McMillan?

Mr. RAY. Well, to tell you honestly how it came about—McMillan—we talked on the phone from Carol Pepper's house in St. Louis and Carol Pepper and her husband was supposed to be down at my dad's house. He lived on a farm by Hannibal, Mo. So when they was out, McMillan knew that she kept pictures of James and bank records and that, so he told me if I would get them out—that she had them hid someplace in luggage—if I could get them out he would buy the pictures and the bank records. So actually what he was doing was being involved as an accessory to a burglary because he thought I was burglarizing her house to get this stuff out.

He said he would pay for them if I got the stuff. So I met him at the airport. Of course, they wasn't even down at my old man's house. She was there, see, so I just got the books and added a couple numbers on them and took them out. It was his idea to pay me for the books.

Chairman STOKES. Would the counsel establish for the record who Carol Pepper is?

Mr. SPEISER. Excuse me, Mr. Chairman. Carol Pepper is the sister of James Earl Ray, Jerry Ray, and John Ray. Is that correct?

Mr. RAY. Yes, that's right.

Chairman STOKES. Thank you.

Mr. RAY. So it was his idea and actually he was promoting a burglary. He was trying to get me to burglarize her house to get these bank books and the pictures.

Mr. SPEISER. I am asking you, Mr. Ray, at the time these records were transferred to Mr. McMillan, did Mr. McMillan know that these entries had been made by you at a subsequent time and were in fact false?

Mr. RAY. I don't know. I don't think so. Well, he should, though, because he came to Chicago to see me and he had all of her bank records. I don't know how he got them. He had all her bank records from different banks and she kept the money spread out in savings and loan. He had them all and shown them to me in Chicago so he should have known they were false from looking at his own records.

Mr. SPEISER. Did you tell him you made these entries?

Mr. RAY. I don't remember saying anything like that.

Mr. SPEISER. Did you receive any money for these statements?

Mr. RAY. I don't know if he give me money for the statements or for the pictures, because also he had some pictures.

He had one picture of John Ray when he got out of jail back in 1960.

Anyway, he give me \$250 for the pictures and the bankbooks.

Mr. SPEISER. Why did you make these three entries in this bank ledger for \$1,000, \$2,000, and \$300 under the name of Eugene Straub? What was your purpose in doing that?

Mr. RAY. Mainly because he is a leech and like I say, I strung him along every once in a while and just used him.

Mr. SPEISER. So, it was false information that you furnished Mr. McMillan?

Mr. RAY. Well, it's not all—the bank records and everything was true except a couple entries and the pictures—they had one picture of John Ray, so it wasn't all false. He got some information for his \$250.

Mr. SPEISER. So, Mr. McMillan paid you \$250 for these three bank statements and you are admitting here that these three entries were made by you after the fact?

Mr. PEPPER. Objection, Mr. Chairman. The witness has stated that he received some money from Mr. McMillan but that he provided material other than the bank statements and he is not sure and neither can anyone be sure as to what the money was for, whether it was for the package of the material or the photographs or what, and we are not in a position to say that the money at all was received in exchange for the bank statements.

Chairman STOKES. Counsel will confine his questioning then to the statements as made by the witness.

Mr. SPEISER. What was this money for that Mr. McMillan paid you, this \$250? Was it for these records?

Ms. KENNEDY. Mr. Chairman, I object to that question as having been answered already, sir.

Mr. SPEISER. Your cocounsel requested me to restate the question, Ms. Kennedy, and that is what I am doing.

Ms. KENNEDY. I apologize.

Is that what you want, Bill?

Mr. PEPPER. I just objected to counsel's question which related to the receipt of money for the bank statements when Mr. Ray had indicated that he had provided photographs and other materials as well.

Ms. KENNEDY. My objection was to a different aspect and it was as to the question of whether or not the misleading entry—in the first place, it obviously wasn't under oath and I am just trying to interest this committee in the importance of this—the witness has already indicated he wanted to throw the guy off the track.

Chairman STOKES. That is the purpose of counsel's question, so that the committee can get at the truth, Ms. Kennedy.

Does the witness understand the question?

Mr. RAY. Being as McMillan is an FBI writer, a pro-FBI writer, and his wife is a CIA writer, he didn't have no trouble getting the stuff he wasn't supposed to get.

See, he had all my sister's bank records. Well, it was illegal for him to get it, but the prosecution, they worked with him 100 percent. So he wasn't actually paying for the bankbooks or bank statements; he was paying for the pictures, the way I took it.

Mr. SPEISER. What was your purpose in making these entries in the record?

Mr. RAY. Just to confuse him.

Mr. SPEISER. To confuse Mr. McMillan?

Mr. RAY. Yes; he is confused anyway and I wanted to confuse him a little bit further.

Mr. SPEISER. Was your purpose to try to create the impression that there was a conspiracy in the assassination of Dr. King?

Mr. RAY. I always thought it was a conspiracy myself. He always said there wasn't because that is what he wanted to believe, but I always thought there was a conspiracy. I knew he wouldn't go along with no conspiracy anyway, because he said from the start that he just decided there wasn't no conspiracy from the day it happened and he wasn't going to go along with no conspiracy.

Mr. SPEISER. Who is Eugene Straub?

Mr. RAY. I think it was a landlord my sister had years ago.

Mr. SPEISER. Did you tell Mr. McMillan that this money that had been paid allegedly to Mr. Straub was in fact money connected with the assassination?

Mr. RAY. I can't remember. Sure I remember that name Straub. I think it was her landlord back in 1968 or 1969 or something, but I can't remember all my conversation with McMillan.

Mr. SPEISER. I would like to return to another area of questioning at this time, Mr. Ray.

I would like to focus at this point on the contacts that you had with your brother, John Ray, during the period between James' escape from Jefferson City and the date of his capture in London, England on June 8.

Now, do you have any recollection of meeting with John during this period of time?

Mr. RAY. From his capture—

Mr. SPEISER. Between the date James Earl Ray escaped from Jefferson City and the time he was captured in London.

Mr. RAY. I met him one time, I can't remember the month, but after he, you know, had opened that tavern up I seen him one time. On my day off I spent a day down in St. Louis and went back.

Mr. SPEISER. John Ray's tavern, you are referring to the Grapevine?

Mr. RAY. Yes, the Grapevine.

Mr. SPEISER. That was opened in Christmas of 1967?

Mr. RAY. I don't know when it was opened. I can't remember when it was opened because I always worked in Chicago, but after it was opened I think I was there once before King got killed. It wasn't on vacation, just a day off. On my day off I went down there.

Mr. SPEISER. In July of 1967 do you have any recollection of meeting with your brother John in Chicago and exchanging cars with him?

Mr. RAY. No.

Mr. SPEISER. Are you denying that you did or is it that you do not have any recollection?

Mr. RAY. I am almost positive I didn't because a guy by the name of Jack Gawron picked up a car for John but I don't remember seeing John at all in July.

I remember a guy by the name of Jack Gawron picking up a car for John.

Mr. SPEISER. You think it was Jack Gawron that picked up the car for John?

Mr. RAY. Yes.

Mr. SPEISER. I would like to direct your attention to MLK exhibit F-601, a copy of which I would request the clerk to furnish Mr. Ray with at this time, and I would request the chairman to have this marked into evidence and introduced into the record.

This is an interview of Mr. Ray by the FBI on May 13, 1968. Chairman STOKES. Which Mr. Ray?

Mr. SPEISER. Excuse me, Mr. Jerry Ray.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

MLK EXHIBIT F-601

FEDERAL BUREAU OF INVESTIGATION

Date 5/13/68

JERRY WILLIAM RAY was shown the new photograph of his brother, JAMES EARL RAY, in a business suit taken sometime in January or February, 1968. After viewing the photograph, JERRY stated that the photograph is a good likeness of his brother except that he remembers him being thinner in the face. In fact, this particular photograph depicts JAMES fuller in the face than JERRY has ever seen him.

JERRY advised that his father, JERRY RAYNES, Center, Missouri, left his mother in 1951 to live with RUBY CARPENTER. RUBY has a son, JEROME, who is presently in prison, Jefferson City, Missouri, and is acquainted with the subject. JERRY also knows JEROME since he was in the reformatory at St. Charles, Illinois, with him. JERRY classified JEROME as being "off mentally" and a person who very seldom talks to anyone. JERRY believes that JEROME may have been in the hospital for the criminally insane at Fulton, Missouri, when the subject escaped from prison. JEROME is presently doing time for the murder of a Negro. JERRY also related that when his father left, JERRY was in the Boys' Reformatory at Sheridan, Illinois.

JERRY said that he does not know NEAL EDGAR ABBY, JAMES DAVID DAILEY, nor is he acquainted with the Half Way Restaurant at 1549 South Jefferson, St. Louis, Missouri. He said that he never heard his brother mention DAILEY nor does he have any information that DAILEY had ever hidden his brother from the law. JERRY also advised that he never heard of an organization named the "Coolies" nor did he ever hear his brother mention that organization. JERRY said that when he was in prison, he was involved in a fist fight with (First Name Unknown) MENARD, who worked with him in the shoe shop. He said that he could not recall this individual's first name and that there would be no record of the fight at the prison since it was not reported nor were they observed fighting. He said that on one of the occasions when he visited with his brother in prison, he told him about it and JAMES was joking with him because JAMES

On 5/12/68 at Wheeling, Illinois File # Chicago 44-1114-77

by SA RENE J. DUMAINE & SA ROBERT P. PEVAHOUSE/RJD:jap Date dictated 5/13/68

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said that he was close friends with the MENARD brothers who were then in Jefferson City, Missouri, prison with JAMES.

JERRY said he visited his brother about three or four times while he was in prison in Jefferson City, Missouri, the last time being around 1964. JAMES came to Menard prison to visit JERRY on one occasion. JERRY again stated that the last time he saw his brother JAMES outside of prison was in 1951 in Quincy, Illinois, and JERRY was fifteen years old at that time. The father was still living with his mother then.

He said that he believes that WALTER TERRY RIFE and JAMES went to Leavenworth together but that LONNIE RIFE never did time with JAMES. He said that if he had given the impression that LONNIE did do time with JAMES in the previous interviews, this was in error. JERRY again stated that he himself has done time in Menard, Illinois, with both RIFE brothers.

He stated that he has no idea as to the present whereabouts of "BLACKIE" AUSTIN and doubts if his brother has maintained contact with AUSTIN nor would be in contact with him since his escape. He said that of all of the persons that he knows of, JAMES was the friendliest and closest with AUSTIN. JERRY pointed out, however, that his knowledge of this is limited since JERRY was in prison when both AUSTIN and his brother were on the street. He does know that "BLACKIE" liked his brother and has always talked about him.

In clarification, JERRY advised that his brother JOHN first came to Chicago sometime around July, 1960, and he, JERRY, came to this area around September, 1960. JOHN first worked at Murphy's Steak House. He also worked at the White Pines Country Club and JOHN's last employment in the Chicago area was the Indian Hills Country Club, Bloomington, Illinois. JERRY advised that he was employed with his brothers JOHN and FRANK at the Rolling Green Country Club beginning in September, 1960 and JERRY stayed there for about sixteen months and JOHN for eight or nine months. He was uncertain to the length of time that his brother FRANK worked there. He believed he had left a good length

of time prior to his death in September, 1963.

JERRY advised that sometime during June or July, 1967, when he was living at 2897 Techny Road, Northbrook, Illinois, JOHN drove here in a 1961 Plymouth which he had bought from the father, JERRY RAYNES. At this time, JERRY owned a 1962 air-conditioned Rambler. JOHN was having trouble with the transmission in the Plymouth and they switched cars. He does recall that JOHN transferred some clothes and other items from the Plymouth to the Rambler. Also, that JOHN left some old shirts and pants and some other papers in the garage at Techny Road and JERRY hid these items above the rafters in the garage. He said that JOHN stayed a couple of days and was in either an apartment or a hotel in Chicago and did not reside at JERRY's residence while here. JOHN left with the Rambler and both cars are presently at his father's farm in Center, Missouri. JERRY said that his wife did not meet JOHN on this occasion but did meet him at Christmas time, 1967, when JERRY and his wife went to St. Louis where they had dinner at CAROL PEPPER's house and JOHN was present. JERRY advised that JOHN did not know how to find his residence in Northbrook, Illinois, and that he, JERRY, met him in the town of Northbrook and then JOHN followed him to the residence. JERRY also advised that his brother JAMES did not ever know that JERRY resided at this address in Northbrook.

In previous interviews, JERRY advised that he borrowed somewhere between \$40 and \$50 from his brother JAMES while JAMES was in prison. He reiterated that statement in this interview at which time the financial transactions from his brother's account at the Inmates Bank, Missouri State Penitentiary, Jefferson City, Missouri, were discussed with JERRY. It was pointed out to him that this list shows that his brother had sent him \$266.25. JERRY advised that this must be an error since the only amount he recognized was \$55.25 which was sent to him on June 22, 1964. He stated that at this time, he, JERRY, was in St. Louis, Missouri, and needed money to return to Chicago to obtain employment. He wrote to his brother requesting this loan and was in the process of paying JAMES back when

JAMES escaped. JERRY suggested that the money listed to him was instead paid to his brother's attorney, name unknown, in Jefferson City, Missouri. JERRY advised that he himself did not receive money from his brother to be sent to the attorney or anyone else. JERRY advised that this attorney had been hired by his brother to handle his appeal and that he believed the attorney did visit with JAMES while JAMES was in prison. JERRY said that his brother never mentioned anything concerning Benzadrine inhalers or any type of "bennies" or dope. JAMES never mentioned being involved in any illegal drug selling while in prison nor did he ever mention that he was involved in any type of racket with a guard. He also never mentioned any guard that he was particularly friendly with and in fact, made no comment whatsoever concerning the prison officials that JERRY can remember.

JERRY also advised that his brother never mentioned reading any of the James Bond novels and in fact, JERRY did not believe his brother was much of a "reader." The only location that he can recall his brother making a comment as to how much he liked it was Tijuana, Mexico, and he believes his brother was there sometime in 1951. The brother made no mention to him at anytime as to the identity of any persons with whom he was acquainted in Mexico.

JERRY advised that when he left Chicago on this latter occasion, he stayed with his brother JOHN for two nights, with his father one night, with his sister CAROL one night, at the St. Regis Hotel one night and at the Mac Arthur Hotel one night. In conversations with his brother JOHN and sister CAROL, they both stated that they believe, from newspaper stories, that the subject is the victim of a frame-up or being used as the "fall guy." He also stated that CAROL is concerned over the newspaper articles speculating that the subject is dead and she has that opinion. He said that JOHN told him that some people came to the tavern at the time of the KING funeral requesting him to close down for that day which he did not do.

JOHN also said that if he himself receives any publicity, he will close down the tavern and leave because he feels that people will throw firebombs in his place. JERRY related that one of the newspaper reporters located and interviewed a woman named RUBY who works for his brother since JOHN had used that woman's address about three or four years ago. RUBY told the newspaper people that she did not know the whereabouts of JOHN. JERRY also said that in conversations with JOHN, JOHN told him that the subject would be "crazy" to give himself up because even if he is not guilty of the KING murder, he still would have eighteen years to do in the penitentiary at Jefferson City. JERRY explained this by stating that his brother has thirteen years left on his previous sentence and that he would get at least an extra five years for the escape.

JERRY again speculated that if his brother was KING's murderer, he would have had to have been paid because he could not see how his brother would have obtained enough money to purchase the 1966 Mustang, take the trips he was supposed to have taken and to pay \$150 for the telescope used in the murder. He said that there was just too much money coming in and in response to a direct question, he said that he did not think his brother would have been able to steal this much money because he would have had "slipped up and been caught." He explained that in his opinion, his brother was not an accomplished thief and that most of his previous scores were "small time."

JERRY advised that he is presently residing in Apartment 14, 314 Wisconsin Avenue, Lake Forest, Illinois, which rooming house was recommended to the Sportsman's Country Club by WAYNE CLANDENEN (phonetic). JERRY noted that his ex-wife DJERDIS also used to reside at this rooming house. He said that he is not listed as a tenant and that the rent of \$60 per month is being paid by the country club. He advised that there is no phone at the building with the nearest one four blocks away. He said that he plans to continue his employment at the Sportsman's Country Club and will contact SA RENE J. DUMAINE on a daily basis.

He advised that his ex-wife presently works at a restaurant near the expressway and is living in a motel in Wheeling, Illinois. He went on to say that yesterday there was a knock on the door of his apartment and when he opened it, his ex-wife was there. She said that she had found him by inquiring of the rooming house manager, the room numbers of the last two tenants and then came to talk with him. He said that they talked of personal matters with nothing of interest in this case. JERRY advised that he may have to move from this address since his ex-wife might inadvertently give out his whereabouts. He said that he was not concerned with the problem of people making threats against his safety because of what his brother did but that he was most concerned of the people who would attempt to harm him without making threats. In explanation, he made the comment, "Like that guy who shot King, he did not make any threats."

JERRY advised that he will continue to cooperate with the Bureau in furnishing information.

Mr. SPEISER. This is a six-page report on the interview with Mr. Jerry Ray. I request that you direct your attention to page 3. The first full paragraph indicates as follows:

Jerry advised that sometime during June or July of 1967, when he was living at 2897 Techny Road, Northbrook, Ill., John drove here in a 1961 Plymouth which he had bought from his father, Jerry Raynes. At this time Jerry owned a 1962 air-conditioned Rambler.

In going a little bit further down in the paragraph, it reads as follows:

He said that John stayed a couple days and was either in an apartment or a hotel in Chicago and did not reside at Jerry's residence while here.

Does this refresh your recollection about meeting with John and exchanging cars with him in July 1967?

Mr. Ray. I don't remember. I don't even remember—if they got it written down, I must have made a statement, but I don't remember it and I don't remember seeing John up there. I remember a guy by the name of Jack Gawron picking up a car around that time.

I don't know how it would get—John actually picked it up because a guy by the name of Jack Gawron picked the car up. I remember I had a car like that—a Rambler like that, and picked it up—

Mr. SPEISER. Let me ask you for your answer. Is your answer then you did not make this statement or did you make this statement?

Mr. RAY. I don't remember. I must have made it because it is written down there, the FBI wrote it down there, so I don't know. I don't remember ever making the statement.

Mr. SPEISER. As of July 1967 had you met your brother James following his escape from Missouri State Prison?

Mr. RAY. Did I meet him? I met him about 3 weeks afterward, after the escape when he went to work in Klingman's Restaurant in Winnetka.

Mr. SPEISER. When is the first time you met James?

Mr. RAY. The first I remember meeting him was a few weeks afterward. That is the first I can remember meeting him, is when he went to work at Klingman's Restaurant.

Mr. SPEISER. You don't have any recollection of meeting James following his escape within several weeks after his escape?

Ms. KENNEDY. The witness has already said he met him 3 weeks after the escape. It is already on the record.

Mr. RAY. I can't remember meeting him no sooner than that.

Mr. SPEISER. So you do have recollection of meeting James within 3 weeks after the escape?

Mr. RAY. About 3 weeks.

Mr. SPEISER. James escaped on April 23, 1967, so that would put your meeting with James prior to the July meeting with John, would it not?

Mr. RAY. Oh yes, before. Yes.

Mr. SPEISER. So that prior to your July meeting with John you had met James at least once?

Mr. RAY. Yes, I had met him several times.

Mr. SPEISER. Several times.

By the way, when you were first interviewed by the FBI, did you tell the FBI that you had not seen your brother James since he had been incarcerated at the Missouri State Prison?

Mr. RAY. Read that again?

Mr. SPEISER. My question is, did you tell the FBI when they first interviewed you, when James was identified as a suspect in the assassination, that you had not seen—and, by the way, the date of that interview was April 19, 1968.

Did you tell the FBI that you had not seen your brother James since he was incarcerated in the Missouri State Prison?

Mr. RAY. I can't answer that because I don't remember what all I told the FBI or people. That has been too long ago.

Mr. SPEISER. Your recollection is that you do not recall at this time telling the FBI you did not meet with James?

Mr. RAY. I don't recall our conversation as to what we said. I can't even remember who I met him with.

Mr. SPEISER. When you met John in July 1967 as you have testified, you had previously met James at least on two occasions. Did you tell John that you had met James and that James was out of jail; that he had escaped?

Mr. RAY. I didn't even admit to meeting John in July. I said—you got it down some place reading the statement, I said I don't remember meeting him. I said it is possible I met him but I said I know a guy by the name of Jack Gawron is who picked up the car.

You read off where he met me on Techny Road and I don't even remember meeting him in July. I remember meeting Jack Gawron and he picked up the car for John. It was a 1960 or 1961 red Plymouth.

Mr. PEPPER. The witness has been consistent, Mr. Chairman. He has answered that question already and he has been consistent in the answer.

Mr. SPEISER. Mr. Chairman, I am just trying to assist Mr. Ray in refreshing his recollection. I know he has responded that he does not recall meeting John in July 1967, but I have introduced initial-

ly one FBI report which reflects that Mr. Jerry Ray advised the FBI that he met John in July 1967.

Mr. PEPPER. I object to the phrasing of counsel. It doesn't do anything of the sort. There is a statement here that Mr. Ray said that, but there is no authenticity attached to that statement.

Mr. SPEISER. Well, I am solely trying to refresh Mr. Ray's recollection, if I may.

Now, here we have one FBI report in which the agent who wrote that report purportedly was advised by Jerry that Jerry met John in July 1967.

Now, at this time, if I may continue, I would like to introduce another FBI report.

Ms. KENNEDY. Excuse me a moment.

Chairman STOKES. The witness can testify as to whether or not the document has refreshed his recollection.

Has it, Mr. Ray?

Mr. RAY. No.

Ms. KENNEDY. Just for the record, could I ask when this FBI document was prepared and how long this information has been available to the Government?

Is this a recent preparation or has this been in the hands of this Government for 10 years or 11, 12?

Chairman STOKES. The document is before counsel and the document should speak for itself preferably.

Ms. KENNEDY. We haven't had a chance to study it and confer about it and I thought maybe Mr. Speiser could just answer that for me, but I will look. 1968. So it was 10 years ago. Thank you.

Chairman STOKES. Proceed, counsel.

Mr. SPEISER. At this time, Mr. Chairman, I would request the witness be shown MLK exhibit F-602 an FBI report dated May 22, 1968, of a May 17, 1968, interview with John Ray.

I request that this document be marked into evidence.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

Date May 22, 1968

JOHN LARRY RAY was interviewed at the Grapevine Tavern,
1982 Arsenal Street, St. Louis, Missouri.

He stated that with regard to his belief that his brother, JAMES EARL RAY, had plenty of money on him at the time of his escape from prison was based on the fact that he had been questioned regarding his knowledge of his brother's dealing in amphetamines while in prison. He stated that it was pure guess work on his part and he merely felt this way because he recalls that from his experience in prisons that usually the people who deal in narcotics in prisons are among the wealthier inmates. He stated he has no idea how JAMES EARL RAY would have spent any money he earned in prison, either while in prison or subsequent to leaving prison. He reiterated that he has not seen or heard from JAMES EARL RAY since his escape and has never heard anyone say that he was in Chicago, particularly in the summer of 1967. He recalls that in the summer of 1967 he was in Chicago himself at which time he traded cars with his brother JERRY.

On 5/17/68 at St. Louis, Missouri File # ST. 44-775
by SA PATRICK W. BRADLEY/mib Date dictated 5/20/68
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MLK EXHIBIT F-602

Chairman STOKES. I would like to direct your attention to—
Mr. PEPPER. Just a minute more, please.

The special agent's name in this statement, Mr. Chairman, is special agent Patrick Bradley. Is that correct, counsel?

Mr. SPEISER. The document reads for itself, Mr. Pepper.

Mr. PEPPER. Has special agent Bradley been called before this committee and testified under oath?

Chairman STOKES. That is certainly not pertinent, counsel. I am sure counsel knows that.

Mr. PEPPER. I do, Mr. Chairman—

Chairman STOKES. The document, counsel, has been furnished you and the witness, for the purpose of the counsel being able to

examine your witness regarding that document. It is not appropriate to pose questions—

Mr. PEPPER. Mr. Chairman, we certainly will do that. We will examine it and appreciate it, but we are concerned, Mr. Chairman, about the credibility of the document that is being put forth here.

Chairman STOKES. The committee will ultimately decide the credibility of all documents in the record.

Ms. KENNEDY. Mr. Chairman, is there any possibility that those FBI or other documents will be relied on by the committee and counsel could be available to this witness so that we don't have pages and pages of materials thrown at us on such short notice so we could have a recess and an opportunity to examine these documents, because it does seem tremendously unfair for this committee to collect incredible volumes of information that covers a great deal of territory, and then to have us sit here and have to respond or in any way relate to representing this way on this sort of ad hoc instant hearsay evidence.

Chairman STOKES. Ms. Kennedy, any document that counsel desires to examine the witness from will be furnished to counsel and counsel will be given adequate time to read and confer with the witness on that document.

Mr. SPEISER. Thank you, Mr. Chairman. I have already shown you, Mr. Ray, the FBI report in which the agent writing that report notes his recollection that you advised him that you met John in July 1967, in Chicago, to exchange cars.

Now, you have before you MLK exhibit F-602 which is an FBI interview of your brother John.

Now, if you look at the last sentence, let me quote that: "He recalls in the summer of 1967 he was in Chicago himself, at which time he traded cars with his brother Jerry."

Does that serve to refresh your recollection as to whether or not in July 1967 you met with John and exchanged cars with him?

Mr. RAY. The only thing I know definitely and the only thing I can make a definite statement on is that a guy by the name of Jack Gawron picked up the car—we switched cars for Jack. Jack wanted another car, something wrong with his car, and I had to take and get a transmission job done on it, and anyway we switched cars. It was for Jack but Jack didn't switch cars with me. He had a guy by the name of Jack Gawron who picked the car up and give me the other car.

Mr. SPEISER. I just want you to know, Mr. Ray, I am not trying to trick you or trap you. I am asking a very simple, innocuous statement to try to determine whether or not you met John in July of 1967.

Now, I understand your testimony is that you have no recollection; that you think you met Jack Gawron, is that right?

Mr. RAY. I know I met him. I know I met Jack Gawron, but John—I just can't remember meeting him.

Mr. SPEISER. Now, I asked you previously whether or not you advised the FBI when they initially interviewed you as to whether or not you had not seen your brother James since the first time you visited him at Missouri State Prison, and that you had no idea as to his whereabouts.

Now, I would like to at this point introduce into the record, and a copy be furnished to you, MLK exhibit F-615, which is an FBI report dated April 29, 1968, and reflects an interview with you on April 24, 1968.

Chairman STOKES. Without objection, MLK F-615, will be accepted into the record at this time. Would the clerk please furnish Mr. Ray with that document?

[The information follows:]

MLK EXHIBIT F-615

FEDERAL BUREAU OF INVESTIGATION

Date 4/29/68

At the outset of the interview, JERRY WILLIAM RAY was advised of the provisions of Section 1001, Title 18, United States Code. He was advised that he did not have to talk to the interviewing Agents but that they wished to stress to him the importance of his cooperation and truthfulness in the matter of the murder of MARTIN LUTHER KING, Jr.

It was pointed out to JERRY that he had lied to the Agents in the previous interviews in that the FBI had located his brother, JOHN, and that it would have been impossible for JERRY not to have known his whereabouts. He then stated that he had lied but only in an effort to protect his brother JOHN's investment in a bar in St. Louis. JOHN had put up \$2500 to purchase the bar and JERRY was of the opinion that if FBI Agents harassed JOHN, he would lock up the bar, take a loss and leave. The bar, known as "The Grapevine", is located in St. Louis, Missouri, and is licensed in the name of CAROL PEPPER, their sister. He said that he has no information nor does he believe that JAMES RAY has been in contact with JOHN since his escape from prison in April, 1967. JERRY went on to say that he doubted very much that JAMES RAY was aware of the present whereabouts of JOHN since JOHN was classified as a "drifter". It was pointed out to JERRY that JOHN had been a visitor to the Missouri Prison on the day before JAMES RAY's escape. In answer to a direct question, JERRY then admitted that it would be possible for JAMES RAY to know the location of his brother's tavern. He said that he doubted if JAMES RAY knew his, JERRY's, present employment at the Sportsman's Club, Northbrook, Illinois, but that he might be aware of it since he had written a letter to the Parole Board in which he might have mentioned his present employment saying that he possibly could obtain employment for his brother, JAMES RAY, either at the country club or in the immediate neighborhood. He denied that he had ever furnished JAMES RAY with his present employment. He said that to his positive knowledge, the only way that JAMES could get in touch with

On 4/24/68 at Chicago, Illinois File # CG 44-1114

by SAs JOSEPH M. BURKE and

RENE J. DUMASINE pas

Date dictated 4/26/68

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him was through P. O. Box 22, Wheeling, Illinois, since he, JERRY, had obtained this box for the specific use of his brother since he did not want mail from the penitentiary coming to the country club.

JERRY related that JOHN came to this area sometime around 1964 and stayed for about 2½ years. To the best of JERRY's recollection, JOHN first worked at Murphy's Steakhouse, then went to the Rolling Green Country Club and from there to the White Pines Country Club where he was employed as a pot washer. JOHN then went to bartending school in Chicago and went to work for the Indian Hills Country Club in Itasca, Illinois. JERRY is of the opinion that his brother, JOHN, uses the name RYAN.

JERRY said that on April 20 or 21, 1968, he telephonically contacted his sister, CAROL PEPPER, and explained that the uncooperative attitude of both CAROL and JOHN arose from the harassment of the newspaper reporters in the neighborhood and that both were afraid of unfavorable publicity which would adversely effect the tavern business causing them to sell out and move. He said that his sister, CAROL, has told him that she feels that she now has to move from the particular neighborhood where she resides in St. Louis, Missouri. CAROL has commented to him that the picture in the newspaper of JAMES RAY does look something like him. JERRY said that he agrees with this but that felt it could not be his brother because he read in the newspapers that the person sought by the FBI for the KING murder had attended dancing school in New Orleans, Louisiana, in 1964 and 1965, but since his brother was imprisoned during these years, he knew it could not be him.

Concerning his trip to St. Louis, Missouri, in February, 1968, JERRY advised that he stayed at the MacArthur Hotel for one night; he believes the date to be February 2, 1968, and that his brother, JOHN, either stayed in an apartment over the tavern or nearby, but not at the hotel as he previously implied. He said that about every six or seven weeks he drives to St. Louis, Missouri, to visit with

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CAROL and sometimes JOHN since they are the only family he has. He denied that his brother, JAMES RAY, had been at this family reunion at this last or any other time.

JERRY advised that he owns two automobiles, one a 1960 light green four-door De Soto which presently is parked in front of the cottage at the Sportsman's Country Club. The other, a 1961 two door white over red Plymouth. Both of these cars were purchased from a stepfather, JERRY RAYNES, who resides on a farm in Center, Missouri. He exhibited a receipt from the Dunhurst Currency Exchange showing that Missouri driver's license R250-6227-822-98-473MO, plus title and registration for 1960 De Soto had been turned in. The receipt was in the name of JERRY WILLIAM RYAN, 2897 Techny Road. JERRY said that he had turned over these items April 24, 1968, and expected to obtain his Illinois driver's license and license tags within the next several days.

JERRY further related that he paid \$200 for the 1961 Plymouth and has owned it for about six months. The car is presently at his stepfather's farm and is not registered. The reason it is not registered is that the title to this car was filed by his stepfather in St. Louis, Missouri, but was not returned. Both he and his stepfather made inquiry concerning the title, but it was evidently lost. JERRY said that he has driven the car to Chicago and to this area on one occasion utilizing license plates from a junk car. CAROL PEPPER has also driven the car on several occasions with the same plates. However, the plates have since been removed from the car and destroyed.

In response to questions concerning Post Office Box 22, Wheeling, Illinois, JERRY reiterated that the only person who has ever written to him was his brother JAMES RAY with the rare exception that he might receive some advertising literature of no consequence. He persisted in stating that that he had received no communications at this Post Office box within recent weeks. After further questioning, JERRY admitted that on April 23, 1968, he received a telegram addressed to him at P. O. Box 22. He then made available a copy of this telegram which read as follows:

JERRY advised that sometime around September, 1960, shortly after his release from prison, he was unemployed in St. Louis and he was contacted by his brother, JOHN, who told him to come to the Chicago area which JERRY did. He commenced employment at the Rolling Greens Country Club, Arlington Heights, Illinois, from September, 1960, until January, 1962. He then returned to St. Louis, Missouri, and returned sometime in April, 1962, where he obtained employment at the North Shore Country Club, Glenview, Illinois. He also worked for the Olympia Fields Country Club for 13 days and then went to work for the Medinah Country Club until sometime in December, 1963, when he was hit by a car as he was walking along a highway. JERRY spent some time in the hospital as a result of these injuries and then went back to St. Louis, Missouri, with JOHN. He again returned to this area and was employed at the Flossmoor Country Club, from April until September, 1964. At that time, he commenced his present employment at Sportsman Country Club.

JERRY said that he had resided at the Sportsman Country Club except for a short period of time from March to September, 1967, when he resided at 2897 Techny Road, Northbrook, Illinois, with his wife GJERDIS STREET who presently resides on Wisconsin Avenue, Lake Forest, Illinois. He said that while they were married, she had a child, however, this child was by her previous husband. He went on to say that he and his wife separated in August of 1967 and the divorce was finalized on January 25, 1967. Later in the interview, JERRY advised that he was married in August, 1966, and that the divorce was final January 25, 1968.

When questioned as to whether or not he had been married previously, JERRY replied that he hadn't, but that he had lived common-law with CAROL SARTAIN who is presently residing in Morristown, Tennessee. He did know that CAROL is presently married but he did not know CAROL's married name. CAROL and JERRY had one child, MICHAEL, age 5, who is presently living with CAROL's parents, Mr. and Mrs. WILLARD SARTAIN, Route #2, Whitesburg, Tennessee.

This town is located 24 miles outside of Knoxville, but JERRY does not know exactly where the SARTAINS live. He said that he doubted that the subject would be aware of the SARTAINS identity since JAMES was in prison before JERRY met his ex-wife.

JERRY related that his take-home pay is approximately \$113 per week and that he also receives room and board. He said that he has no money to speak of, at the present time, since all of his savings had been expended in his ill-fated marriage. He said that he sends money to his sister, CAROL, which she deposits in her account to keep for him. He estimated that he has approximately \$200 in that account. He denied that any of his money had been utilized by his brother JOHN in the purchase of the tavern in St. Louis.

JERRY sends money to the SARTAINS spasmodically, about \$50 at a time and estimates that since December, 1967, he has sent them approximately \$150. He also sends clothing and other items for MICHAEL's use. He also advised that he expends a great deal of money on automobiles and since he has been in this area has had at least 12 cars but never seems to be able to purchase a newer model than a 1962. He informed that his marriage "cost him a fortune" indicating that in the first two months he was married, his wife ran up \$300 in phone bills. He also paid \$135 to send her to driving school after which she had three automobile accidents and in one completely demolished one car so that he had to buy another. His ex-wife was also extravagant and spent money freely through charge accounts.

JERRY related that he has never heard of anyone named JAMES DAVID DAILEY, THOMAS BEECHUM CREWS or JUNIOR BAY CONWAY.

JERRY advised that he was not aware that JOHN registered at the Mac Arthur Hotel, St. Louis, Missouri, during the time that he, JERRY, was there. He said that he did know that JOHN used the Mac Arthur Hotel whenever he was able to "pick up a woman". He said that JOHN has never married and has no knowledge that JOHN is presently going with or residing with any particular woman.

He related that he has no idea as to the present whereabouts of his brother, JAMES, and believes that he is either dead or out of the country. He could offer no reason for JAMES' alleged murder of MARTIN LUTHER KING, Jr., but did say that JAMES would have to have been paid for this murder in view of the purchase of the car and the dance school payments which JAMES made which information he obtained from reading the newspapers. JERRY did speculate that if anyone did pay JAMES for this murder, it would have to be someone he met after his escape because he doubted that anyone in prison or anyone that he knew in JAMES' life prior to being in prison would have the money or the desire to kill KING. JERRY said that all of the other crimes committed by JAMES were small scores and that he knew he never realized such money from them.

JERRY further related that it is his opinion that JAMES would never get in touch with anyone in the family no matter how bad he needed help.

JERRY RAY was then interviewed by SAC MARLIN W. JOHNSON and ASAC KYLE G. CLARK in an effort to obtain his complete cooperation in this matter. After discussion, JERRY gave his word that he would not lie in the future and that if his brother did contact him, he would contact the FBI. He reiterated that he had no reason to believe that JAMES would contact him.

JERRY advised that he sends his money to his sister, CAROL, because he would spend it if it was available to him. He sometimes sends her his whole paycheck to put in the account. He wants the money to save to put as a downpayment on opening a bar.

Concerning his automobile accident, JERRY advised that he was walking along the highway when he was struck by a car and that he was taken to the hospital at Elmhurst, Illinois, where he was semi-conscious for three days. He

stayed in the hospital for 13 or 17 days and his pelvis bone had been broken. He entered into a lawsuit in an effort to recover damages, however, he was only paid \$1,00 and believes he owes the hospital around \$400.

He again stated that he had absolutely no idea as to his brother's whereabouts and then advised that if there was anyone else involved in the crime with JAMES, it was JERRY's opinion that JAMES would never divulge this person's identity. He said that at the time his brother received the 20 years' sentence, from which he escaped, he had been offered eight years to turn state's evidence but did not do so. The other person involved with JAMES did turn state's evidence and received a six year sentence. JERRY opined that even if JAMES was offered a sentence, of five years against death in the electric chair, he would not implicate a partner if in fact he had one.

The following description of JERRY WILLIAM RAY was obtained through interview and observation:

Race	White
Sex	Male
Date of Birth	July 16, 1935
Place of Birth	Quincy, Illinois (No birth certificate, doctor died two days after birth)
Height	5'9" tall
Weight	178 pounds
Build	Medium, stocky
Hair	Brown, receding
Eyes	Brown
Scars and Marks	Circle scar $\frac{1}{4}$ " diameter above left eyebrow; "J.R." left forearm outer; "J.E." in scroll right forearm outer
Tattoos	
Other employments	Knodel Bakery Company St. Louis, Missouri, oven worker, one day, 1963-64; Sunset Sanitarium, St. Louis, Missouri 12 days, 1963-64; Keeshen's, cannot recall working there
Marital Status	Divorced

JERRY then advised that he used the Bell Employment Service, Chicago, since his brother JOHN had used it because the fee was only \$15 or \$30 to locate a job. He then related that he came to Sportsman's Country Club from Flossmoor Country Club where he had been a bar waiter. He said he started out at Sportsman's as a dishwasher and then went to work for the Marx Maintenance Company as a maintenance man in the country club. Sometime thereafter, the country club dropped the maintenance service and hired JERRY. He also advised that his brother JOHN was employed at the Indian Hills Country Club, Elmhurst, Illinois, not at Indian Lake. He then recalled that his brother was also employed at Green Acres Country Club, about 2 $\frac{1}{2}$ miles from Sportsman's in Northbrook, Illinois.

Mr. SPEISER. Mr. Ray, I would just like to direct your attention to page 7, the top paragraph of that document. That is all I am going to question you about and bring to your attention.

Mr. PEPPER. Mr. Chairman, since we have embarked on a new range of questions, and the scope of interrogation, I request a ruling from the Chair that counsel explicitly state once again and clarify the goals and the purpose for which the interrogation is pertinent, as the witness is entitled to have spelled out for him under the Watkins ruling.

Chairman STOKES. Would counsel reply?

Mr. SPEISER. I have no problem replying to that and disclosing to you, Mr. Pepper, what I am trying to drive at. I am trying to establish at this point the number of meetings between your client, Jerry and John Ray, during the period that James Earl Ray was a fugitive and I am trying to ascertain the first time that Jerry Ray, who admittedly met with his brother while he was a fugitive—I am trying to establish the first time Jerry advised John of that fact.

I think that is definitely relevant; it is definitely relevant in the time frame we are focusing on and it is definitely relevant to the contact between the brothers and the admitted assassin.

Mr. PEPPER. It is pertinent, you are saying, to a possible conspiracy to assassinate.

Mr. SPEISER. It is relevant to possibly that, as well as concealing and harboring a fugitive, and financing Mr. Ray while he was an assassin.

Mr. PEPPER. You are referring to the alleged bank robbery in Alton, Ill.?

Mr. SPEISER. I am not talking about it at this point. I think I have given you enough at this juncture.

Ms. KENNEDY. Mr. Chairman, I wonder if the record could indicate that there has been throughout this hearing a question of whether or not the Federal Bureau of Investigation itself has a position which would militate against its being totally objective in the inquiry into this matter as recently as yesterday.

Chairman STOKES. The record, Ms. Kennedy, may not reflect that. There is no basis or foundation whatsoever for such a finding in the record.

Ms. KENNEDY. Mr. Chairman, can I just direct your attention to yesterday's testimony by Ramsey Clark, which I submit does suggest that?

Chairman STOKES. For the information of counsel, Mr. Ramsey Clark did not testify here yesterday.

Ms. KENNEDY. Oh; the day before yesterday.

Mr. SPEISER. May I proceed with my questioning, counsel?

Mr. Ray, according to the FBI agent who wrote this report, on April 24—the report is based upon an interview with you on April 24 and the report is written April 29, 1968—according to this agent, as he states in the first paragraph, “He”—referring to you—related that he has no idea as to the present whereabouts of his brother, James, and believes that he is either dead or out of the country. He could offer no reason for James' alleged murder of Martin Luther King, Jr., but did say that James would have to have been paid for this murder, in view of the purchase of the car and the dancing school payments which James made, which is the information he obtained from reading the newspapers.

Have you read that? Now, do you have any recollection of advising the FBI that you did not know where James was and that you had not seen him since his escape?

Mr. RAY. There's no way I can remember back that far. I just can't remember that far. That's been 10½ years ago.

Mr. SPEISER. You have no recollection as to whether or not you lied to the FBI?

Mr. RAY. No, I don't.

Mr. PEPPER. I object to the characterization, Mr. Chairman. There has been no establishment that the witness has lied to the FBI, and I object to the categorization of the witness as a liar in this or any other instance by counsel, even to the point of requesting an apology.

Chairman STOKES. The objection is sustained. Counsel will rephrase the question.

Mr. SPEISER. Is your answer, Mr. Ray, that you have no recollection of telling the FBI that you had not seen James since his escape, or that you did, in fact, not tell that to the FBI?

Mr. RAY. I'm not denying I didn't tell it to the FBI, and I'm not admitting it, because I just can't remember. It's too long ago for me to remember. It would take a Percy Foreman to remember all that stuff.

Mr. SPEISER. Let's move from that time in which you purportedly met with John, in July 1967, to Christmas of 1967. At that point, do you have any recollection of being in St. Louis and meeting with John at the time the Grapevine tavern was opening up?

Mr. RAY. I can only remember of going down there one time, being in the Grapevine. I can only remember being in the Grapevine one time until the FBI got me fired off my job after the King assassination.

Mr. SPEISER. You do recall being in St. Louis on one occasion and meeting with John?

Mr. RAY. Yes; at the tavern.

Mr. SPEISER. At that point in time was that near the time the Grapevine had opened up?

Mr. RAY. Well, you said it was opened in November or December. It must have been near that time then, because—

Mr. SPEISER. At that point in time did you have any discussion with John about the fact that you had seen James outside of prison and that James, in fact, had escaped from prison?

Mr. RAY. To be honest, I couldn't recall our conversation, because I just went there and had a few drinks and met some friends in there.

Mr. SPEISER. Are you saying to this committee, Mr. Ray, that at Christmas of 1967, which was about 6, 7 months after James had escaped that you did not tell John that you had seen James outside of prison?

Mr. RAY. No; I'm not saying that, because I probably did tell him. If I seen him, and I seen him in Chicago, I probably did tell him. I'm not going to say the opposite of what's true. I seen him in 1967.

There is no doubt that I told him about our meeting in Chicago; but I can't remember our conversation because—it's important to the committee—but back then it didn't mean anything to us, be-

cause it was just another escape from prison, and still out, and we was hoping he would stay out.

Mr. SPEISER. Let me ask one last question in this area, and then we will proceed to another.

Is it your position and your testimony that there was a strong likelihood that you told John that you had seen James after he had escaped from prison?

Mr. RAY. I imagine I did, but I can't be for sure because I couldn't make no definite statement on it, because there is no way I can remember what we talked about; plus, when I got down there, I just got off work and I was tired, anyway, and I slept a few hours and went back to work.

Mr. SPEISER. But you feel there is a strong likelihood that you would have told John that you saw James?

Mr. RAY. Possibility, just a possibility.

Mr. SPEISER. I would like at this point to change the area of questioning to the Bank of Alton robbery.

Now, you testified, Mr. Ray, that your day off was Thursday while you were working at the Sportsman's Club; is that correct?

Mr. PEPPER. Mr. Chairman—

Chairman STOKES. Counsel?

Mr. PEPPER. Since the committee's counsel has switched the train of questioning, I simply would request that counsel set forth explicitly where he is going with respect to this next range of questions.

Chairman STOKES. Counsel will please comply with the request of counsel for the witness.

Mr. SPEISER. One of the areas that is puzzling the American public concerning James Earl Ray is how he funded himself during the period that he was a fugitive immediately following his escape from Jefferson City—Missouri State Prison—and we would like at this point to question Jerry Ray concerning the Bank of Alton robbery, for the reason that there is a strong suspicion that that robbery perhaps may have been the source of the funding for James Earl Ray during the period he was a fugitive.

Mr. PEPPER. Mr. Chairman, a point of clarification: on whose part is there a strong suspicion?

Mr. SPEISER. Based on evidence that has been furnished to this committee.

Mr. PEPPER. Mr. Chairman, on behalf of the witness and the committee's search for truth, is the committee aware of the fact that the witness himself surrendered himself personally to the authorities in Alton, Ill., in August 1978, offered to waive the statute of limitations, offered to have himself available for prosecution at this time for that crime, and was informed at that time that he was not then, never has been, a suspect in the Alton, Ill., bank robbery, and that as late as yesterday, Lieutenant Conrad, in conversation with counsel, indicated that the witness, Jerry Ray, is not, has not been, at any time suspect with respect to the Alton, Ill., bank robbery? Is the committee aware of that?

Chairman STOKES. All that counsel has said may well be true, but it would seem also in light of counsel's statement that it would help make this area of inquiry relevant.

Mr. PEPPER. Counsel agrees.

Mr. RAY. I would like to say that page 4 of my sister's—Carol Pepper's FBI file, it says on page 4 of the FBI file that the FBI had cleared me of all pertinent dates of the murder and all these other crimes, because I was employed. My work records show that. I worked there for 3 years, from 1965 to 1968, and never missed a day, or never was late for work, and sometimes I worked 7 nights a week, not 6.

Chairman STOKES. There is no question before you right now, Mr. Ray.

Counsel will proceed with questioning.

Mr. SPEISER. I appreciate your comments, counsel, but, as you are aware, the robbery of any bank is a Federal offense, and I gather you are referring to the statement that has been furnished to us by a local policeman.

Now, if I may proceed—

Ms. KENNEDY. Just before proceeding, Mr. Chairman, I would like to know whether or not counsel is suggesting that in light of a possible Federal violation, that there was a failure on the part of Federal authorities to check with the local police or other constabulary in that area.

I just want to know the extent of the basis for this suspicion, because, in light of what counsel has just indicated, and in light of previous records of the FBI, it would seem that there was an inquiry by the Federal authorities and that the local authorities declined to indicate any charges.

I am just wondering to what extent this suspicion has been checked on before it is permitted to become virtually a public charge.

Chairman STOKES. Ms. Kennedy, under part of the mandate of this committee it is necessary for the committee to ascertain whether or not the Federal authorities did look into and inquire into certain other aspects of Mr. Ray's conduct, and it would be pertinent under that section.

Mr. SPEISER. May I proceed at this time, Mr. Chairman?

Chairman STOKES. Certainly.

Mr. SPEISER. Mr. Ray, I was attempting to establish certain facts before I get into the questioning, and before I was interrupted. Let me just state it again, that your day off at the Sportsman's Club, as I believe you testified earlier, was Thursday, that is, you got off work Thursday morning at possibly 6 or 7 o'clock in the morning and did not have to return to work until Friday evening at 10 or 11 o'clock; is that accurate?

Mr. RAY. Right.

Mr. SPEISER. Now, the Bank of Alton robbery occurred—

Mr. PEPPER. Mr. Chairman, the witness has also stated that there were times when he worked 7 nights a week.

Mr. SPEISER. I understand that. I have heard your client testify.

Mr. PEPPER. I just want to make that amplified on the record.

Mr. SPEISER. Now, the Bank of Alton robbery occurred on July 13, 1967, and that was a Thursday. Now, prior to that time, July 13, 1967, I believe you testified that you had met your brother James on at least two occasions; is that correct?

Mr. RAY. Yes.

Mr. SPEISER. James has testified before this committee, or has indicated to this committee, that prior to his departure to Canada he made a trip to the St. Louis area to see his relatives, in July, the middle of July 1967. St. Louis is approximately 20 miles from Alton, Ill.; is that correct?

Mr. RAY. It is—St. Louis—20 or 30. I'm not sure; 20 or 30 miles, not over 30.

Mr. SPEISER. And do you know where East St. Louis is?

Mr. RAY. Oh, yes.

Mr. SPEISER. And how far is that from Alton?

Mr. RAY. About 20 miles.

Mr. SPEISER. And approximately 20 miles from St. Louis, too?

Mr. RAY. Between 20 and 30—I'm not sure—not over 30, 30 at the most.

Mr. SPEISER. Did James ever spend any time in Alton, Ill., to the best of your knowledge? I'm not talking about the period while he was a fugitive, but I am talking about his early years.

Mr. RAY. He was born in Alton.

Mr. SPEISER. So that James is familiar with Alton?

Mr. RAY. Oh, he knows Alton. He knows Alton.

Mr. SPEISER. Just so I can establish a few other facts before I ask you a couple of questions, on July 14, the day after the robbery, James Earl Ray has indicated to us—and we have been furnished information which would substantiate it—that on July 14, the day following the robbery, he purchased an automobile in East St. Louis, Mo., which, as you testified, is approximately 20 miles from Alton—

Mr. RAY. Yes.

Mr. SPEISER [continuing]. And from that point proceeded on to Canada.

Now I am asking you, Mr. Ray, did you partake in the Bank of Alton robbery?

Mr. RAY. Did I rob the Alton, Ill.—

Mr. SPEISER. Let me just advise you again that you are testifying under immunity and that the statute of limitations for that offense has long since expired.

Mr. RAY. This is a bad joke to play on the American public though, because there is no way I could have robbed that bank. There's—

Mr. SPEISER. I am not asking—I am not trying to play a joke—I am asking a very simple question that you can respond to "yes" or "no." Please, just yes or no, did you partake in robbing that bank?

Mr. RAY. Definitely not; and when James testified up here last time, in August, and Mark Lane was here, Mark Lane called up that night—I think it was Floyd Fithian who said he was going to prove that me and James robbed that bank—some of the statements similar—and Mark Lane suggested that I go to Alton the next day—I was in St. Louis then—and turn myself in for the bank robbery and waive all statute of limitations, and which I did, to the Alton Police Department. And Lieutenant Conrad was there talking to the chief, and he said, in front of John Auble and some of the reporters, he says, "You never was a suspect."

Mr. SPEISER. I am putting aside all police reports, all FBI reports, everything. I am just asking a very simple question.

Mr. RAY. Definitely no; definitely.

Mr. SPEISER. Did James, to your knowledge, partake in a robbery of that bank?

Mr. RAY. Even——

Mr. SPEISER. Yes or no?

Mr. RAY. No; I wasn't there, so I can't say definitely no; but definitely that I don't know about it. But these FBI reports even had two Alton guys—that they're suspects—and they set the fingerprints of James there, and they said they didn't match up.

But even the FBI was clearing him of the Alton bank robbery. I'd like to introduce into evidence——

Mr. SPEISER. Is it your testimony then that James never told you that he partook in the Bank of Alton robbery?

Mr. RAY. Definitely not.

Mr. SPEISER. Did John ever tell you that James partook in the Bank of Alton robbery?

Mr. RAY. Definitely not.

Mr. SPEISER. Did John ever tell you that he partook in the Bank of Alton robbery?

Mr. RAY. Definitely not.

Mr. SPEISER. And you have no information, independent or otherwise, which would suggest to you that John or James partook in the Bank of Alton robbery?

Mr. RAY. There's no way I could know, unless I was over there, and I was working.

Mr. SPEISER. Did you ever receive any moneys that represented the proceeds from that robbery, to your knowledge?

Mr. RAY. Definitely not.

Mr. SPEISER. You did not drive the getaway car in that robbery?

Ms. KENNEDY. Mr. Chairman, could we possibly have the counsel to indicate whether or not his investigation disclosed this information that has been presented? Because this is total speculation and we have no way of knowing whether or not there was a thorough enough investigation to inquire of these local officials, and if you can have fingerprint evidence, denial of local authorities, and then continue with the speculative questioning, I don't know how in the world this man can ever establish anything.

This man is put in the position of trying to establish a negative, and the committee does not seem to be prepared to indicate whether or not it has this information. If it does not have the information about the fingerprints and the Alton officials, then I submit that this inquiry has been insufficient.

Chairman STOKES. Ms. Kennedy, this witness is not on trial here today.

Ms. KENNEDY. Do you want to bet?

Mr. PEPPER. Mr. Chairman, as a point of information, for the last 2 weeks, starting with the New York Times lead editorial at the end of last week, and the Wendell Rawls article the following day, and on down to the present, with the Newsweek articles, this man is on trial. He's on trial publicly with respect to this robbery, and we are very concerned about it.

Chairman STOKES. This committee is concerned too about whether or not he participated, and in the presence of competent cocounsel, he is being asked questions relative to it, and since you have

not taken any objection of constitutional nature, I would assume that the questions here are relevant, pertinent, and would ask at this time that both counsel refrain from further objections along this line.

Mr. PEPPER. We have no questions as to counsel—very able counsel's questioning. I think that the questions are relevant and they are pertinent.

Our question is with respect to whether or not the committee has already formed conclusions which have appeared in the press.

Chairman STOKES. You have stated your objections, Mr. Pepper, and I am going to ask you to refrain.

Counsel will proceed.

Mr. RAY. Could I have these two things put in evidence? This one shows that James didn't rob the bank, and this other one clears me on all pertinent dates. The FBI—both from the FBI.

Chairman STOKES. You would like to have both documents put into the record?

Mr. RAY. Both of these.

Chairman STOKES. Both documents will be appropriately marked by the clerk and, without objection, they will be made a part of the record as MLK exhibits F-622 and F-623.¹

[The information follows:]

¹ The committee notes that the pages of exhibits F-622 and F-623 appear to have been ordered incorrectly. The exhibits appear in the record exactly as they were received from the witness.

MLK EXHIBIT F-622

FEDERAL BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE
COMMUNICATION SECTION
AUG 1 1968

FBI WASH DC

250

PM URGENT 8-1-68 DJM

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, SPRINGFIELD (44-561) (P1)

TELETYPE

Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Mr. Tele. Room	
Miss Holmes	
Miss Gandy	

Handwritten: Miller
Mab...

Handwritten: Felt
8/1/68

Handwritten: MURKIN.

RE SPRINGFIELD TELETYPE TO BUREAU JULY THIRTYONE LAST.

[REDACTED] INTERVIEWED MADISON COUNTY JAIL, EDWARDSVILLE, ILLINOIS; DENIES COMPLICITY IN BANK ROBBERY AT THE BANK OF ALTON.

[REDACTED] MEETS PHYSICAL DESCRIPTION UNSUB NUMBER ONE IN ABOVE BANK ROBBERY; HAS HISTORY OF USING AUTOMATIC PISTOL SIMILAR TO THAT USED BY UNSUB NUMBER ONE AND EMPLOYED PART TIME FOR CAB COMPANY WHICH HAS STAND DIRECTLY ACROSS STREET FROM BANK.

REC-38 44-38861-4999

[REDACTED] REPORTED INVESTED HEAVILY IN NEW CABS SHORTLY 2 AUG 6 1968 AFTER BANK ROBBERY.

ALL OF ABOVE BEING FOLLOWED CLOSELY TO VERIFY AND [REDACTED] WILL BE INTERVIEWED.

MAIL COPIES TO CHICAGO, MEMPHIS AND ST. LOUIS. P.

Handwritten: MC 5 2 58 44 P1
LET 6-72
REC'D - [unclear]

END.

EXJ

FBI WASH DC

Handwritten: [Signature]

56 AUG 13 1968

OF ABOVE LISTED SUSPECTS AND WHO MIGHT BE WILLING TO TALK.
INFORMATION FURNISHED BY INFORMANT BEING FOLLOWED
CLOSELY AND PERSONS NAMED WILL BE LOCATED AND INTERVIEWED.
MAIL COPIES TO CHICAGO, MEMPHIS AND ST. LOUIS. P.
END.

~~OP. PAGE 1 LINE 5 OF 2ND. PAR. SHOULD READ TWO-DOOR~~

END,

JIM

FBI WASH DC

PAGE FOUR

PARTICULARLY IN THE PHOTOGRAPH WITH HIS EYES CLOSED, BUT DOES NOT LIKE THE PHOTOGRAPH WITH THE EYES DRAWN IN BY ARTIST. UNABLE TO FURNISH BETTER DRAWING INFO. JERRY WAS EMPLOYED ON ALL PERTINENT DATES THIS CASE. VERIFIED WITH EMPLOYER.

JERRY REQUESTIONED CONCERNING DISCREPANCY RE FATHER'S DEATH AND LOCATION. REITERATED ABOVE INFORMATION CORRECT TO BEST OF HIS KNOWLEDGE AS TOLD TO HIM BY HIS MOTHER AND UNAWARE OF WHERE CAROL MIGHT HAVE OBTAINED HER INFORMATION AS SHE LEFT MOTHER'S HOME ABOUT NINETEEN FIFTY SIX AT AGE FIFTEEN. ALSO ADVISED THAT PRIOR TO DEATH OF FATHER IN NINETEEN FIFTY ONE, HE WAS EMPLOYED BY THE RAILROAD AND WORKED ON A FARM VICINITY HANNIBAL, MISSOURI.

HE ALSO ADVISED THAT EACH OF THE CHILDREN LEFT HOME UPON REACHING AGE FIFTEEN TO SIXTEEN AND VERY LITTLE FAMILY CONTACT THEREAFTER. AFTER PARENTS SEPARATED IN APPROXIMATELY NINETEEN FORTY NINE, ALL OF THE YOUNGER CHILDREN WHO WERE AT HOME LIVED WITH MOTHER.

END PAGE FOUR

NA 8/12/68 MLK EXHIBIT F# 623

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATION SECTION

AUG 11 1968

TELETYPE

FBI WASH DC

500

PM URGENT 8-2-68 DJM

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

TO: DIRECTOR, FBI (44-38861)
FROM: SAC, SPRINGFIELD (44-561) (2PP)

MURKIN.

Leff

RE SPRINGFIELD TELETYPE TO BUREAU DATED AUGUST ONE, LAST.

[REDACTED] ADVISED TODAY HE HAS DEVELOPED INFORMATION THAT ON THE MORNING OF ROBBERY THE BANK OF ALTON [REDACTED] AND [REDACTED] WERE IN STOLEN NINETEEN FIFTY-THREE BUICK WHITE OVER BLUE DOOR; THAT [REDACTED] WAS WEARING DARK BLUE WINDBREAKER, JACKET, AND GLOVES, [REDACTED] WAS WEARING LIGHT BLUE AIR FORCE TYPE COVERALLS. CLOTHING DESCRIBED BY INFORMANT POSSIBLY IDENTICAL TO THAT UTILIZED TO UNSUBS INSTANT BR. INFORMANT FOLLOWING INFORMATION CLOSELY TO DETERMINE ACTIVITIES OF [REDACTED] AND [REDACTED] DURING DAY OF ROBBERY AND UNTIL [REDACTED] AND [REDACTED] LEFT ALTON FOR CALIFORNIA SHORTLY AFTER BR.

44-38861-5001

AUG 12 1968

INFORMANT FURNISHED NAMES OF [REDACTED] AND [REDACTED] AS PERSONS WHO POSSIBLY HAVE INFORMATION CONCERNING ACTIVITIES

59 AUG 12 1968
END PAGE 1

SLK
a leg

Chairman STOKES. Proceed, counsel.

Mr. SPEISER. Mr. Ray, I don't intend to dwell on this area, and in response to Ms. Kennedy's objection, I would just like to point out that we are asking these questions based on information that has come to our attention.

Now it is not incumbent upon us—on each occasion—to present you with the source of our information; and I am suggesting to you that with respect to this Bank of Alton robbery we do have information that you partook in that robbery with your two brothers.

Now, unfortunately, I am not at liberty to disclose the source of that information, but I am asking you here, and giving you an opportunity to admit or deny your participation in that bank robbery.

Now I want to advise you—and I am not playing games and I am not trying to trick you—that we have received information that perhaps you and your two brothers partook in that robbery.

Now I will ask you one last time, and we will move on to another area: Did you partake in that bank robbery?

Mr. RAY. I'd be committing perjury if I said yes. I definitely didn't.

Mr. SPEISER. And you have no information which would indicate that James partook in that robbery,—

Mr. RAY. There is no way I can know.

Mr. SPEISER [continuing]. Or John?

Mr. RAY. The only information I got is what I had put on the record, that shows James didn't rob that bank.

Mr. SPEISER. And you have no information that John partook in that robbery?

Mr. RAY. No.

Mr. SPEISER. OK. At this point I would like to switch to one other area of concern, and that concerns one other bank robbery that transpired subsequent to James Earl Ray's capture.

Now in anticipation of Mr. Pepper's objection as to the relevancy of this line of inquiry, I would like to state again that we have two sources of information, and I will disclose their identities to you, Mr. Ray, that you partook in this robbery which took place subsequent to the capture of James Earl Ray.

Now, the reason why I am confronting you with this is that I want to find out whether you are telling me the truth or not concerning this robbery, and I think that this serves as a good indicator as to whether or not you are being truthful with me with respect to the Bank of Alton robbery.

Now if I may begin at this time—this concerns the Farmers and Traders State Bank of Meredosia. Are you familiar with Meredosia?

Mr. RAY. I know where it's at. I know where it's at, because it's not far from Quincy, Ill., and I used to live in Quincy.

Mr. SPEISER. Did you partake in a robbery of that bank on January 28, 1970?

Mr. RAY. Definitely not.

Mr. SPEISER. Do you know a James Rogers?

Mr. RAY. Yes, I heard of Jim Rogers.

Mr. SPEISER. Do you know a Mr. James Rogers?

Mr. RAY. Yes; he hung around the Grapevine a lot.

Mr. SPEISER. Did you partake in the robbery of the Farmers and Traders State Bank with James Rogers?

Mr. RAY. Definitely not.

Mr. SPEISER. James Rogers has told this committee that he was involved in that robbery with you. Are you saying that James Rogers is lying?

Mr. RAY. What is James Rogers—what kind of—is he a reliable character witness, or what?

Mr. SPEISER. I'm asking you, is Mr. Rogers telling us the truth or not?

Mr. RAY. If he told you that, then he is a professional liar, telling you something like that.

Mr. SPEISER. According to Mr. Rogers—now, again—

Mr. RAY. Is he an FBI informant? Is he an ex-con, or what is he doing?

Mr. SPEISER. I don't think it is necessary for me to comment on that. Mr. Rogers has advised this committee that he and three other people partook in that robbery.

Ms. KENNEDY. Mr. Chairman, could I ask to know when this advice was first available to this committee?

Chairman STOKES. Yes; you can ask that question. I think we can provide that.

Counsel, will you provide Ms. Kennedy with the information she just requested? Do you have that available?

Mr. SPEISER. I'm sorry. I missed a question.

Chairman STOKES. The question was, could the committee provide her with information as to when the committee was first advised by Mr. Rogers of his participation.

Mr. SPEISER. Ms. Kennedy, I do not have the date at my fingertips, but I can tell you that Mr. Rogers testified in executive session under oath within the last several months on the point that I am confronting Mr. Ray with.

Now I don't want to go into Mr. Rogers' credibility or lack thereof at this time, but this is Mr. Ray's opportunity to admit or deny whether he partook in that robbery and advise me as to whether or not Mr. Rogers is telling the truth.

Now, that's all I am asking.

Ms. KENNEDY. All right. I just want one other thing: Can you say whether or not, prior to the executive sessions of this committee, this intelligence was made available to any branch of government, including but not limited to Federal authorities—for example, the FBI—or whether or not this is 10 years after the fact, or 12 years, and that's the first time?

I just want to know the very first time Mr. Rogers made these accusations, if you know, sir.

Chairman STOKES. The Chair would rule that counsel's question is not pertinent, is out of order.

Counsel may proceed.

Mr. SPEISER. Mr. Rogers has advised this committee that he partook in that robbery with you, John, and a Ronald Goldenstein. You have no recollection of partaking in that robbery?

Mr. RAY. I don't have no recollection because I definitely didn't do it.

Mr. SPEISER. A Mr. Ronald Goldenstein also has advised this committee that he partook in that robbery with Mr. Rogers, you and John. Again, this robbery is barred by the statute of limitations and you are testifying under immunity.

Mr. RAY. Yes, I know. If I robbed that bank, I would admit it and go around bragging about it, because I could outsmart the FBI and Efreim Zimbalist, Jr. Then I would just brag about it, wouldn't be ashamed of it.

Mr. SPEISER. At this point, Mr. Ray, I would like to focus your attention on the charts that are set up on the easel over there, which, as you heard our chief counsel in his narration, depict travels and statements of James Earl Ray during the period he was a fugitive, statements by him as to when he allegedly met with Raoul, and statements by him as to when he was going to meet with his brother.

I would just like to ask you a few questions concerning possible meetings between you and James during the period that James was a fugitive.

Chairman STOKES. Can the witness see those charts from where he is sitting?

Mr. RAY. Yes, I can see them.

Mr. PEPPER. Mr. Chairman, is counsel referring to a particular chart?

Chairman STOKES. I think when he frames his question he perhaps will identify it.

Mr. SPEISER. Referring to the first chart on the left—

But before I address myself to that, I believe you testified that prior to mid-July 1967 you met with James twice?

Mr. RAY. Two or three times, maybe three times. I'm not positive.

Mr. SPEISER. Well, how many times in total did you meet with James between the time you escaped and the time he was captured?

Mr. RAY. Three or four times. I'm not positive.

Mr. SPEISER. Where did you meet him?

Mr. RAY. A couple times we met in a bar in Northbrook, Ill. I can't remember the name—I think I told you the name in the secret testimony—and one time in Chicago.

Mr. SPEISER. Do you know that James went to Canada while he was a fugitive?

Mr. RAY. I'm trying to think. I didn't know he was going to Canada. I knew when he came back.

Mr. SPEISER. Did you see James when he came back from Canada?

Mr. RAY. Yes.

Mr. SPEISER. How many times did you see him once he returned from Canada?

Mr. RAY. Just that one time.

Mr. SPEISER. And you saw him a couple of times before?

Mr. RAY. Yes; before he went to Canada, when he was working at the restaurant. I think it was a restaurant.

Mr. SPEISER. In addition to those approximately three meetings, did you have any telephone conversations with James?

Mr. RAY. That's how the meeting would take place. He'd call up and have me meet him at this bar in Northbrook, Ill.

Mr. SPEISER. I can't understand you.

Mr. RAY. I say, this is how the meeting took place. He'd call me up at work and we would meet up at this bar in Northbrook, Ill.

Mr. SPEISER. In addition to the meetings that you had with James Earl Ray and the telephone conversations setting up those meetings, did you have any additional telephone conversations with Mr. Ray? Specifically, I am talking about after that last time you met him, when he came back from Canada.

Mr. RAY. I think he called me two or three times.

Mr. SPEISER. Called you two or three times?

Mr. RAY. Two or three times.

Mr. SPEISER. Did he indicate where he was when he called you?

Mr. RAY. The last time I talked to him was about 4 months, approximately 4 months before King got killed, and I thought he was calling from Texas; but later he told me it was New Mexico. I knew it was in a bar, because I could hear the jukebox, and the call was under 3 minutes and just a friendly talk, you know, asking how my old man was and asking about Carol and John and everybody, because I was the only contact he had with the whole family.

He said he was working then. It was just a friendly talk, and that's the last time I ever heard from him until he got back to Memphis.

Mr. SPEISER. You have only enlightened me on one telephone call. You said there were several?

Mr. PEPPER. Mr. Chairman, the witness did not say there were several.

Mr. RAY. I say there might be two or three, but that's the only one I can remember because after all this stuff came out, everybody was questioning the last time I talked to him—the last time I talked to him—and that's the last time I talked to him; and I say he might have called a couple more times, but I can't actually remember; I can't remember conversations, but I can remember the last call he made.

Mr. SPEISER. According to the first chart, on August 4, 1967, James told a female acquaintance of his at Gray Rocks that he was going to meet his brother in Montreal.

Ms. KENNEDY. Excuse me. Could we have the copies of the material on those charts? Do you have that?

Mr. SPEISER. Yes.

Ms. KENNEDY. I would appreciate it.

Mr. SPEISER. Would the clerk please furnish Mr. Ray and his counsel with copies of the charts on the easel?

On August 4, again, your brother James told a female acquaintance that he was going to meet his brother in Montreal. Were you that brother? Did you ever meet James in Montreal?

Mr. RAY. Only time I ever met him was just like what I testified to. All this stuff up there is false. I don't mean false. He probably told them that—them that—and he just using the brother thing for the Raoul thing, I guess; because there is no way—even the FBI files I turned in. I was working every day. I never missed a day up there. I couldn't have met him all those places unless I am a bionic man.

Mr. SPEISER. Your testimony is that you did not meet James in Montreal?

Mr. RAY. No; definitely no; no, no.

Mr. SPEISER. Did you ever meet James in Toronto?

Mr. RAY. No.

Mr. SPEISER. Did you ever meet him in Ottawa?

Mr. RAY. The only place I ever met him was in Chicago, and Northbrook one time.

Mr. SPEISER. Did you ever furnish James with any money during the period following his escape from Missouri State Prison, leading to the point that he was captured in London?

Mr. RAY. No, definitely not, and there was never no money transmitted between us two. I didn't give him any; he didn't give me any.

Mr. SPEISER. You made the statement just a moment ago that James may have used that Raoul thing as reference to his brother. What did you mean by that?

Mr. RAY. I think—

Mr. PEPPER. Excuse me, Mr. Chairman. That wasn't the statement.

Ms. KENNEDY. Misstatement of his testimony.

Mr. PEPPER. That was not the statement. What the witness did say was that James may have referred to his brother instead of to Raoul.

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

Mr. SPEISER. Every time James was referring to Raoul, was he referring to you?

Mr. RAY. He couldn't have been referring to me, because I was working, and there is no way I could have met him those places if I wanted to, unless I quit my job and went with him.

Mr. SPEISER. You are not the Raoul that James has alluded to?

Mr. RAY. Definitely not. The Raoul—Raoul is still out there. I think if they checked hard enough he'd furnish the committee with phone numbers; and I even did some checking out on trying to run this person down. I went to New Orleans for him, and Miami Beach, and I believe you had one of the guys, that was Raoul, was Randy Rosenson, was up there before. We had to do our own checking.

Mr. SPEISER. Was Raoul a code name? Was that the real name of the individual?

Mr. RAY. You know, there is no way he knows; the guy just calls him Raoul, like he called himself Eric Galt. That wasn't his name.

Mr. SPEISER. Did you ever meet your brother James in Birmingham?

Mr. RAY. No.

Mr. SPEISER. You were not with James when he purchased the rifle on March 29, 1968?

Mr. RAY. The only times I was ever—seen James—was ever in personal contact with him, except for the two or three phone calls

he made, the only meeting face to face was in Northbrook, in Chicago, a couple of times in Northbrook, once in Chicago.

Mr. SPEISER. Percy Foreman has testified before this committee that James told him that you were with James on March 29, 1968, when James initially purchased the rifle which he subsequently changed. Were you with James on that occasion? I ask you again.

Mr. RAY. Definitely no, and Percy Foreman—I would take an FBI informant's word over him, because he is a professional liar; and I think even the committee trapped him in lies, and he is a complete liar.

Mr. SPEISER. James has testified that—James has indicated, and so has the owner of the Aeromarine Gun Shop that James returned the gun because he said his brother told him he bought the wrong rifle. Were you that brother?

Mr. RAY. Definitely not. I never was out of Chicago. I was never down in Alabama, wasn't in Canada, wasn't in Alabama. I was working—records, this would be in my work records.

Mr. PEPPER. Mr. Chairman, as the witness has said again and again, his work records will verify where he was during these periods in question, and the committee only has to subpoena these.

I imagine that the committee in its diligence has already acquired the witness' work records and should have the answers to these questions.

Mr. SPEISER. For your enlightenment, the work records are no longer in existence, Mr. Pepper. That is why I am asking Mr. Ray these questions.

Mr. RAY. Well, they was, they was back in that time, because the FBI went out and checked them all, and it seemed that I had worked every day for 3 years, never missed a day.

Mr. SPEISER. May I proceed with my question? I think your point is well taken.

Mr. RAY. No, definitely not; I wasn't in Canada, wasn't in Alabama, no place except Northbrook and Chicago, 9 months before the assassination.

Mr. SPEISER. Did you receive a telephone call from James on April 3, 1968, the day before Martin Luther King was killed?

Mr. RAY. Definitely not. The last time I talked to him was 4 months before King got assassinated.

Mr. SPEISER. George McMillan and author William Bradford Huie had both indicated that on April 3, 1968, according to interviews they had with you, that you told them that James called you and said: "The big nigger has had it."

Mr. RAY. I talked to William Bradford Huie. The committee has got a tape, I think. Mark Lane had me tape him when he was offering \$200,000 to get in to see James. So, I asked Huie over there, I said: "Why do you make a statement like that in the paper, that I had told him, or James had told him?" He said: "I was misquoted." He said: "I didn't actually say that; I was misquoted."

So, Huie, Percy Foreman and McMillan they will say any kind of a story to sell a book. Foreman is trying to save his reputation for selling him out. So, you can't put no stock in anything Foreman says, Percy Foreman or Huie.

Mr. SPEISER. Do I understand you responding that you deny ever making those statements to Mr. McMillan and to Mr. Huie? I am just asking, do you deny making those statements?

Mr. RAY. I definitely deny saying anything to Huie like that. I got—Huie admitted that he was lying—he didn't say he was lying; he said he was misquoted. Foreman never did say anything like that to me, and McMillan—I don't know what McMillan is writing.

Mr. SPEISER. I have one last—

Ms. KENNEDY. Just before you pass to the next question—Mr. Chairman, would it be possible for the witness to have the entire testimony of Percy Foreman and William Bradford Huie—if either of them has testified in executive session before this committee—could we have those statements for this witness?

Chairman STOKES. I don't believe there was an executive session. Mr. Foreman testified in open hearing, and that will be available to you, Ms. Kennedy. And Mr. Huie, I do not believe has testified—was interviewed but has not testified in executive session.

Ms. KENNEDY. All right. May I then—

Chairman STOKES. The interview, of course, can be furnished to you.

Ms. KENNEDY. Thank you, sir.

Now, may I then request that the statement from which counsel has quoted, whether it be—well, it may be an article that William Bradford Huie wrote—if such an article is being relied on—would it be possible for this witness to have access to the entire article, or writing, or statement, or testimony of William Bradford Huie.

Chairman STOKES. He would be entitled to that, and may have it.

Ms. KENNEDY. Thank you, sir.

Chairman STOKES. Certainly.

Mr. RAY. Did the committee ever get this letter that James wrote to me, and I think he sent a copy to Mark Lane and a copy to the committee, about Percy Foreman? That is where I point out about Foreman not waiving his—whatever you call it—the legal thing—

Mr. SPEISER. In the spirit of cooperation, Ms. Kennedy, to show you that we are not trying to impede this investigation, but cooperate, I have a summary that we prepared of our interview with Mr. Huie, which has been marked as MLK exhibit F-613, which I shall request be entered into evidence at this time and be marked and entered into the record, and a copy be furnished to counsel.

Ms. KENNEDY. I very much appreciate a summary, but I should very much like to have the entire testimony, if I may.

Chairman STOKES. The Chair has already indicated that counsel can be furnished with the entire copy.

Ms. KENNEDY. Thank you, Mr. Chairman.

Chairman STOKES. And, without objection, the present exhibit is entered into the record.

[The information follows:]

Select Committee on Assassinations

U.S. House of Representatives

WASHINGTON, D.C. 20515

Date

6/28/78

220575

KING Doc. # _____

Doc. Index Subject Incoming

Correspondence

Cross Index Ref.

<u>JEREMY AKERS</u>	<u>ARTHUR HANES</u>	_____
<u>MARLIN RISINGER</u>	<u>RAMON DEL RIO</u>	_____
<u>WM. BRADFORD HUIE</u>	_____	_____
<u>J.B. STONER</u>	<u>MUSTANG</u>	_____
<u>JER</u>	<u>GRACE WARDEN</u>	_____
<u>JOHN RAY</u>	_____	_____
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<u>AERONAUTIC</u>	_____	_____
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4

REPORT ON HSCA INTERVIEW WITH WILLIAM BRADFORD HUIE
 APRIL 10, 1978, HARTSELLE, ALABAMA

To : Gene Johnson, Mike Eberhardt
 From : Marlin Risinger
 Date : April 21, 1978

220575

Jeremy Akers and I interviewed Mr. Huie at his home in Hartselle, Alabama, on April 10, 1978. The interview lasted approximately six hours. The information which Mr. Huie provided is set forth below.

Jerry and John Ray

- JOHN met with Ray the day before the escape from Jeff City and discussed the plan. Huie thinks John may have given Ray some cash. Huie says this was the last time John saw Ray until after the arrest in June, 1968. Huie minimizes any connection between John and James Earl Ray.
- Huie has no knowledge of any relationship between any of the Ray family and J.B. STONER before the assassination.
- JERRY met with Ray only a few days after the escape, before Ray arrived in Chicago, and gave him the pistol which Ray says he got from an unidentified friend just before leaving for Canada. Huie doesn't say where this meeting took place. Ray says he got the pistol from a friend in E. St. Louis. Huie told us several times that he got this story about Jerry and the pistol from JOHN.
- JERRY told Huie that James Earl called him the night before the killing and told him that "Big Nigger" had had it. Huie says Jerry told him this in Huntsville in November, 1968. He recalls that he and Jerry were drinking that evening, but he doesn't think Jerry was drunk or unaware of what he was saying. Huie insists, however, that he did not believe Jerry's story then and does not believe it now. Huie thinks that Jerry will say anything for a few bucks, but that he really doesn't know anything about the case.

(Note, throughout the interview Huie insists that he does not think JERRY knew anything about the killing. It appears from

his earlier and his current remarks that he really does think that Jerry was in close contact with James Earl during this time. His present denials do not seem very convincing.)

- JOHN told Huie in Memphis at the time of the Guilty Plea that James Earl was "crazy about niggers."

- Although he was extremely hesitant, Huie finally acknowledged that FOREMAN told him in 1968-69 that Ray was making all the remarks that Foreman attributes to him in the 1974 deposition. These remarks include -

- Ray left the gun at Canipe's so the boys at Jeffy City would know he had killed King.
- Ray made up Raoul.
- Ray returned to Atlanta after purchasing the rifle in Birmingham.

Huie doesn't remember, however, that Foreman told him that JERRY was with him at Aeromarine.

- Huie says he doesn't have any opinion about MCMILLAN's story that Ray met with JOHN and JERRY in Chicago shortly after the escape and discussed the pornography business. Huie doesn't seem to think too much of the pornography theory.

- Ray did tell Hanes that he stopped in Birmingham for an hour and a half on the way back to Atlanta after the assassination. Hanes did not ask Ray and questions about the stop, and evidently Huie did not instruct Hanes to ask him. Huie tried to locate someone in Birmingham who could substantiate the stopover, but he was unsuccessful.

- Huie never had any proof that Ray met with JERRY in Detroit or Gary, Indiana, after the assassination. He says he told the Grand Jury this only because he figured Ray probably did make such a contact. (Typically, this undermines Huie's claim that he does not think Jerry had any foreknowledge of the crime.)

J.B. STONER

Huie acknowledges that he has no evidence that shows STONER had any relationship with a member of the RAY family before the assassination. Huie argues, however, that if anyone were involved in a conspiracy to kill King, it would have been Stoner. He offers three reasons for his feelings.

- Ray spent time in Atlanta, near Stoner's h.q.
- Stoner contacted Ray immediately after the arrest.
- Stoner developed a relationship with Jerry after the arrest.

STONER (cont.)

Huie says that Ray "could" have met with STONER in Birmingham in 1967. Again, he has no evidence.

- Huie says that there are three people who may possibly have had some foreknowledge of the killing: STONER, JERRY, and JOHN.

(It should be noted that Huie freely acknowledges that he and STONER have had a life-long feud over politics and ideology. Huie considers Stoner to be the most dangerous and violent racist in the country.)

ARTHUR HANES

- Huie says that it would be presumptuous of him to assume he knew everything that passed between HANES and Ray. He says, for instance, that he did not know of the change in the contract which Hanes and Ray made in September, 1968. Regarding the "facts of the case," however, Huie figures that he knew everything that Hanes knew, since this full exchange of information was what the contracts signed by Hanes, Huie, and Ray stipulated.

- Huie denies that Ray told HANES the "white sheet story" as a joke. Ray told Hanes this in dead seriousness, and he repeated it to FOREMAN. Huie claims that this was the only story Ray ever gave to his first two attorneys. He does not know when Ray first began to change his story from this version to the gas station version, but he insists it was sometime after the Guilty Plea.

- Huie recalls that the first time Ray ever lied to HANES or him was when he claimed he drove straight from Birmingham to Memphis, instead of returning to Atlanta. Hanes and he knew Ray was lying for several reasons.

- They were unable to locate the motels.
- A reporter (for the Times?) found a laundry slip and a restaurant check which placed Ray in Atlanta after 3/30/68.

- Huie claims that HANES knew that the FBI had tape recordings of some of King's sexual affairs. Although Hanes did not have the tapes in his possession, he intended to get them and use them in the trial to show that a jealous husband may have had a better reason for killing King than Ray had.

- Ray told HANES that he test-fired the 30.06 rifle on the

road to Memphis, somewhere near Corinth, Miss. He says that this doesn't mean that Ray drove to Memphis from Birmingham, since Corinth is on the road from Atlanta as well. As far as Huie knows, Hanes never asked Ray why he fired the rifle if he had no intention of killing King.

- Ray also told HANES that he stopped in Birmingham for an hour and a half during the drive back to Atlanta after the assassination. For some reason, Hanes did not ask Ray why he stopped there, and Huie did not instruct Hanes to ask him. Huie says that he never was able to confirm this stop.

- One of the HANES may have the road maps which Ray filled in for Huie. Huie says that Hanes, Jr., probably has some of his files.

- Huie minimizes the amount of investigating HANES did for the case. Hanes was interested in defending Ray, not in finding the truth.

PERCY FOREMAN

- Huie tells us, after persistent questioning, that FOREMAN told him in 1968-69 that Ray was confessing to him the same details that Foreman later outlined in the 1974 Deposition. (see p.2, under "Jerry & John")

- Huie says he told FOREMAN in November, 1968, that Ray was guilty and that there was no money in the case. Huie figures that the reason Foreman made the mistake of accepting the case was that he was extremely busy and did not really think about what he was doing.

- Like HANES, FOREMAN never really conducted any investigation of the case.

- It didn't enter Huie's mind that there might be a Guilty Plea in the case until after FOREMAN became Ray's attorney. Huie suggests that Foreman's friendly relationship with BATTLE facilitated the Plea.

RAY AND RACISM

- Huie insists that Ray had a racial motive for killing King.

- Both brothers told Huie that Ray was crazy about blacks.

RAY AND RACISM (cont.)

- Huie talked to two women in St. Francis Hotel about the Rabbit's Foot incident. They told him that Ray was talking about racial attitudes in Alabama and worked himself into a tantrum.
- Huie located a prostitute in Mexico who remembered a racial incident in a bar (described in Dreamer).
- Claire Keating told him that Ray made some racist remarks. (described in Dreamer)
- Ray refused a transfer while at Leavenworth for racial reasons.
- Huie believes that Ray purchased the rifle in Birmingham because he wanted to focus the crime in the South, especially in Alabama. Huie guesses that Ray would have preferred to kill King in Alabama because of Wallace. Ray thought Wallace might be willing to pardon the murderer of a famous civil rights leader.

MISCELLANEOUS INVESTIGATIVE MATTERS

- Huie was never able to disprove the "6-day railroad story" of the escape from Jeff City.
- Huie never had any concrete proof that Ray was smuggling dope in Mexico. Luis Garcia, in Puerto Vallarta, never told him Ray was involved in the trade. Huie just assumed this.
- Huie says he has never heard the story which the Klingemans in Chicago told the FBI Huie had told them: i.e. that Ray had flown from California to Atlanta but had been told that the time was not right; and that Ray had intended to go to Mexico after the assassination and then double back to Canada to throw off the authorities.
- Huie doesn't know why Ray never cashed the Superior Bulk Film. Co. check.
- Huie says that Ray received mail in Birmingham in 1967, but he has no reason to think it was from Jerry. (Huie says in the Grand Jury testimony that this letter was from Jerry.)
- Huie can't explain the three-day gap from 8/21/67, when Ray allegedly crossed the Canadian border back into the U.S., and 8/25/67, when he arrived in Birmingham.
- The two women whom Huie says Ray knew in Birmingham in 1967 (Dreamer) were a dance instructor and someone else whom he

can't remember but who was not very important.

- Huie doesn't know anything about Ramon del Rio or the Mexican police investigation of Ray.

- Huie doesn't remember ever knowing anything about a connection between Ray and Florida. He doesn't remember ever being told by Hanes not to investigate the "Florida addresses."

- Huie writes in the Dreamer that someone other than Ray had a set of keys to the Mustang on April 4, 1968. He is unable to remember whom he had in mind.

- Huie cannot remember the phone call which he told the Grand Jury Ray received on the night of April 2, 1968. He says he doesn't even know where Ray was on that night.

- Huie doesn't think Ray got to Memphis until April 3, 1968, but he can't remember why he settled on that date for Ray's arrival in town.

- In the Dreamer Huie writes that Ray admitted to him that he was stalking King in Selma, Alabama. Huie told us that this "admission" consisted of Ray's neutral response to Huie's charge that he was lying about getting lost in Selma. When Hanes told Ray that Huie didn't believe him, Ray simply responded "O.K."

- For about one week during 1968 or 1969, Huie thought that the FBI might arrest a Greek in New Orleans who frequented the Le Bunny Lounge. As far as he can remember, he doesn't think that the man had anything to do with Liberto or Gulas. The man was never arrested, and Huie cannot remember who he was.

- In his first interview with HSCA (Spring, 1977), Huie said that Ray had contacted some woman in Canada other than Claire Keating. He tells us now that this woman was someone Ray had only corresponded with once or twice through a Lonely Hearts Club. Huie doesn't have any evidence that they ever met. Evidently this is the woman whose address Ray gave to the Canadian police when they stopped him for jaywalking.

- Ray told Kershaw that he agreed with Huie about the story of the fugitive period up to about 48 hours before the assassination.

- Huie was never able to identify a single criminal associate of Ray's during the fugitive period.

- Huie never spoke to anyone who substantiated Curtis' story that Ray expressed an interest in killing King for money while at Jeff City.

- The first artist's conception of the King assassination resembled Gus Prosche. Huie tried to find some connection between Ray and Prosche in Birmingham, but was unsuccessful. He also tried to find some connection between Ray and Ace Carter, Wallace's chief speech writer, but was unsuccessful.
- Huie never did learn the exact route Ray followed on his drive from Memphis to Atlanta after the assassination.
- Huie thinks that there definitely was someone in the Mustang besides Ray. How else explain the cigarette ashes and clothes that were too small for Ray.
- Huie never bothered with Grace Walden or Charlie Stevens, because by the time he got into the case both of them had told at least 5 contradictory stories.
- Huie figures that Ray probably did send money out of Jeff City to his family, but he has no proof.

THE HUIE FILES

- Huie doesn't know where his files are - probably with Hanes, Jr., McMillan, Frank, etc.
- Huie admits that some of the quotes in Dreamer were composites of the "20,000 Words" and things that Ray had told Hanes.

Miscellaneous

- Charles Edmondson, with the Commercial-Appeal in Memphis, worked for Huie at one time or another. Ray also had a Canadian reporter working for him.

Mr. SPEISER. Now, one last area of questioning, Mr. Ray.

One last area of questioning: At this point I would like to have marked and entered into evidence MLK exhibit F-594, and have the chairman mark that as part of the record, and that the clerk furnish you with a copy. That is MLK exhibit F-594. I want to ask you two questions pertaining to that document.

[The information follows:]

J. B. Stoner for United States Senator

STONER CAMPAIGN

501 CHEROKEE STREET
P.O. BOX 1211
MARIETTA, GEORGIA

Edward R. Fields,
Secretary

Phone (404) 427-0283

Hon. Jerry Ray

Dear

I guess you could call this a fan letter as I usually wouldnt waste my time writing writing to a couple of Jew Devils, but being you two are in mourning for them Eleven Jews that got done in by the Arabs in Munich then I figured that I owed you a letter.

The only reason the Jews has so much power is on account of there money but eventually the Jews push there luck a little to far, as iam sure you know the Jews has been run out of every country they have ever been in and they will eventually will be run out of the U.S. It might take another 50 or 75 years but the Jews are like the Nigger beast, give them a rope and they will hang themselves.

Iam sure when History is written my Brother James Earl Ray, and the Hon. Gov. George Wallace will be Heroes along side of JB Stoner.

Continued success with your show as you awaken people to the facts of the Jews.

The Jews are behind Women Liberation, Since the NAACP was founded a jew has always been the head of it, that Mangy Jew Devil Kivie Kaplan is presently President of the NAACP.

I got to mention that Sirhan Sirhan will also go down in history as a hero, although Robert Kennedy wasnt a Jew but he is worse he sold the Arabs out for the Jew dollar.

Robert Kennedy was worse then a Jew if thats possible, he framed up on Hoffa, and sold the Arabs out so I celebrated when he joined the rest of his kind in hell.

I hope you still have your Skull caps on, you might just as well as keep them on as I believe the Arabs wont stop at Elsenz.

Continued success and I hope you stay on indefinitely.

Your Fan
Jerry Ray

Jerry Ray

MLK EXHIBIT F-594

Mr. SPEISER. Can I question you about this letter? Mr. Ray, are we ready to begin?

Mr. RAY. Yes.

Mr. SPEISER. Does your signature appear on this document?

Mr. RAY. Yes, that is a true letter; I wrote it.

Mr. SPEISER. Now, was this letter sent to two TV personalities in Atlanta?

Mr. RAY. Micky and Teddy on Ring Radio.

Mr. SPEISER. Now I would just like to read one sentence from this letter: "I'm sure when history is written, my brother, James Earl Ray, and the Honorable George Wallace, will be heroes alongside of J. B. Stoner."

Why will James Earl Ray be a hero?

Mr. RAY. That letter was a joke. It was a joke. Mark Lane knows about it; me and Mark talked about it; it came out on Phil Donahue's show, Micky and Teddy was two Jewish reporters on Ring Radio, and whatever you supported—they called them the Joe Pine of Georgia—whatever you supported, they was against; and so they had never harassed nobody; they just harassed everybody.

So I went ahead and harassed them a little bit. It was just a joke letter.

Mr. SPEISER. Thank you very much.

I have no further questions, Mr. Chairman.

Chairman STOKES. The Chair is going to request that any further exhibits from which the witness will be questioned be furnished to counsel over the lunch recess period, so they may have an opportunity to see those documents during that period.

Ms. KENNEDY. Thank you, Mr. Chairman.

Chairman STOKES. The Chair thinks this would be an appropriate time for us to take the noon recess, and we will therefore adjourn until 1:30 p.m. this afternoon.

Mr. RAY. Before you take a recess, can I say one thing?

I don't know if this would be appropriate or not.

Chairman STOKES. I beg your pardon.

Mr. RAY. I don't know if you could put this in the record in the King exhibits, but I would like to show how the FBI and the committee also has been harassing me since 1968, and putting all these spies, hiring spies to harass me. And if there is some way for me to put this into the record.

Chairman STOKES. Is that a newspaper article?

Mr. RAY. Well, this Patterson—we also got documents he signed admitting that he was working with the committee and the FBI since 1968.

Chairman STOKES. I am saying, the document that you are asking us to put into the record, just tell us, is it a newspaper article?

Mr. RAY. Yes, sir.

Chairman STOKES. Can you give us the date of it?

Mr. RAY. Tuesday, August 8, 1978.

Chairman STOKES. Tuesday, August 8, 1978. All right, it may be appropriately marked as MLK exhibit F-624 and entered into the record at this point.

[The information follows:]

ST. LOUIS POST-DISPATCH

On Today's Editorial Page
Further Cases And The Public
Patterson's Role In
Martyrdom

Vol. 100, No. 217

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TUESDAY, AUGUST 8, 1948

15¢ /
Published Daily
Except on Sundays and
Holidays

Charges House Panel Hired Spy In Ray Case

By JO MANNING

Of the Post-Dispatch Staff
The House-Dispatch staff
confronted members of the Ray
Luther King Jr., says House investi-
gative committee today.
Ray's brother.
had said attorney Mark Lane, investi-
gator of the case.
securities — some time — for his official
duties.

Lane was in St. Louis on Monday for
the purpose of interviewing
documents and affidavits. In addition to
the charges about spying, Lane
said he had seen a copy of a letter
using illegal means to gain evidence
including wiretapping and theft, all as
part of a conspiracy to prevent a fair

"an acceptable news service. We will be
investigating," he said.
If publicly before the committee later
this week.
U.S. Rep. Harold S. Dwyer, a
member of the committee, denied
the charge.
his tradition in marriage for a definite
time of gain.

But he said Ray had been told that
he was being recruited to work
in Ray's sentence if Sawyer was given
any information that others were in
viewed.

Sawyer, dismissed the proposition, "It
is times to gain information," he said.
Such a deal is now almost impossible.

Sawyer said, because Lane "has just
come out of the door" if by discussing it
publicly.

The news conference was held in St.
Louis on Monday.
Field. Its primary aim, Lane said, was
to explain the case of Oliver Patterson,
alleged undercover agent for the com-
munist party.

Patterson said he had once been an
informant for the Federal Bureau of In-
vestigation.
committee to spy on James Earl Ray's
activities for several years.

He said his duties included telepho-

Patterson said he was told by Lane
to spy on Ray.
to spy — which is not true," he said.
something since about J. B. Stone, an
attorney who lives in Madison County
and is a sheriff's deputy there, could be
used to help Ray.

"The spying continued, Patterson said,
and that I was told by a FBI agent that
the undercover work "I was told that
I was being recruited to work for the
committee to spy on James Earl Ray's
activities for several years."
Patterson said he was advised by
Lane to spy on Ray.
homosexual and stated that his wife,
Lorraine, was a Communist.

See RAY, Page 3

Ray

■ FROM PAGE ONE

cover work but realized James Earl
Ray's guilt.
Ray's guilt.
section was after he said Lane learned
of Pope Paul VI's death. After a meeting
with the committee, he decided to "fill the
whole truth about the secret operation."
with this job, because the committee
owed him \$300 and was "just going to
write up the opening of mail, the
heirs, everything. I'm willing to take a
chance on it."

To lend credence to Patterson's as-
sertions, the committee has had a
talk to be recorded at conversation
with several persons, including Robert
Sawyer, who was a member of the
committee. Patterson had been directed to
"make" this information in the Times
last Monday.

But instead of being given a private
interview, Times reporter Anthony J.
room full of news cameras and report-
ers, many of whom he was being stalked
by.
Lane followed Marro out into the hall,
saying, "Don't you want to print the
truth?"

Lane believed that the incident was



NO JOKE; Attorney Mark Lane (center) Patterson of Black Jack and Susan Wood-
moff o joke at an otherwise serious press
conference 1972 Monday. With him are Oliver
Photo by Karen Elsbout

Washington to chase a few more."

Lane said he was disturbed with the
committee's actions.
written two books — "Rush to Judge
secret" and "Code Name Zero" — about
F. Kennedy. Lane concluded that "it
seems impossible for anybody to see
any other way."
associations seriously.

Ray says he has had several
statements who says he has had every-
thing from real estate to geriatrics,
and that he has had other matters to worry
about.
Because the keys for his life, he said,
day night "I don't know where I'll go."
he said. "But when it comes to includ-
ing them are going to get together."

permed his committee that "the staff of
the House committee panicked when
they learned that Ray had been
was sitting on. So they decided to set up
a secret meeting with The New York
Times.

Patterson said he knew nothing of
the meeting until he saw a copy of a
recent report by Russell E. Brett of
the committee.
arrange King's killing.
Ray says he has had several
statements who says he has had every-
thing from real estate to geriatrics,
and that he has had other matters to worry
about.

any information concerning the King
and his assassination, reported that Patterson
had never been asked by any work
about the case.
In a brief interview, Patterson said
with several persons, including Robert
Sawyer, who was a member of the
committee. Patterson had been directed to
"make" this information in the Times
last Monday.

But instead of being given a private
interview, Times reporter Anthony J.
room full of news cameras and report-
ers, many of whom he was being stalked
by.
Lane followed Marro out into the hall,
saying, "Don't you want to print the
truth?"

Lane believed that the incident was

Chairman STOKES. Do you have anything further, Mr. Ray?

Mr. RAY. No. No, sir.

Chairman STOKES. All right, then, we will see you at 1:30 this afternoon.

[Whereupon, at 11:50 a.m., the hearing was recessed, the select committee to reconvene at 1:30 p.m. of the same day.]

AFTERNOON SESSION

Chairman STOKES. The committee will come to order.

The Chair recognizes the gentleman from the District of Columbia, Mr. Fauntroy, for such time as he may consume.

Mr. FAUNTROY. Thank you, Mr. Chairman, and thank you, Mr. Ray, for again appearing before the committee, this time in public session.

As I indicated to you in executive session, and as the chairman indicated to you in opening this session, this committee is mandated to conduct a full and complete inquiry into the facts surrounding the assassination of Dr. Martin Luther King, Jr., and the questions which I am going to tend to you will be rather painless. They are just efforts to ascertain the facts as you know them to be, and will require in the main simple yes or no answers.

You and counsel have been provided with Martin Luther King exhibits F-599 and F-613 which I would like for you to look at right now. F-599 is notes of George McMillan, which were provided the committee by him, and F-613, as you see, is a report on the statements of William Bradford Huie.

In both of those statements the allegation is made that you, Jerry Ray, reported to them that James Earl Ray called you on April 3, 1968, and said that "the big nigger has had it," and your response to that allegation is, I take it, that you did not say that to either George McMillan or William Bradford Huie.

Mr. RAY. William Bradford Huie has done admitted that, he said he was misquoted. I called him on the phone, that's when he offered me \$200,000 to get in to see James, and I was asking him about that statement and he said he was misquoted.

Mr. FAUNTROY. So that the statement quoted in F-613 is not true in your view or in the view of—

Mr. RAY. That is definitely not true.

Mr. FAUNTROY. All right. You do admit that you did speak to both Mr. McMillan and Mr. Huie about your brother, is that true?

Mr. RAY. I never did speak to Huie about the murder of King, only business you know conducted about when I first seen him in November 1, 1968, about he give me the copy of all the contracts and he told me he didn't want James Earl Ray on the stand because it would mess up his books, and offered me the money, and but there was never no discussion of the crime, whether he was guilty or innocent nothing like that.

Mr. FAUNTROY. Were you aware prior to this hearing that Mr. McMillan had claimed that you said to him that your brother called you the night before the assassination and said that the big nigger had had it?

Mr. RAY. I think I read it in Time, excerpts of Time magazine.

Mr. FAUNTROY. Yes, he also makes reference to that in his book, "The Making of the Assassin," page 299, and you are here to testify categorically that you did not say that?

Mr. RAY. I don't ever remember having no conversation with him like that.

Mr. FAUNTROY. All right, and it is your contention that both Mr. Huie and Mr. McMillan are not telling the truth when they say that?

Mr. RAY. I know definitely Huie is completely—he said he was misquoted. He said he didn't say that so I don't know if he was telling the truth or if he backed off. I never did have no discussion with Huie at all concerning the murder of King or nothing about it, about the money or anything.

Mr. FAUNTROY. I see. All right, let's return to Mr. McMillan.

You have before you F-599, which is that statement given us by Mr. McMillan and his notes on conversations held with you. On page 28, giving reference to an interview he had with you on May 30, 1972, is it true that in late 1967 James Earl Ray told you that the big nigger was not going to be around many more months?

Mr. RAY. James Earl Ray never told me nothing like that.

Mr. FAUNTROY. So Mr. McMillan is not telling the truth there in your judgment?

Mr. RAY. In my judgment.

Mr. FAUNTROY. Because you know you didn't say that to him?

Mr. RAY. Yeah, I didn't.

Mr. FAUNTROY. All right.

Mr. RAY. I don't remember saying anything like that to him, and I know definitely James never did say anything like that to me.

Mr. FAUNTROY. On page 13 of that document, giving reference to an interview which he had with you or says he had with you on June 27, 1972, he states that "By the time James Earl Ray had left L.A. in March 1968, he knew he was going to kill Dr. King, and that it would occur in the South, preferably Alabama."

Did you say that—

Mr. RAY. No.

Mr. FAUNTROY [continuing]. To George McMillan?

Mr. RAY. No, I don't ever remember saying anything like that and I know definitely that James didn't call me because he never—I don't think he ever called me from Los Angeles. I didn't even know he was in California. The only place I knew he was at was Alabama.

Mr. FAUNTROY. All right. Mr. McMillan says on page 29, referencing an interview on May 30, 1972, that he had with you, that you indicated that James Earl Ray had planned to kill Dr. King in Selma, but that something went wrong. Is that true or false?

Mr. RAY. It's completely false.

Mr. FAUNTROY. All right. See, it is not difficult, is it?

Mr. RAY. No, it's pretty good.

Mr. FAUNTROY. Right. We have referenced both in executive sessions and here today the fact that bank records which were turned over to Mr. McMillan had entries which you made in them with respect to Eugene Straub.

Mr. RAY. Yes.

Mr. FAUNTROY. Is that true?

Mr. RAY. Yes, I—

Mr. FAUNTROY. What was the purpose of your having made those entries in the bank book which you turned over to Mr. McMillan?

Mr. RAY. Oh, he called up. I talked to him on the phone, and I was at my sister's house, Carol Pepper's, in St. Louis, and he called up the house and he has always been trying to get pictures of her of James, and plus he had all of her bank records. He came to Chicago and showed me all of her bank records, savings and loan or regular bank records, and it was his idea that she was financing James' travels, and so I told him, I said well, if you put something like that in your book she can sue because she can prove where her money went to, so then when he called at her house and I was there for a day or two, and so he wanted to know if I can get them pictures for him. He was more interested in the pictures at the time than the bankbook because he new she had pictures, she was the only one who had pictures of James when he was young and growing up, so he says, if you can find them pictures and I said I think I know where she keeps them, in a—not a drawer, one of them big trunks with a lock on it. And he says well, if you break it open and get in them pictures and get them bankbooks he says, I'll pay you for them, so I said OK.

I met him at the airport and to make it look good I just put a extra zero, extra one or something.

Mr. FAUNTROY. Is it your testimony now that you did not put the name of Mr. Straub right in the book?

Mr. RAY. I might have. I don't know if I did or—I think—yeah, I must have put it in there because Straub's—he wasn't on it. I think he had an old check for \$15 or something. He used to be the landlord I think where Carol lived at before, Carol Pepper, and so he probably just wrote his whole name in there.

Mr. FAUNTROY. All right. And the purpose for doing that was?

Mr. RAY. Just to throw old George McMillan off.

Mr. FAUNTROY. To do what?

Mr. RAY. Throw him off.

Mr. FAUNTROY. Throw him off?

Mr. RAY. Yes, because he had been—before he wanted me to get them pictures and the bank records and see if they matched up the one that he had got off the FBI, you know, from—

Mr. FAUNTROY. Were you trying to suggest to him that there was a conspiracy?

Mr. RAY. No, no, no. What he was thinking, what he has always been thinking is somebody in the family. He has taken the FBI line on it. Somebody in the family was, that James is sending money out to somebody, that he is making this money inside the prison which the prison officials, the warden or everybody says is impossible.

Mr. FAUNTROY. So you wanted to create the impression that your sister Carol was receiving the money and depositing it in the name of Straub. Is that what you were trying to do?

Mr. RAY. Yeah. Well, see, after a couple of months I know he'd find out it wasn't true anyway, and just throw his book off a little bit.

Mr. FAUNTROY. So you wanted to confuse him for a couple of months into thinking that she was actually financing or receiving the money from him?

Mr. RAY. Why I didn't think of all that then because it happened all at once. You know he called up and we talked on the phone. He wanted pictures and the bankbooks, and it just all came into line so I just wrote the guy's name down and put the money, put an extra 100 or 1,000 or whatever it was.

Mr. FAUNTROY. Yes; you recall as we showed you the record that it was an extra 2,000.

Mr. RAY. Extra 2,000.

Mr. FAUNTROY. In one instance, and an extra 1,000 in the other, and my question is, what impression were you trying to give him? I understand you to say you were trying to confuse him. How were you trying to confuse him?

Mr. RAY. Well, I figured his book had been, was supposed to have been out in 1969, and it was already up to about 1973 or 1974 and his book still hadn't been out and I forgot it would be along for another year or two.

Mr. FAUNTROY. So at that time you were trying to make him think that perhaps he was right, that the family was receiving money from Ray, from James Earl Ray, in jail, depositing it in the name of Straub?

Mr. RAY. Yes; but I knew he would find out after because, he had to find out because he can check the bank records.

Mr. FAUNTROY. Well, you said——

Mr. RAY. Yes.

Mr. FAUNTROY. You just thought it would work for a couple of months?

Mr. RAY. Yes.

Mr. FAUNTROY. You just wanted to confuse him?

Mr. RAY. Yes.

Mr. FAUNTROY. For a couple of months?

Mr. RAY. Yes.

Mr. FAUNTROY. All right, so that this was really a false source of money?

Mr. RAY. What he actually paid for though, what he was more interested in, was the pictures.

Mr. FAUNTROY. Yes, I understand that. You said that several times.

Mr. RAY. Yes.

Mr. FAUNTROY. I asked you a specific question. The question is that the entry there was a false source——

Mr. RAY. Yes.

Mr. FAUNTROY [continuing]. Of money?

Mr. RAY. Yes, a false entry, yes.

Mr. FAUNTROY. Yes, thank you.

Now I would ask that MLK exhibit F-614 be introduced into the record, and that the witness be shown a copy.

Chairman STOKES. Without objection, so ordered.

[The information follows:]

TELEPHONE CONVERSATION - FRIDAY, AUGUST 29, 1969

Re: Statement released in St. Louis by Jerry Ray.

ROBERT W. HILL

LARRY BRINTON (Reporter in Nashville)

Okay, it's picking up.

Okay?

Yes.

All right, now. This is the statement from, uh, that was given to KMOX radio station, and shall I go ahead and start with it?

Yes. Go ahead. And it's all right for me to tape this, right?

Sure.

Okay.

Certainly. I'm starting now. "In the spring of 1968, I was working with agents of the Federal Government, including Raol. They told me that I was helping them to supply arms and guns to Cuban refugees to overthrow Castro and the Communists in Cuba. The reason why I made trips to Mexico was in regard to helping the agents of the Federal Government to supply arms to Cuban refugees there to overthrow Castro. The Federal agents led me to believe that I was in Memphis in April for the same purpose. I knew that I was working with Federal agents. The way they had me passed across the Mexican and Canadian borders is only one thing that proved they were Federal agents. They got me across the Canadian and Mexican borders under circumstances which would have been impossible without the help of Federal agents. At a later time, if necessary, I will give more extensive proof about the Federal agents with whom I was involved. It is a known fact that agents of the Federal Government and the Mexican Police knew about my trips to Mexico and protected me there. Even William Bradford Huie admits that the F.B.I. and Mexican police knew all of my movements in Mexico. I knew nothing about King being in Memphis until after King had been killed. I could not argue with the Federal agents I worked for because they would have put me back in the Missouri State Prison at Jefferson City if I failed to take orders from them. I know that the Federal agents merely used me to be the fall guy when they killed King. I now realize that they had no interest in overthrowing Castro, and their whole purpose was to use me to cover up their own crimes. Two Federal agencies are guilty, and I am fully innocent. We hope that someone higher up in the government will come forward and expose the whole deal so that I will be freed from prison. If they don't, we have more information which we will release in the near future. I don't know what motive the Federal agents had for killing King. Ask former Attorney General, Ramsey Clark. Maybe he knows. In closing, I want to pass along a little message to Percy Foreman, Arthur Hanes, and William Bradford Huie. You three got your wish, but it's not over with yet. Before it is, the three of you will be ruined along with your friend, Ramsey Clark." That's the end of it.

I am not responsible for the statement given by Jerry E. Ray
450-530

7/3/69

And you don't know where the portion was deleted?

No, I have no idea what portion was deleted nor where it was in this statement. It was not used on the radio, I'm told, in St. Louis.

Do you know what it was about?

No. I have no idea what it was about.

Okay, I'll turn off the tape.

Mr. FAUNTROY. I want to show you a copy of a news release which you provided the media on August 29, 1969. It purports to be a statement of James Earl Ray that you released on his behalf, and I guess my question is, is that statement not what it was represented to be at the time of its release? Let's take a look at it. Do you have it before you?

Mr. RAY. Yes, I got it before me.

Mr. FAUNTROY. I am interested, for example—and let me just read this part of your conversation with Larry Brinton, a reporter in Nashville—you were quoted as saying:

In the spring of 1968 I was working with agents of the Federal Government including Raoul. They told me that I was helping them to supply arms and guns to Cuban refugees to overthrow Castro and the Communists in Cuba. The reason why I made trips to Mexico was in regard to helping the agents of the Federal Government to supply arms to Cuban refugees there to overthrow Castro.

And so forth. I will not take the time to read every line here because we read this together, did we not?

Mr. RAY. Yes.

Mr. FAUNTROY. In executive session.

Mr. RAY. Read the whole thing.

Mr. FAUNTROY. All right. Who in fact was the author of this statement?

Mr. RAY. I authored the statement.

Mr. FAUNTROY. And you released it to the press as a statement of your brother James Earl Ray, did you not?

Mr. RAY. Yes, yes.

Mr. FAUNTROY. When it was not true?

Mr. RAY. Part of it was true. I wrote the statement up and some I added to it from the information I had gathered from him on visits, and the only thing I put too much stuff in there that he didn't go along with about the Federal agents, and that he thought he was working for them but he didn't know that, and while I was giving definite statements and what he was just thinking, you know, that the FBI was controlling, you know, the movements of King and the killing of King.

Mr. FAUNTROY. All right.

Mr. RAY. But that was just of suspicion on his part, not, you know—

Mr. FAUNTROY. I see. Again I am after only the facts.

Mr. RAY. Yes.

Mr. FAUNTROY. Is it a fact that this note on the side of MLK exhibit F-614, which states, "I am not responsible for this statement, James Earl Ray," is that your brother's signature there?

Mr. RAY. That is his signature, yes.

Mr. FAUNTROY. Is that his statement?

Mr. RAY. That is his statement.

Mr. FAUNTROY. He therefore is disavowing this statement, right?

Mr. RAY. Yes, he disavowed the statement.

Mr. FAUNTROY. He did not write it?

Mr. RAY. He did not write the statement.

Mr. FAUNTROY. You wrote it?

Mr. RAY. I wrote it and took it out.

Mr. FAUNTROY. You reported to the press that it was his statement, right?

Mr. RAY. Yes.

Mr. FAUNTROY. Now I want to know what part of the statement pursuant to your last answer would—did James Earl Ray agree to.

Mr. RAY. Well, I wrote this statement up from all of my visits with him from 1968 on up to that time it was in 1970-71 when that statement—and from just our conversations I wrote it all up, you know, about he said, you know, where he was moved across the borders, and to Memphis, he didn't know King was going to be in Memphis and he was he said he thought the FBI was involved in it. He didn't know how it was involved in it, you know, in the murder of King, so I just took everything down from all of our conversations and then I wrote that up out of it.

Mr. FAUNTROY. And you believe it to be a correct representation of what Mr. Ray thought?

Mr. RAY. Yes.

Mr. FAUNTROY. Although he disavowed it in his own writing on the face of this—

Mr. RAY. Yes.

Mr. FAUNTROY [continuing]. Document. So now let me—

Mr. RAY. He agreed with some of it but some of it he didn't agree with?

Mr. FAUNTROY. Tell me what he agreed with.

Mr. RAY. Well, he agreed from 1968 on up that he thinks the FBI was involved in the King murder. He don't know how it was involved in it, whether, you know—but some way they is involved in it and he knows that. He don't think it now because if they wasn't they wouldn't be spending \$500,000 to keep him from getting to trial.

Mr. FAUNTROY. All right. Would he disagree? You said he disagreed with some of this; is that your testimony?

Mr. RAY. Yes, yes.

Mr. FAUNTROY. Would he disagree with the statement, "I was working with agents of the Federal Government including Raoul"?

Mr. RAY. I don't know. He thinks—he is suspicious about Raoul being either an FBI informant or something. He don't know. He can't figure it out. I mean a lot of people thinks he knows everything but he don't know probably as much as you do.

Mr. FAUNTROY. Yes. I want you to pay very careful attention to my questions because they are very pointed and very direct. You said that he would disagree with some of the things here. My question is "Would he disagree with that statement?" And an answer would be "In my judgment, yes," "In my judgment, no," and therefore why.

Mr. PEPPER. Mr. Chairman, there is another answer that the witness has already given, and it is that while James Earl Ray might have, might agree with the general thrust of his statement, he might disagree with the emphasis, with the affirmation. What the witness has stated is that he has made, he made a very clear specific allegation, "I was working with Federal agents," and he took that as his interpretation of what his brother was telling him.

His brother, on the other hand, was of the interpretation that he was apparently expressing a judgment or a belief or he had the suspicion. It was a question of nuance, not a question of whether or

not there was a belief that Federal agents were involved. I think that is the point the witness is trying to make.

Mr. FAUNTROY. Well, I thank you for helping the witness. Has your counsel properly represented your response to my questions specifically as to whether or not—excuse me, specifically as to whether or not the statement “I was working with agents of the Federal Government including Raoul” would be one on the basis of your recollections of your discussions with your brother he would agree with or disagree with?

Mr. RAY. Well, he wouldn't actually agree or disagree. He was suspicious that he was but he never did want to make no actual statement that he was because he figured that would hurt him so you could be suspicious of anything and it might turn out to be false so he didn't want to make those direct statements just out and out that he worked with the Federal Government or Federal agents.

Mr. FAUNTROY. Yes. And the second sentence, “They told me that I was helping them to supply arms and guns to Cuban refugees to overthrow Castro and the Communists in Cuba.” Do you think on the basis of your discussions with your brother, which discussions were the basis for your writing this and attributing it to him, that he would disagree with that statement?

Mr. RAY. I think he would disagree with that.

Mr. FAUNTROY. Thank you.

I am tempted to go through the whole document in that fashion but I will not, Mr. Chairman. I have been requested by my distinguished colleague from Connecticut to continue, and I think I will probably—you have read the entire statement, Mr. McKinney, and I think we see the pattern of answers that will come forth. I think I should move on.

All right, Mr. Ray, did you write this statement all by yourself?

Mr. RAY. Yes.

Mr. FAUNTROY. Mr. J. B. Stoner did not assist you in writing this?

Mr. RAY. I told you that in the secret committee.

Mr. FAUNTROY. That is right. I just want to make sure that we are tracking what we said before under oath.

Mr. RAY. Yes.

Mr. FAUNTROY. And this rather clear, sharp statement with well-constructed sentences was done by you?

Mr. RAY. Me and me alone.

Mr. FAUNTROY. And only you?

Mr. RAY. Yes.

Mr. FAUNTROY. You had no assistance—

Mr. RAY. No.

Mr. FAUNTROY [continuing]. By any other person, and that specifically Mr. Stoner did not help you draft this very careful statement?

Mr. RAY. No.

Mr. FAUNTROY. All right. Let me now turn to—

Mr. RAY. Yes.

Mr. FAUNTROY [continuing]. A number of other statements attributed to you relative to conspiracy to kill Dr. King about which we are anxious to determine what in your view is the truth, and so for

that reason I would like to refer you and your counsel to MLK exhibit F-606; I would also ask at this time that MLK exhibit F-606 be introduced into the record.

Chairman STOKES. Without objection, so ordered.
[The information follows:]

MLK EXHIBIT F-606

FD-36 (Rev. 3-22-64)

FBI

Date: 6/11/68

Transmit the following in _____
(Type in plaintext or code)

AIRTEL _____
(Priority)

TO: DIRECTOR, FBI. ⁴⁴⁻³⁸⁸⁶¹
(ATTN: FBI IDENTIFICATION DIVISION)

FROM: SAC, NEWARK (44-854) (P)

SUBJECT: MURKIN
(OO: Memphis)

1 Xerox copy given to OPR 8-21-79 with identification of FBI received through state document. PEN/smb

Re Newark teletype to Chicago dated 6/7/68, and Newark teletype to the Bureau, Memphis and Chicago dated 6/9/68.

Enclosed for the Bureau is a form newsletter bearing the heading, "The Royal Bank of Canada Monthly Letter."

For the information of the Bureau, JERRY RAY, subject's brother, was encouraged by Newark ~~_____~~ to travel from Chicago, Ill., to Camden, N.J., on 6/5/68, to visit her. This was their first meeting and JERRY RAY performed his travel by plane.

SK 6/13/68

RAY stayed with ~~_____~~ Camden, where ~~_____~~ has a room. The landlady for this room is ~~_____~~ who resides at the same location.

On 6/11/68, ~~_____~~ said to SAs JOHN E. OTTO and OLIN E. JESSUP upon his arrival on 6/5/68, JERRY RAY had with him the 5/3/68, issue of "Life" magazine, which contains a cover story re instant matter. He also had a second issue of "Life" which had New York City Mayor JOHN LINDSAY on the cover. That issue contained additional information concerning MURKIN.

- 4 - Bureau (Enc. 1) (RM)
- 1 - Memphis (Info)
- 1 - Chicago (Info)
- 1 - Newark
- (1 - 137-6829)
- (1 - 137-6826)

JEO/eag

(11)

6/11/68

REC-19

44-38861-4595

21
JUN 23 1968

KF

6/13/68

sdm

As he unpacked the magazines, JERRY RAY said to [redacted] "Just between you and me, I saw my brother right after he escaped. We had a meeting place where he would meet on my days off." RAY did not say if these alleged meetings occurred after his escape from prison or after the murder of KING. *Statement*

JERRY RAY also said he had visited his brother who owns a tavern in St. Louis, Missouri, after the assassination and before his first interview by the FBI. He stated that before the FBI contacted him, he saw the photograph of an individual identified as ERIC STARVO GALT with his eyes closed. He recognized this man as being identical with his brother JAMES EARL RAY.

JERRY RAY said if he told the FBI everything he knows, "with all of their resources" they would be able to "track him down." He stated, "I do not know where he is right now. I do not think I'll ever see him alive again." He explained his brother would probably not permit himself to be captured alive. JERRY RAY added that he did not want the subject apprehended because of the additional bad publicity it would result in for the RAY family. RAY further said he does not refer to the subject since the assassination by his real name but calls him STARVO or GALT. He did not explain why he does this.

RAY also said, "I tell the FBI only enough to keep them off my back." *Statement*

On 6/5/68, RAY speculated to [redacted] that the subject would probably flee the country to Mexico or Canada. He also said the subject was too hot for him to be in touch with now. *Statement*

On 6/6/68, [redacted] asked JERRY RAY if his brother shot KING. He replied, "This is his business. I didn't ask him. If I was in his position and had 18 years to serve and someone offered me a lot of money to kill someone, I didn't like anyhow and get me out of the country, I'd do it." *Statement*

Later the same day JERRY RAY commended to [redacted] even if the subject confesses to committing the murder of KING, he, JERRY RAY, would not agree with him. He did not further explain this statement, [redacted] advised.

RAY said he now carries a gun from his room to his car. He keeps the gun in the trunk of his car. When he walks

to his room from his car, he removes the gun from the car's trunk and takes it with him. He said he carries the weapon for personal protection.

RAY said the subject is a supporter of Presidential Candidate GEORGE WALLACE. He said the subject once drove a man to Alabama from possibly the California area so he could vote for WALLACE. He then identified this man by his photograph which appears in the 5/3/68, issue of "Life." It is noted ^{Lafayette} ~~that~~ said the magazine states this man's name is CHARLES STEIN. JERRY RAY, according to ~~the subject~~ ^{Lafayette} did not say when the trip to Alabama occurred.

JERRY RAY said he was considering moving his residence again to a place where the press and possibly the FBI would be unaware of. He also said he was thinking of beginning to use the alias of JERRY RYAN. He then displayed a new Illinois driver's license in the name of JERRY RYAN. He said he recently obtained that license for his own use. He did not further explain why he might change his address and begin to use an alias. He did not say he intended to leave his present job.

On 6/7/68, ~~the subject~~ ^{Lafayette} said on 6/6/68, she asked JERRY RAY if he thought his brother shot KING. RAY replied by pointing out if he were in his brother's position of having an 18 year sentence to serve once he was apprehended and someone offered him money to kill someone he did not like and thereafter be able to leave the country, he would do it. RAY further volunteered at this point the subject might have fled to Canada or Mexico. He did not say anything further about where he thought the subject was.

Then ~~the subject~~ ^{Lafayette} asked JERRY RAY where the subject got the money to buy instant white Mustang with. JERRY RAY replied, "They gave him part of the money. He put the money in a safety deposit box, but when he left, he drew it all out. It broke his heart to have to leave the white Mustang."

On 6/9/68, ~~the subject~~ ^{Lafayette} also said on 6/6/68, she recalled RAY commented the subject was paid either \$100,000 or \$500,000. JERRY RAY said this while ~~the subject~~ and he were discussing "if the subject killed KING. According to ~~the subject~~ JERRY RAY did not further explain his comment regarding the \$100,000 or \$500,000 sum. Neither PCI was able to extract a direct statement from JERRY RAY that the subject killed KING.

On 6/9/68, ~~the subject~~ ^{Lafayette} said she received a telephone call from JERRY RAY. He said he was calling to alert her, in

the event she did not know, the subject had been arrested. He also said he did not think the RAY family would have any difficulty obtaining a lawyer to represent the subject because he was certain several good ones would want the job because of the publicity they would receive.

JERRY RAY also told [redacted] he intends to visit the subject with his brother who owns a tavern in St. Louis when the subject is returned to the United States. *Supplement*

[redacted] received the impression from JERRY RAY that he did not know the subject was traveling as he was just before his arrest. *Supplement*

JERRY RAY also said he intends to travel to St. Louis, Missouri to confer with his brother who owns a tavern there within the next week. He said he will do this so he and his brother can agree on how they should handle inquiries from the Press. He said he might consult with an attorney himself so he would not mistakenly say anything in public which might be detrimental to the subject's case. *Supplement*

On 6/10/68, [redacted] advised she received on 6/3/68 an airmail special delivery envelope from JERRY RAY postmarked in Wheeling, Ill., on 6/1/68. The envelope contained a money order from JERRY RAY to [redacted] in the amount of \$40.00. The money order was about 8 1/2" long by 3 1/2" wide. The paper the money order was on was yellow in color and had a white edge. Across the bottom of the face of the money order was "PERSONAL MONEY ORDER" written in black letters. [redacted] said she could not recall noticing what kind of a money order it was. *Supplement*

[redacted] stated on 6/3/68 she cashed the money order at the First Camden National Bank and Trust Co. bank located in the 2800 block of Mt. Ephraim Ave., Camden, N.J. [redacted] accompanied [redacted] and put her name and the number of [redacted] account at that bank on the money order when it was cashed. *Supplement*

This money order represents one of several instances where JERRY RAY has mailed money orders or cash to PCI [redacted] for her personal use. It is noted for the Bureau's information JERRY RAY is apparently quite fond of [redacted] and this is probably the reason he sends her money. *Supplement*

The money order was enclosed in a four page form-type newsletter bearing the heading of "THE ROYAL BANK OF CANADA MONTHLY NEWSLETTER". Beneath this heading appears the information this newsletter represents Vol. 49, No. 5,

and the organization's head office is in Montreal. The newsletter is for May, 1968, and contains an article entitled "TECHNOLOGY AS A RAY OF LIFE". The article deals generally with the various aspects of technology's affect on contemporary living.

James
Defendant
Across the front of the newsletter is written in ink, "Look inside, I am at the post office and didn't have any paper." ~~James~~ said this is the only message from JERRY RAY which appeared in this piece of correspondence.

~~James~~ said she recalled receiving the communication containing the described newsletter after learning the subject had been in Canada prior to his apprehension. She said that JERRY RAY indicated to her during his visit he obtained and sent the money order from the Wheeling, Ill. area.

REQUEST OF THE BUREAU:

The FBI Identification Division is requested to process the enclosed newsletter for latent impressions and compare any of value which are developed with the subject's fingerprints.

ARMED AND DANGEROUS.

Mr. FAUNTROY. Two days prior to James' arrest in London on June 8, 1968, it is claimed by a female acquaintance of yours in this FBI interview that you, Jerry Ray, stated, when asked if James killed Dr. King: "This is his business. I didn't ask him. If I was in his position and had 18 years to serve and someone offered me a lot of money to kill someone I didn't like anyhow, and get me out of the country, I'd do it." This same acquaintance also alleged that you told her that James was paid a large sum of money. Is this true?

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

Mr. FAUNTROY. So that you had no reason to doubt—

Mr. RAY. I had no reason to doubt.

Mr. FAUNTROY [continuing]. That you told this lady and that this lady reported fairly accurately?

Mr. RAY. Might have.

Mr. FAUNTROY. What you probably told her, that had you been in jail to serve some 18 years, and someone offered you a lot of money to kill someone you didn't like anyhow, and get you out of the country, that you would have done it?

Mr. RAY. I might have said that.

Mr. FAUNTROY. I would like to refer you now to MLK exhibit F-615, which is your interview with the FBI on April 24, 1968, as reflected in a memo dated April 29, 1968, and on page 7 it reads in pertinent part and I quote it and you may follow it—

Mr. PEPPER. Would you repeat the page?

Mr. FAUNTROY. Page 7 of F-615.

Mr. PEPPER. Page 7?

Mr. FAUNTROY. Let me make sure because I don't want to mislead you in any way.

Did I say F-615?

Mr. PEPPER. Yes.

Mr. FAUNTROY. Do you have page 7?

Mr. PEPPER. You are numbering from the top on the left-hand corner?

Mr. FAUNTROY. I am sorry. It is at the top of the left-hand. Do you see that?

All right, read with me without talking aloud.

He related that he has no idea as to the present whereabouts of his brother, James, and believes that he is either dead or out of the country. He could offer no reason for James' alleged murder of Martin Luther King, Jr., but did say that James would have to have been paid for this murder.

Is it likely, Mr. Ray, that this report of an interview with you is accurate?

Mr. RAY. Yes, if the—it would probably be—most likely accurate, but I can't remember—

Mr. PEPPER. Excuse me a minute, Mr. Chairman. You are asking the witness to comment on the entire report, having quoted to him part of a paragraph on page 7.

Mr. FAUNTROY. Let me be specific.

Mr. PEPPER. My advice to the witness is not to comment on the veracity—

Mr. FAUNTROY. Let me assure counsel I was not asking the witness to give a judgment on the entire report, only on the statement which I read.

Mr. PEPPER. I appreciate that.

Mr. FAUNTROY. Thank you and I am glad you clarified that because I wouldn't want the witness to answer a question I didn't ask.

The question is, you were quoted here as relating to an FBI interview, that you had no idea as to the present whereabouts of your brother, and that in response to a question about if you could offer any reason why your brother might kill Dr. King, you did say that James would have to have been paid for this murder.

Is it your recollection that you said that?

Mr. RAY. I might have said that; that sounds like it.

Mr. FAUNTROY. Thank you. It is very easy. See, it is not so hard.

Let us go to F-616 which I ask to have introduced in the record at this time.

Chairman STOKES. Without objection, be it so ordered.

[The information follows:]

The Kansas City Star, December 30, 1973

St. Louis Link in Ray Case

By J. J. Maloney
A Member of the Staff

A St. Louisian is one of three men eventually to be named by James Earl Ray as principals in the assassination of Dr. Martin Luther King, Jr., Jerry Ray, brother of James Earl Ray, told The Star yesterday in a telephone interview.

Jerry Ray, now living in the Chicago area, has in recent years served as Ray's liaison with the media, and appears to be the person most trusted by Ray.

The St. Louisian, Jerry Ray said, is dead now—but the other two principals—one from Baton

Rouge, La., and the other from New Orleans—are alive and still live in those areas. Jerry Ray did not give names of the principals.

Asked if Ray's recent suit requesting a temporary restraining order to prevent his transfer from the Tennessee State Prison had anything to do with the decision to name principals, Jerry Ray said no. "Those are separate cases," he said.

"He started to release everything at once," Jerry Ray said, "then decided not to at the last moment. He decided it would be best to wait until he got a hearing in court."

"You are not the first to say it," responded Dayan. "I have thought myself about resigning."

For her last big campaign appearance last night, Mrs. Meir chose an audience of new Israeli immigrants from the Soviet Union.

She told them Israel genuinely seeks a lasting settlement with the Arabs at the Middle East Peace conference, but will "not accept peace at any price."

She said the Jewish state should halt its growing dependence on Arab labor from the occupied territories, and for this, Israel would have to make compromises in negotiations.

"We don't want a million Arabs doing the dirty work for us while we sit back like professors," she said. "This is a Jewish state."

The audience of about 3,000 applauded the speech loudly.

She warned that diplomatic and military assistance from the United States, Israel's chief arms supplier, would be jeopardized if the Likud bloc took power.

"If the Likud is elected and goes to Geneva, their plane tickets will be a waste of money because they will come back with nothing," she said.

In a suit filed in a federal court Thursday, Ray sought a temporary restraining order to prevent the state of Tennessee from transferring him to the U.S. Medical Center, Springfield, Mo., which, although primarily a hospital, includes the federal "Start" program, a controversial behavior modification program for inmates considered incorrigible.

"They're trying to transfer him to a damned federal prison," Jerry Ray said. "Although his is a state case, the feds have wanted him since he first got arrested."

One immediate result of transferring Ray to the Federal Bureau of Prisons is that he would no longer be available for interviews with members of the news media.

Departmental policy in federal prisons prohibits interviews with preselected inmates. This policy is the subject of suits pending by several newspapers.

Ray has co-operated with at least one author—William Bradford Huie—on a book about the King killing. As an inmate in a federal prison that plans for a future book that included contact with Ray would be subject to the approval or disapproval of the Federal Bureau of Prisons.



**This is the day
which the Lord
hath made; we
will rejoice and
be glad in it.**
PSALM 118:24

MLK EXHIBIT F-616

Mr. FAUNTROY. Mr. Ray, this is a report of an interview with the Kansas City Star which was published on December 30, 1973, and it is reported that you stated that a then deceased unnamed man from St. Louis and two other unnamed men from Baton Rouge and New Orleans were involved in the assassination of Dr. King.

Is it true or is it false that you stated this to the reporter in question?

Mr. RAY. I don't think so, but I can't make a positive statement because it just—I know this reporter named Maloney. He did time with James at Jefferson City.

Mr. FAUNTROY. So you talked with him?

Mr. RAY. I have talked with him before but I am almost positive I wouldn't tell him something like that though because it is untrue.

Mr. FAUNTROY. So that with respect to that story about a St. Louis link in the Ray case, the reporter did report it and your best judgment is—

Mr. RAY. That I didn't say it.

Mr. FAUNTROY. That you did not say it even though the reporter reported it.

Mr. RAY. I don't have no remembrance of that conversation.

Mr. FAUNTROY. Right, so you don't remember, and in any event, if you happened to have said something like that and the reporter reported it, it would not be true?

Mr. RAY. No, it is definitely not true.

Mr. FAUNTROY [continuing]. That you at that time believed that a then unnamed man from St. Louis and two other unnamed men from Baton Rouge and New Orleans were involved in the assassination of Dr. King?

Mr. RAY. That is right.

Mr. FAUNTROY. May I refer you to F-617? F-617, as you see, is a transcript from your previous testimony under oath in executive session to this committee on May 10, 1978.

You were asked the following questions and gave the following answers: Mr. Eberhardt said, on page 216, "In a Los Angeles Times interview on May 4, 1968, only 1 month after the assassination, you said if James Earl Ray did it, there had to be a lot of money in it."

In an ABC News interview on June 11, 1968, only 3 days after James Earl Ray's apprehension, you indicated that James Earl Ray probably was paid by a rich Southern group to implicate himself in the assassination of Dr. Martin Luther King, Jr.

You were then asked, do you recall making those statements?

Your reply was: yes.

Mr. Eberhardt then asked you, do you recall making the specific statement to the Los Angeles Times that if James Earl Ray did it there had to be a lot of money in it? Your reply was: yes.

Mr. Eberhardt then asked, then following, a question whether these statements were consistent with another allegedly made by you, you stated:

If he did it, because I didn't know any more about it than the average citizen, the only difference I knew was that he don't do nothing without money.

Mr. EBERHARDT. So, at that point in time it is conceivable to you that James Earl Ray would have been the assassin of Dr. Martin Luther King.

You replied:

He could have been involved in it in some way for the money, and at the time I figure it is even possible that he knew that King was going to get killed.

Do you recall having said those things to us in executive session?

Mr. RAY. I recall most of it. The only thing, let's see it was the last part you are saying, before I knew anything about the murder, you know, before it happened, my kind of opinion was that he was involved some way; I didn't know if he was unknowingly involved or knowingly involved, but I knew there had to be a lot of money involved in it before he would get involved in anything like that.

Of course, since the arrest I have learned that he was unknowingly involved in it and there wasn't no payoffs or nothing like that after the murder. When he set up the murder then he just took off on his own.

That is why he got caught.

Mr. PEPPER. Mr. Chairman, the esteemed member of the subcommittee has been questioning the witness with respect to speculative statements and judgments and opinions that he has reflected in the past and I wonder if you would ask for a clarification and make explicit the subject with respect to this interrogation so that we can ascertain its pertinency?

Chairman STOKES. Would Congressman Fauntroy comply with that request?

Mr. FAUNTROY. Mr. Jerry Ray's testimony before the subcommittee has, by these statements, suggested that in his view there may have been a conspiracy and that his brother possibly could have been involved in it.

Chairman STOKES. So you are exploring that avenue?

Mr. FAUNTROY. I am just exploring that because I have a very specific question and I want to make sure that we are, as we say in the vernacular, "coming from the same place."

Now, the place from which I am coming is the statement you made to the committee in executive session, as I presided, in order to refresh my memory, I looked at the statement and I just want to make sure that that statement is the statement he made and I think he has agreed that that is the statement with some explanation.

Mr. PEPPER. I appreciate then what the Congressman is saying, Mr. Chairman, is that he is laying a foundation for questions that are going to relate to the evolution of a conspiracy.

But what I am not clear about is whether or not the existence of a conspiracy for which you are laying the foundation for the questioning of the witness involves the witness himself or his supposition in terms of the existence of some kind of vague conspiracy in which his brother was involved.

Mr. FAUNTROY. I want to give him an opportunity, Mr. Chairman, to be more explicit.

Chairman STOKES. It would seem to me that Congressman Fauntroy has indicated as well as he can at this point the fact that he wants to explore, to what degree, if any, there was involvement of a conspiracy based upon statements made to this committee, or the subcommittee of this committee, in executive session.

It would seem to me this is an appropriate line of questioning.

Mr. PEPPER. Counsel will advise the witness to cooperate and to respond candidly to Congressman Fauntroy's questions, but wishes it to be noted on the record that we take exception and object to the line of questioning and consider it vague and not explicit enough, and not pertinent and in the realm of a fishing expedition.

Chairman STOKES. Counsel's objection may be noted.

Mr. FAUNTROY. And I hope that his client has also made note of it, because I want to get away from general speculations, and get down to some specifics, if anybody has them.

So that my question, Mr. Ray, is, was there a conspiracy to kill Dr. King and was James Earl Ray, if he was involved, motivated in killing Dr. King by money?

Mr. RAY. I believe there most definitely was a conspiracy and he was unknowingly involved in the conspiracy—I said I believe it was definitely a conspiracy and he was unknowingly involved in the

conspiracy and he don't deny that he was unknowingly involved in it and this is a suit he just filed against the Archives. They got all the Martin Luther King secret files locked up in the Archives and he can't get them out and he believes and I believe and Mark Lane believes if he wins this suit, and these secret files are released, it will show who actually did kill Martin Luther King.

Mr. FAUNTROY. But, pursuant to your counsel's advice, specifically can you say that there was a conspiracy?

Mr. RAY. No, the only way I could actually definitely say there was is if I was involved in it, and so the only thing I know is what he has told me, and he has drew me maps and when he was up here this last time and testified, they produced a laundry ticket saying he was in Atlanta, Ga., April 1. He drew me a map showing me where he was at April 1. He was at the Southern Motel in Corinth, Miss. on April 1 and I went down there and just before I went there the FBI went ahead of me and seized all the records.

So I don't think the FBI would be doing all this underhanded stuff if they wasn't involved in the murder of Dr. King.

Mr. FAUNTROY. I see. You have referenced your statement to the Kansas City Star reporter about three men who may have been involved. Do you think that they were involved, and again, if your counsel will allow, I am giving you the latitude to speculate, as I gave you the latitude to speculate about the FBI.

Mr. RAY. I don't know nobody in that part of Louisiana. The only person I ever knew about is James, who found a card, and I got the thing here with me, after this third party used a car one time, Raoul had one and another guy had a set of keys and he found this card with the name of Randolph Rosenson written on it and he had me to go to New Orleans and check it out and I finally got Richard J. Ryan of Memphis to check it out and we got a transcript and we checked him to Miami, Fla. We found he had an address in Miami, Fla., and John Auble of KSD-TV got a picture of him, but it wasn't the guy he was looking for. So the only guy I ever knew about in New Orleans was Randolph Rosenson and as for us guys in Baton Rouge, I heard—James was talking about checking this Thompson out, I think, but a lot of them guys I couldn't check out. I checked a lot of things out for him, but he was wanting me to check Baton Rouge phone numbers out and some St. Louis work and Miami, Fla., work, but, see, I can't remember all of that because whenever I would get it, I would turn it out all over to James.

I wouldn't make a copy. He's got it all at the prison.

Mr. FAUNTROY. I see, but specifically in answer to my question, you first of all did not say to the Kansas City newsman what he reported you as having said, namely that there were some persons in Baton Rouge and New Orleans who were involved and in specific answer to my question, you certainly do not believe that any such persons in New Orleans, save Rosenson, could have been involved?

Mr. RAY. I don't recall all that. The only thing I can remember that James did want to check out a guy by the name of Thompson—I think that was in Baton Rouge, and he said something about a Grady Parton, that was the guy that was connected with the Teamsters. He wanted to check both of these guys out and everything. I contacted Jimmy Hoffa one time and got informed.

off of him, but everything I got off anybody I turned over to James, and I don't have a copy of it. He's got it down at prison.

Ms. KENNEDY. Mr. Chairman, before we go any further on this Kansas City Star columnist, I only have a very, very poor copy and I would like someone to enlighten me from the original as to what it says beneath the byline of J. J. Maloney, because I don't know if the committee heard the witness indicate that this man is an ex-con who served time with his brother.

I am just curious to know, it says, "member of" and I am just curious to know what that is and whether this man was a regular columnist or syndicated columnist and how an ex-con was able to get a byline article in a major newspaper, if you know?

Chairman STOKES. With reference to that portion of the document, if there is a clearer copy of the document, Mr. Fauntroy, perhaps you can explain it.

I see no reason for us to go into the question of whether it is a syndicated or unsyndicated columnist.

Ms. KENNEDY. Sir, it only goes to the question of the extent to which the Government might have tried to build cover stories, sir.

Mr. FAUNTROY. Mr. Chairman, let me say my copy is equally as difficult to read with respect to the identification of J. J. Maloney. It says a member of something. But the fact is, and I am interested in the facts—

Chairman STOKES. It says member of the staff.

Mr. FAUNTROY. Of course, I am interested in the facts. Did he say it or did he not? He said he didn't say it, right?

Mr. RAY. It is possible I might have said something about Baton Rouge, but I mean I can't make no definite statement because I don't remember that interview.

Mr. FAUNTROY. Then your testimony is that you don't remember having said that in 1973, that somebody in St. Louis, and somebody in Baton Rouge, and somebody in New Orleans may have been involved in the conspiracy to kill Dr. King. You don't remember, do you?

Mr. RAY. It is possible I may have said something like that. I wouldn't make no definite statement saying they was involved, but I could have said they may have been involved because I was checking stuff out.

Mr. FAUNTROY. Now wait a minute. Let's go back just a moment. Now you are saying—

Mr. RAY. No, I am not changing my statement. I am not saying I made that statement because I don't remember making that statement.

Mr. FAUNTROY. But are you saying you may have made it?

Mr. RAY. There is always a possibility but I don't think I did.

Mr. FAUNTROY. Do you think if Maloney were to come and discuss this with you that it might refresh your memory as to whether or not you said that you thought somebody in St. Louis and somebody in New Orleans and in Baton Rouge may have been involved in the assassination?

Mr. RAY. I don't know. Mr. Maloney is not too credible either. He is an ex-convict and he even put out a story after James Earl Ray escaped from Brushy Mountains, that I was involved in the escape and I was down there to pick up and all of that, and this is right in

the paper in Kansas City and the warden looked at it and laughed. It was a joke to him. I was sleeping when James escaped.

So, Maloney, you can't put too much stock in him. He is an ex-convict like some of these other informants.

Mr. FAUNTROY. All right, Mr. Chairman, if it is all right I would like to proceed with other questions. Incidentally, we are talking to a number of ex-convicts and sometimes we get conflicting statements, and our job is to try to find out who is lying.

Ms. KENNEDY. Let me just for the record indicate this witness is not here on the basis of any record he may have and when a major newspaper has a columnist who is reporting this kind of thing, his legitimacy is in greater question than a person subpoenaed here and niggarded because he has been in prison.

Now, I want this committee to respect my client and I don't need assize on the fact he has been in prison. He doesn't deny he has been in prison. That is available to the FBI And the difference between his position and that of a person who is writing a column on somebody in the mass media seems to me to be extremely different.

Chairman STOKES. Proceed, Mr. Fauntroy.

Mr. FAUNTROY. Thank you.

Would the witness and his counsel kindly look at F-618, Martin Luther King exhibit F-601, and Martin Luther King exhibit F-615?

Mr. Ray, you were interviewed by the FBI on a number of occasions after James Earl Ray was identified as the alleged assassin of Dr. King. Isn't that correct?

Mr. RAY. Yes.

Mr. FAUNTROY. And at that time it appears that you did not tell them the truth and I want to make sure that before this record is closed that you have an opportunity to clear that up for me.

As you look at F-618 I would ask to have it introduced into the record at this time.

Chairman STOKES. Without objection, be it so ordered.

[The information follows:]

MLK EXHIBIT F-618

FEDERAL BUREAU OF INVESTIGATION

Date 4/26/68

1

JERRY WILLIAM RAY, who was present in the Chicago FBI Office, was requested to furnish his fingerprints, including sides and tips and palm prints. He was also requested to pose for photographs. He complied with both requests and also furnished handwriting samples.

Based on information furnished by the St. Louis Division, JERRY was questioned concerning the discrepancy as to the identity of his father and present whereabouts. He advised that JERRY RAYNES, Center, Missouri, was not his father and reiterated that his father was JAMES GERALD RAY, who died in 1951 at Hannibal, Missouri. He said that the information concerning his relatives and parents is correct to the best of his knowledge because it was told to him by his mother. He said that he is unaware of where CAROL PEPPER might have obtained her information since she left the mother's home in about 1956 when she was 15 years old. He then stated that prior to his father's death in 1951, he was employed by the railroad (identity unknown), and worked on a farm in the vicinity of Hannibal, Missouri.

He further related that all of the children left home upon reaching the age of 15 or 16 and there was very little family contact thereafter. When the parents separated in 1949, all of the younger children who were then at home went with the mother.

In response to a question as to the reason for his brother's commission of the murder of KING, JERRY advised that he was unable to furnish any reason. He went on to say that during the three or four time that he has talked with his brother in the last 15 or 16 years, JAMES never expressed any particular outward dislike for members of the Negro race. But JERRY did have the feeling that the subject was not particularly fond of Negroes.

4/19/68

Chicago, Illinois

CG 44-1114

On _____

File # _____

by SAs RENE J. DUMAINE
and ROBERT F. PEVAROUSE/lajDate dictated 4/23/68

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

JERRY said that he is not aware of JAMES' present whereabouts and has no idea where JAMES has been since his escape from prison. He said that he has not been contacted by JAMES in any manner. He classifies JAMES as a "loner" and does not know of any member of the family that JAMES would likely contact. The only occupation for JAMES that he is aware of is that of a baker, which JAMES learned in prison.

JERRY informed that he has only seen his brother once outside of prison and that was sometime in 1951. All of his other contacts with his brother have been when either he, JERRY, has visited his brother in prison, or JAMES has visited him while he was in prison. JERRY said that he has no knowledge of his associates other than WALTER TERRY RIFE, who was arrested with his brother and served in prison with him. WALTER RIFE is also known personally to JERRY since they both served time together in the Illinois State Penitentiary, Menard, Illinois. JERRY has no information as to the present whereabouts of RIFE and has not seen him since JERRY's release from prison in 1960. He is of the opinion that RIFE could have returned to Quincy, Illinois. JERRY also knows LONNIE RIFE since he did time in Menard with him, also. He said that the name of ROBERT JOENS was not known to him.

JERRY advised that to the best of his recollection, he never informed JAMES of his residence address; however, he has received mail from JAMES from prison addressed to Post Office Box 22, Wheeling, Illinois. JERRY said that he obtained this box so that his brother could write to him and that mail from the Penitentiary would not be going to JERRY's employment. He said that he has no reason to believe that JAMES would contact him. JERRY said that he feels that he would cooperate with the FBI in this matter but that it would take considerable thought on his part to turn his brother in. He said that he thought that if he was telephonically contacted by his brother, he would not talk to him but would hang up. JERRY was asked how his brother would know his phone number if he was not aware of his residence and employment. JERRY said that he has no reason to believe that his brother is aware of his phone number, that he never gave it to him and made the foregoing statement about a phone call merely as a matter of conjecture.

He said that he has no idea of the present whereabouts of his brother JOHN, stating that the last time he saw him was in February, 1968, at the McArthur Hotel, St. Louis, Missouri. He said that on this occasion, he and his brother went to their sister Carol's house and stayed until three or four in the morning. They both returned to the hotel where they had several drinks in the bar and then JOHN left. JERRY assumed that JOHN was staying in the McArthur Hotel but could not furnish a room number nor was he ever in JOHN's room.

He said that he did not know his brother JOHN's present occupation but that he has worked in the past as a bartender, painter and laborer. JERRY noted that JOHN had attended bartender's school in Chicago, Illinois. He said that JOHN, to his knowledge, has never been married. JERRY further related that his brother JAMES also has never married and that he knows of no girl friends with whom his brother JAMES had associated. He said that JAMES would usually pick up a girl in the hotel, or go to a hotel and obtain a girl through the bellboy or patronize houses.

He said that he was not aware of his brother visiting any private doctors but did recall that one time when his brother was in prison, he was sent for psychiatric treatment to Fulton, Missouri. As JERRY recalls, this was for a nervous condition and his brother JAMES was there about a month.

JERRY said that the reason that he went to Kansas City in February, 1968, was to visit with his sister since "she is all the family I have." He denied that he had seen his brother JAMES while in St. Louis. He also advised that he makes the trip from Chicago, Illinois, to St. Louis, Missouri, about once every six or seven weeks.

Mr. FAUNTROY. On April 19, you told the FBI that you had no idea where James had been since his escape from prison; on page 2 there. You have testified that you in fact did not see him after his escape from prison and then on May 12, 1968 you repeated something not apparently consistent with the truth when you told the FBI that you had not seen—

Mr. PEPPER. Objection.

Mr. Chairman, where does the esteemed member of this committee draw the conclusion that at one point this witness was not telling the truth and at another point he is telling the truth?

Mr. FAUNTROY. I have not indicated that—oh, I assume, Mr. Chairman, that he is telling us the truth now.

Mr. PEPPER. You are making that assumption now?

Mr. FAUNTROY. I hope so. He is under oath. I know he wouldn't lie under oath.

Mr. PEPPER. But my question to the Chair is on what basis you are assuming that Mr. Ray, the witness here, made these statements at all during this interview with the FBI?

Mr. FAUNTROY. I am assuming it on the basis of Martin Luther King exhibit F-618.

Mr. PEPPER. Which has been attested to under oath by special agents Dumaine and Pevahouse?

Mr. FAUNTROY. Obviously this is a report of the FBI which—

Mr. PEPPER. That is counsel's point, Congressman.

Mr. FAUNTROY. That is right, but the fact is the allegation has been made and I want to know the truth and the simple answer is "Yes" or "No".

Mr. PEPPER. We are encouraging our witness to tell you the truth. We are objecting to congressmen assuming that the report in front of you, unattested, is the truth.

Mr. FAUNTROY. I see. All right.

Chairman STOKES. The objection is well taken.

Mr. FAUNTROY. I think it is well taken, Mr. Chairman, and I will refrain from assuming that this is the truth and simply ask the question: Did you tell the FBI on April 19, 1968, that you had no idea of where James had been since his escape from prison?

Mr. RAY. I might have told him that. I can't remember that far back.

Mr. FAUNTROY. So it is not yes or no, but "maybe."

Mr. RAY. Yes, it is possible—

Mr. FAUNTROY. You may have told them. They may be telling the truth?

Mr. RAY. That is possible.

Mr. FAUNTROY. As they recall it?

Mr. RAY. Yes.

Mr. FAUNTROY. Have you not testified today that you did see him after his escape from prison?

Mr. RAY. Yes.

Mr. FAUNTROY. On May 12, 1968, you told the FBI that you had not seen James outside of the prison since 1951. At least that is what document F-606 reports that you said and since it reports it, I want to be clear on it.

Have you had an opportunity to see F-606 on page 2?

Mr. PEPPER. The question seems to have slipped away. Would you repeat it, please?

Mr. FAUNTROY. On May the 12, 1968—I am sorry, it is F-601. Please forgive me, counsel and Mr. Ray.

I gave you the wrong document.

Mr. RAY. You must be working for the FBI then.

Ms. KENNEDY. Don't tease him.

Mr. FAUNTROY. Turn to F-601. On page 2 of F-601, second paragraph, "Jerry again stated that the last time he saw his brother James outside of prison was in 1951 in Quincy, Ill., and Jerry was 15 years old at that time."

Did you say that to the best of your recollection?

Mr. RAY. I probably did.

Mr. FAUNTROY. Were you protecting your brother James when you told this to the FBI?

Mr. RAY. No; I had only seen him that once until the time he escaped.

Mr. FAUNTROY. Is it a fact the last time you had seen him at the time you were interviewed was when you were 15 years old in Quincy?

Mr. RAY. When I was interviewed, no, that would have been the last time I had seen him was about September 1967.

Mr. FAUNTROY. All right, thank you for correcting that.

All right, if you will turn to F-618, page 3, did you tell the FBI that you didn't know your brother John Ray's occupation as reported in this document?

That is on page 3.

"He said that he has no idea of the present whereabouts of his brother John" and the second paragraph: "He said he did not know his brother John's present occupation, but that he has worked in the past as a bartender, painter, and a laborer."

Was that true when you said that?

Mr. RAY. It has been so long ago I can't remember all them things.

Mr. FAUNTROY. You can't remember whether it was true that you did know what he was doing?

Mr. RAY. No; I can't remember whether it was true or false.

Mr. FAUNTROY. If you will turn to F-615, page 1 of F-615, the FBI drew to your attention on April 24, 1968, the inconsistency there and you admitted that you lied to protect your brother from the FBI. Is that true?

Mr. RAY. It is just possible I might have told them that to keep them from harassing John, but I can't actually remember the conversation.

Mr. FAUNTROY. Is the reason for the possible harassment what is stated here in this document about his ownership of the Grapevine?

Mr. RAY. I hadn't read this yet.

Mr. FAUNTROY. Take your time and read it. You said John had put up \$2,500 to purchase the bar and Jerry was of the opinion that if the FBI agents harassed John he would lock up the bar, take a loss, and leave.

Mr. RAY. That sounds possible. That sounds real, because I know John didn't have no contact with James anyway after he escaped, so he couldn't have.

Mr. FAUNTROY. Let's turn to F-619, which I ask to be incorporated into the record.

Chairman STOKES. Without objection, be it so ordered.

[The information follows:]

3-73

1 Mr. Eberhardt. So you have used the name Jerry Ryan
2 since 1960?

3 Mr. Ray. No, I never used it in no motels or nothing.
4 The only reason I use this, I cannot get my driver's license
5 in Ray. When I registered for the draft I registered under
6 Ryan and I cannot get any identification. I wrote for my
7 birth certificate and I don't have any so I have to either --

8 Mr. Eberhardt. We have some indication that John Ray
9 used a license issued in the name of Jerry Ryan and he
10 purchased the vehicle in New Orleans in June of 196⁷0.

11 Mr. Ray. New Orleans?

12 Mr. Eberhardt. Yes. Does that refresh your recollection
13 when you first began using the name Jerry Ryan for purposes
14 of your driver's license?

15 Mr. Ray. No. My driver's license, I have been using
16 the name Ryan since I was seventeen years old on my driver's
17 license and still do but I never work or never use that name.
18 I worked under the name. I never worked under the name of
19 Ryan since I have been seventeen years old. I have never
20 checked into hotels or motels; it has always been under the
21 name of Ray.

22 Mr. Eberhardt. Mr. Ray, didn't you have a driver's
23 license in the State of Illinois in the name of Jerry Ray
24 which was revoked?

25 Mr. Ray. At one time. One time.

100 7TH STREET, S.W., ROOM 3184, WASHINGTON, D. C. 20024 (202) 556-7343

MLK EXHIBIT F-619

Mr. FAUNTROY. This is the record of testimony before this committee in executive session under oath.

On May 10, you were questioned by Mr. Eberhardt, as you see, about your use of the alias Jerry Ryan since 1960. You responded:

No, I never used it in no motels or nothing. The only reason I use this is I cannot get my Illinois driver's license in Ray. I never worked under the name of Ryan since I have been 17 years. I have never checked into hotels or motels. It has always been under the name Ray.

Yet, if you will refer, Mr. Ray and counsel, to F-599, Mr. McMillan's recollections of your conversations with him on page 19 and F-620, which I ask to be incorporated into the record.

Chairman STOKES. Without objection, be it so ordered.

[The information follows:]

MLK EXHIBIT F-620

"INTERVIEW FORM"

DATE INTERVIEWED: 12/12/77 TIME INTERVIEWED: 1:00 ~~1:10~~ p.m.
 PLACE INTERVIEWED: Tamanaca Downtown Motel, 1725 Tulane Ave., New Orleans
 NAME: Mrs. Lillie Kalom
 DATE OF BIRTH: ----- SOCIAL SECURITY NUMBER: -----
 HOME ADDRESS: -----
 BUSINESS ADDRESS: 1725 Tulane Avenue, New Orleans
 HOME TELEPHONE: ----- BUSINESS TELEPHONE: -----
 ASSOCIATES: -----

MLK INVESTIGATION
 CONNECTION: -----

INTERVIEW STATEMENT:

Investigators spoke with Mrs. Lillie Kalom, manager of the Tamanaca Downtown Motel, located at 1725 Tulane Avenue, New Orleans. Mrs. Kalom was requested to search the motel files for the name of Jerry Ray or a variation of that name (alias). She was advised that the dates we were interested in were January 20-22, 1975.

Mrs. Kalom's files indicated that Jerry Ryan (aka Jerry Ray) registered at the motel January 20, 1975 at 6:17 p.m., and signed out January 22, 1975 at 12:07 p.m. He was given Room #203 and paid cash, \$33.70, for two days. He registered as Jerry Ryan, 703 Church Street, Marietta, Georgia, zip 30061, no automobile. A photostat of the registration card was made and is attached hereto.

FORM #4-A

(D. Thomas)

JAN 20 6 17 PM '73

JAN 22 12 07 PM '73

Ex. Wrase

TAMANACA Motel No. 151394

PAID

<small>ROOM NO.</small> 203	<small>RATE</small> 16.85	<small>DEPT.</small> 25	<small>CLERK</small> Jury Ryon
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TAMANACA MOTEL
DEPARTURE

YOUR NAME IS ENTERED IN OUR BOOKS AS IT APPEARS ABOVE. IF INCORRECT, PLEASE NOTIFY THE OFFICE IMMEDIATELY. STAKES WITH MAIL, TELEGRAMS, ETC.

NAME Jury Ryon

STREET 703 Church st.

CITY Meritt STATE CA ZIP 30061

<small>REPRESENTING</small>	<small>MAKE OF CAR</small>	<small>LICENSE NO.</small>	<small>MODEL</small>	<small>STATE REGISTERED</small>

NOTICE TO GUESTS: MONEY, JEWELS AND OTHER VALUABLE PACKAGES MUST BE PLACED IN SAFE IN THE OFFICE. OTHERWISE THE MANAGEMENT WILL NOT BE RESPONSIBLE FOR ANY LOSS, AND THEN ONLY AS PRESCRIBED BY LAWS OF LOUISIANA.

Mr. FAUNTROY. MLK F-620 is an interview with Mrs. Lillie Kalom at the Tamanaca downtown motel in New Orleans. Mr. McMillan alleged that you visited James' purported drug contact, Eddie, or "The Fence," as he was called in New Orleans, on January 20, 1975, and stayed at the Tamanaca Motel. You went to the Tamanaca and you say you met with him there.

We went to the Tamanaca and what we found was a registration card—which is what you see as a part of F-620—under your name, under the name of Jerry Ryan. Would you take a look at that?

Now, would you care to correct your testimony in executive session under oath with respect to whether or not you used that alias before?

Mr. RAY. I actually don't remember. Some places you go, some places you go when I say I don't use the name of Ryan, which I don't. I got my driver's license right now in the name of Ryan because I can't get it in the name of Ray. And I got no birth certificate.

Now, some place you go where they make you put up identification or, you know, and you don't have credit cards and that, and what I should do is not have made a definite statement because over the years there may be three or four times where I have to, for some reason or another, use the name of Ryan because my driver's license is in the name of Ryan, my draft card is in the name of Ryan; it is all in the name of Ryan.

Sometimes I have to use it. But very seldom, maybe once every 2 years, will I use that name, is the only times when I just have to use it.

Mr. PEPPER. Mr. Chairman, I object to the question posed to the witness on the grounds of lack of clarity and explicitness in terms of the subject. It is not clear to us how this is pertinent to the interrogation.

If the Congressman would make that clear, we would be most appreciative.

Mr. FAUNTROY. Yes, I just want to have some understanding of the truthfulness of the witness. I heard him testify in executive session that he had not used the name. We came up with what appears to be a fact with respect to a meeting that was referenced by Mr. McMillan pursuant to an alleged interview that he had with him, which allegation we followed up, and did in fact find that on the evening of January 20, that a Jerry Ryan did, in fact, register at the Tamanaca Motel; and that person gave as his address 703 Church Street, Marietta, Ga. 30061.

I just want to be clear as to what the truth is.

Mr. RAY. That is probably the truth.

Mr. PEPPER. Congressman, does the committee have a record of that hotel registration and a signature card, or has this witness appeared before the committee, may we ask?

Mr. FAUNTROY. We have the record and I think we can probably clear this up if I ask Mr. Ray to look at it.

Mr. PEPPER. We would appreciate seeing any hotel registration.

Mr. FAUNTROY. It is the second page of that document.

Mr. PEPPER. No, I mean the original of the hotel registration.

Mr. FAUNTROY. You want to see the original?

Mr. PEPPER. If you have it.

Mr. FAUNTROY. This is a photograph of it. Do we have the original?

Would counsel permit me to ask Mr. Ray—

Ms. KENNEDY. Before you go to that next question, I just want to register a more profound objection. I don't know if this is the appropriate time and I will defer to the committee's discretion and judgment as to whether it is, but I am so interested in the fact that all this expense and trouble is gone to to verify a registration in another name, but that there was no checking with the authorities in Alton as to whether or not there was a charge on a bank robbery. It is this kind of—

Chairman STOKES. What is your objection, Ms. Kennedy?

Ms. KENNEDY. My objection is that it seems that this committee is determined to bring any small, large, or medium-sized fact or circumstance to smear this witness, but is unwilling to follow any exculpatory information.

Chairman STOKES. The Chair is going to rule you out of order and have stricken from the record any reference to this committee attempting to smear any witnesses. There is no evidence of that.

Mr. PEPPER. Mr. Chairman, the questioning congressman indicated earlier that the range of questions were pertinent based upon an attempt to link the witness with conspiracy, or the evidence—

Mr. FAUNTROY. Just a moment.

Let the congressman clarify his statement. The congressman said pursuant to the mandate of the committee to investigate all of the facts surrounding the death of Dr. Martin Luther King, Jr., and allegations with respect thereto, that he wanted to ask a number of specific questions with respect to things that Mr. Jerry Ray has said or is alleged to have said, and in this instance things that he said in fact to this committee and to this chairman in executive session under oath.

I am just after the truth.

Mr. PEPPER. May I ask, as a point of information, Mr. Chairman, was the witness—since we have become only recently involved with him—was the witness represented by counsel when he made this statement under oath in executive session?

Mr. FAUNTROY. I have been informed by counsel that when he testified under oath at this point he was telling the truth without the benefit of counsel.

Mr. PEPPER. Excuse me, Congressman, he was making a statement.

Mr. FAUNTROY. He was making a statement.

Mr. PEPPER. Without the benefit of counsel.

Mr. FAUNTROY. Without the benefit of counsel. All right, but is it your claim that he was not telling the truth?

Mr. PEPPER. No, I wanted a point of information as to whether or not, when he made the statement on exhibit F-619, he was properly represented in executive session by counsel.

Mr. FAUNTROY. As I recall, he elected—

Mr. EDGAR. Would the Chairman yield?

Mr. FAUNTROY. Mr. Chairman, may I yield to my colleague, Mr. Edgar, who was with me when we heard this testimony?

Chairman STOKES. The gentleman has the time. He can yield.

Mr. EDGAR. Thank you, Mr. Chairman.

Mr. Chairman, in front of me I have the executive session comments and I have just had the opportunity to re-read the appropriate sections and there is a lengthy discourse in executive session testimony of Wednesday, May 10, 1978, where Mr. Ray was given the opportunity to appear before us in executive session and to have present at that time counsel of his choosing or to have present at that time counsel that would be supplied by the committee.

Mr. RAY. Wait a minute. You ought to change that. I didn't have counsel of my choosing because I chose Mark Lane and you wouldn't let him represent me.

Mr. EDGAR. There is a lengthy discussion in this document of clarification of whether or not Mr. Ray wished to continue that session and there is an appropriate statement indicating he wished to continue the testimony without counsel if in fact, as we had ruled, Mark Lane was not able to represent you at that time because of the conflict of interest.

Mr. PEPPER. So your response, Congressman, and Mr. Chairman, is that at the time he made this statement he was in fact not represented by counsel, Mr. Lane having been excluded from the executive session.

Mr. EDGAR. The exact quote, Mr. Chairman, goes:

Mr. Ray. I would rather go it alone and get it on the record in case I am tried for contempt or obstruction of justice, and when I go to court I can go saying that counsel was refused.

That is the statement here, and there is a lengthy discourse of that comment, and then it goes on and Mr. Ray voluntarily proceeds to questioning with us under oath.

I was present and he had the opportunity to have counsel a number of times and had the opportunity to refuse to go further with the questioning and we asked him many times, "Are you aware that you are under oath?" "Are you aware that you are under immunity and are you telling the truth?" And I would believe that our chairman has the right to ask of the witness today his comments on whether or not what he said to us in that session, whether he was represented by counsel or not, was true or was not true; because if, in fact, he was telling us lies during that time or mistruths, I think it should be clarified here publicly today.

I would recommend to the chairman that he continue to ask the question.

Mr. PEPPER. Mr. Chairman, counsel is not going to dispute the right of the chairman of the subcommittee to ask that question. Counsel simply wanted it spread upon the record that at the time when the witness responded in executive session that in fact he was not being represented by counsel. All of the factors thereto are previous history and are certainly subject to some kind of dispute and debate.

Counsel simply wanted to have it on the record that at the time when the original response was uttered for this committee under oath that the witness was in fact not represented by counsel. We are not getting into the details on that and we are certainly not going to dispute the subcommittee's chairman—

Mr. EDGAR. Let me for the record just read the paragraph prior to the paragraph I read, which is Mr. Eberhardt's statement, which says:

Mr. Ray, with that ruling—which was that Mark Lane was not qualified counsel—I would like to inquire of you now as to what is your present posture with respect to either your own retention of private counsel or the alternative that we have suggested to you on a number of occasions, that being the appointment of a counsel by the District of Columbia Bar Association. Again I impress you with your stated position that it would be absolutely—and I stress the word “absolutely,” in your best interest to have counsel present during the examination of you by the committee.

That was an urging on the part of our counsel that Mr. Ray understand the conditions under which he was testifying.

I yield back, Mr. Chairman.

Mr. FAUNTROY. Mr. Chairman, I am prepared to wrap up my interrogation of the witness. I just want to make sure that counsel is not questioning the veracity of Mr. Ray’s statements under oath without a counsel present. Is he?

Mr. PEPPER. Well, again, we have come on the case rather recently. We have before us the one-page excerpt from the executive session and I am only reacting to that one-page excerpt.

Mr. FAUNTROY. But you are not questioning whether or not with or without counsel he told the truth. If so, I will go back and ask the same questions with counsel, to make sure that that is satisfied.

Mr. PEPPER. I am not going to the merits of the interrogation in either instance.

My concern was a procedural one, and I raised it for the purposes of the record.

Mr. FAUNTROY. Thank you, Mr. Chairman. I am not going to raise any other questions, but we have seen today—

Mr. RAY. I would like to add one thing, if I could, before you finish, about this motel. It is possible—like I said—that maybe I should have made no direct statement in the secret committee that I never used the name of Ryan originally because—like I say—maybe three or four times I would have to. I would get my plane ticket. You have to show them identification, so I have to show the name of Ryan.

The other thing is, when I went to New Orleans though, it wasn’t to meet nobody, no dope or things like that; I went down there to go to the public library. I went through all the old newspaper clippings about King.

Then I was trying to find this Randolph Rosenson. I went down there for two reasons. Then I had you to check with Richard J. Ryan, attorney at law, in Memphis. Then he went down and got the court transcript of this Rosenson. So I was down there on legal business. There was no other purpose.

Mr. FAUNTROY. So that you don’t question the veracity of that?

Mr. RAY. No, no; and I am pretty sure that is my signature there, because I have used the name two or three time, or four times.

Mr. FAUNTROY. Thank you for that explanation, Mr. Ray, and it certainly clears up for me the inconsistency on the basis of the information I received. I think you understand that, don’t you?

Mr. RAY. Yes, sir.

Mr. FAUNTROY. All right, Mr. Chairman, we have reviewed a small sampling of the efforts of our witness in the first instance to

deceive at least one media person by falsifying a document that his brother had to disavow.

We have seen how he falsified bank records in an effort to confuse, for a period, an author who was seeking information; and we have seen, again, a number of press statements which at least call into question whether or not there was a conspiracy, which press statements he has disavowed here; and I think that I can at this point yield back the balance of my time and proceed with questions from other members of the committee.

Chairman STOKES. Prior to proceeding then to other members of the committee, in light of the fact that there has been some discussion here with reference to exclusion of counsel from representation of a witness before this committee, the Chair would at this point put into the record a memorandum that is entitled, "Exclusion of Lawyers From Executive Session Proceedings."

This is the policy of the committee; it sets forth the fact that the House Select Committee on Assassinations has, since its inception, respected the right of witnesses to the assistance of counsel during congressional hearings, and at the same time the committee has consistently recognized its responsibility to insure that attorneys representing witnesses be free from conflicts of interest, that could—in any manner—inhibit the ability of that attorney to provide sound and independent assistance for his or her client.

This goes on in precise detail, and I would ask that a copy of this memorandum be furnished counsel for this witness and that this be marked as MLK exhibit F-625 and be made a part of the record at this point relative to the exclusion of counsel during the executive session that has been referred to in the proceedings.

[The information follows:]

MLK EXHIBIT F-625

EXCLUSION OF LAWYERS FROM
EXECUTIVE SESSION PROCEEDINGS

The House Select Committee on Assassinations has, since its inception, respected the right of witnesses to the assistance of counsel during Congressional hearings. (See Attachment A for relevant portions of Rules of the Select Committee and the House of Representatives.)

At the same time, the Committee has consistently recognized its responsibility to insure that attorneys representing witnesses be free from conflicts of interest that could - in any manner - inhibit the ability of that attorney to provide sound and independent assistance for his or her client. Moreover, should such a conflict of interest or other breach of professional ethics by an attorney occur before the Committee, the Chairman has the duty to punish that breach by excluding the attorney from continued participation in the proceedings. (See Attachment A for relevant portions of the Rules of the Select Committee and the House of Representatives.)

The Committee has, for example, established a policy dealing with both the Federal Bureau of Investigations and

and the United States Secret Service that provides that attorneys representing agency witnesses will come from private practice, rather than from the agencies themselves; this insures that the advice of the attorney will not be affected, or inhibited, either in appearance or in fact, by his or her personal loyalty to the agency.

An even more significant form of conflict arises, however, in the situation of "multiple representation", i.e., the representation by one attorney of more than one witness in cases where the witnesses possess conflicting interests, for example, where the witness is being asked to testify about the other's conduct. The danger inherent in this situation stems from the inability of the attorney to provide sound advice to one client because of the conflicting interests of another client. These dangers have been recognized by a variety of authorities, including the United States Supreme Court in its recent (April 3, 1978) decision of Holloway vs. Arkansas, (See Attachment B for relevant portions of this decision), and the American Bar Association in its Code of Professional Responsibility, (See Attachment C for relevant portions of the ABA Code). In essence, the ABA's Code of Professional Responsibility mandates that an

attorney avoid situations of potential conflict, and allows a client to consent to multiple representation by an attorney only "if it is obvious that (the attorney) can adequately represent the interests of each (client)."

Equally noteworthy are remarks contained in the Final Report of the Watergate Special Prosecution Force concerning the general problem of multiple representation. This report recommended that in situations of potential conflict, involving an attorney, the Court . . . (or other appropriate agency) intervene . . . by making a factual determination as to the existence of the conflict of interest and then requiring the witness to retain, or appointing for him, counsel who has no such conflict. Although there will obviously be great reluctance to interfere with the individual's freedom to select his own attorney, the suggested course is the only one that can preserve the equally valid right of the Government to his full and truthful testimony. (Emphasis has been added to the cited portion. See Attachment D for a more complete excerpt from the final Report of the Watergate Special Prosecution Force.)

Recognizing the dangers inherent in multiple representation, and acting in accordance with its duty to conduct an exhaustive investigation, the Committee has consistently applied a policy discouraging multiple representation of clients by attorneys appearing in its proceedings. The Committee's policy has been communicated to witnesses and attorneys on numerous occasions.

While remaining sensitive to the desirability of allowing a witness to be represented by counsel of his own choosing, the Committee believes that this policy is a necessary step in its continuing efforts to preserve the integrity of its investigation. In this nation's recent history, the dangers and ramifications of multiple representation have been nowhere more apparent than in John Dean's regrettable role as White House counsel during the questioning of White House personnel. Saddled with responsibilities not only to the President, but also to the President's major advisors, Mr. Dean found himself incapable of acting in the true interests of any of these clients. Rather, he gradually acquired a role in orchestrating and coordinating the tragic cover-up that ensued.

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

Rule 3. Hearing Procedures

3.3 Additional Rules. The following additional rules shall apply to all investigative hearing procedures:

(1) The Chairman at an investigative hearing shall announce in the opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings, and the committee may cite the offender to the House for contempt.

RULES OF THE HOUSE OF REPRESENTATIVES

Rule XI: Rules of Procedure for Committees

Rule XI(2)K(3): Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

Rule XI(2)K(4): The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

DECISION
in the
SUPREME COURT OF THE UNITED STATES

HOLLOWAY V. ARKANSAS
No. 76-5856. Argued November 2, 1977
Decided April 3, 1978

"Joint representation of conflicting interests is suspect because of what it tends to prevent the attorney from doing. For example, in this case it may well have precluded defense counsel for Campbell from exploring possible plea negotiations and the possibility of an agreement to testify for the prosecution, provided a lesser charge or a favorable sentencing recommendation would be acceptable. Generally speaking, a conflict may also prevent an attorney from challenging the admission of evidence prejudicial to one client but perhaps favorable to another, or from arguing at the sentencing hearing the relative involvement and culpability of his clients in order to minimize the culpability of one by emphasizing that of another. Examples can be readily multiplied. The mere physical presence of an attorney does not fulfill the Sixth Amendment guarantee when the advocate's conflicting obligations has effectively sealed his lips on crucial matters."

AMERICAN BAR ASSOCIATION
CODE OF PROFESSIONAL RESPONSIBILITY

Canon 5

"A Lawyer Should Exercise Independent Professional Judgment on Behalf of a Client."

Canon Five: Disciplinary Rules

DR 5-105 Refusing to Accept or Continue Employment if the Interests of Another Client May Impair the Independent Professional Judgment of the Lawyer.

(A) A lawyer shall decline proffered employment if the exercise of his independent professional judgment in behalf of a client will be or is likely to be adversely affected by the acceptance of the proffered employment, or if it would be likely to involve him in representing differing interests, except to the extent permitted under DR 5-105(C).

(B) A lawyer shall not continue multiple employment if the exercise of his independent professional judgment in behalf of a client will be or is likely to be adversely affected by his representation of another client, or if it would be likely to involve him in representing differing interests, except to the extent permitted under DR 5-105(C).

(C) In the situations covered by DR 5-105 (A) and (B), a lawyer may represent multiple clients if it is obvious that he can adequately represent the interest of each and if each consents to the representation after full disclosure of the possible effect of such representation on the exercise of his independent professional judgment on behalf of each.

(D) If a lawyer is required to decline employment or to withdraw from employment under a Disciplinary Rule, no partner, or associate, or any other lawyer affiliated with him or his firm, may accept or continue such employment.

WATERGATE SPECIAL PROSECUTION
FORCE REPORT PP. 140-141

In almost every investigation which centers on the criminal activity of one or more members of a hierarchical structure--whether a corporation, labor union, a Government agency, or a less formally organized group--the prosecutor is confronted with a witness who has been called to testify about his employers. Many times, the witness is represented by an attorney who also represents the employer and perhaps is compensated by him. Although the legal profession's Code of Professional Responsibility forbids a lawyer from representing conflicting or even potentially conflicting interests, lawyers and judges historically have been reluctant to enforce the Code's mandate strictly. They have taken the position that, so long as the witness understands that his attorney also represents the person or entity about which he will be asked to testify and that he has the right to a lawyer of his own choosing, he cannot be forced to retain new counsel.

No lay witness, however, can realistically be expected to appreciate all the legal and practical ramifications of his attorney's dual loyalties, and in many cases he will be precluded from giving adequate consideration to the possibility of cooperating with the Government by the fear that the fact of his cooperation will be revealed to his employer. A mere inquiry by the judge in open court concerning the witness' preference is not likely to elicit a truthful response. It is necessary, therefore, for the court to intervene more directly by making a factual determination as to the existence of the conflict of interest and then requiring the

witness to retain, or appointing for him, counsel who has no such conflict. Although there will obviously be great reluctance to interfere with the individual's freedom to select his own attorney, the suggested course is the only one that can preserve the equally valid right of the Government to his full and truthful testimony.

Both the courts and the various bar groups should be alerted to the serious issues of professional responsibility arising out of the representation of multiple interests during grand jury investigations, and Government counsel should press on every justifiable occasion for a judicial ruling on the question of conflict of interest and, where a conflict is found, for the replacement of the attorney involved.

Mr. FAUNTROY. Mr. Chairman, may I just say I want to apologize to the lawyers on the committee, and to counsel, if I have not been on top of all of the legal ramifications, but like most Americans who are not lawyers, I just tried to get at the truth, and it's apparent that either Mr. McMillan or Mr. Huie, or Mr. Ray, is lying about the allegation that James Earl Ray called his brother, Jerry Ray, the night before and says, "He's going to get it—" or that Dr. King "had had it."

And I think those judgments have to await our own evaluation.

Ms. KENNEDY. Congressman, I just want to say, I think you have conducted a masterful examination, and I feel that you are a credit to the race.

Mr. FAUNTROY. Thank you

Ms. KENNEDY. You're welcome.

Mr. RAY. Wouldn't you feel, though, that if James was going around, calling me up, saying "He's going to get the big nigger next day" and making all those statements himself, wouldn't you figure that he would have wound up in the nuthouse before the job was actually done?

Did you ever see a maniac running around loose like that, making all them kind of law statements?

Ms. KENNEDY. May I testify, Mr. Chairman?

Watch it honey; you're going to mess us up.

Chairman STOKES. The question has been posed to you [indicating the witness].

Mr. Ray, I have but one question: I want to refer you to an exhibit that has been referred to previously as MLK exhibit F-617, and which should now be incorporated in the record.

[The information follows:]

MLK EXHIBIT F-617

F-716

letter was true or not, a person would be a little bit off.

Mr. Eberhardt. So it is your testimony that that entire letter was a joke?

Mr. Ray. It was just a joke. I wrote about three or four of them. One of them they turned over to the FBI even. You don't have that one.

Mr. Eberhardt. Mr. Ray, I want to follow up on a couple of questions that Mr. Edgar asked you about comments that you made concerning James Earl Ray and his motive. In a Los Angeles Times interview on May 4, 1968, only one month after the assassination, you said, "If James Earl Ray did it, there had to be a lot of money in it."

In an ABC news interview on July 11, 1968, only three days after James Earl Ray's apprehension, you indicated that James Earl Ray probably was paid by a rich southern group to implicate himself in the assassination of Dr. Martin Luther King.

Do you recall making those statements?

Mr. Ray. Yes.

Mr. Eberhardt. Do you recall making the specific statement to the Los Angeles Times that if James Earl Ray did it there had to be a lot of money in it?

Mr. Ray. Yes.

Mr. Eberhardt. And that is consistent with the statement that you were alleged to have made to Majestic Workers

at approximately the same time?

Mr. Ray. If he had did it because I didn't know any more about it than the average citizen. The only difference I knew was that he don't do nothing without money.

Mr. Eberhardt. So at that point in time it is conceivable to you that James Earl Ray would have been the assassin of Dr. Martin Luther King?

Mr. Ray. He could have been involved in it in some way for the money and at the time I figure it is even possible that he knew that King was going to get killed.

Mr. Eberhardt. What made you speculate that a rich southern group had financed the assassination?

Mr. Ray. Well, on account of it happened in the South and the garbage workers' strike and this guy down in Louisiana, Capree -- whatever his name was -- and I just took it for granted a rich southerner would be behind it.

Mr. Eberhardt. Had you ever heard from any source that there was kind of a standing contract or a standing offer to kill Dr. King and that if someone were to kill Dr. King there was a certain group in the South that would be glad to pay the individual who would prove himself to be the assassin?

Mr. Ray. No, I never heard that except what I read in the papers about they had that saying going around in the Missouri prison. Whether that was true or made up, I don't know.



Chairman STOKES. Let me read from that portion of this exhibit, which is an excerpt of your executive session testimony before this committee, and which I want to frame a question around: It appears about midway of the first page of that exhibit, where it says that "in an ABC news interview on July [sic] 11, 1968, only 3 days after James Earl Ray's apprehension, you indicated that James Earl Ray probably was paid by a rich southern group to implicate himself in the assassination of Dr. Martin Luther King."

Then it says, "Do you recall making those statements, Mr. Ray?"

Then on the second page of that same exhibit, about halfway down, again it says, Mr. Eberhart. "What made you speculate that a rich southern group had financed the assassination"? Mr. Ray: "Well, on account of it happened in the South, the garbage workers' strike and this guy down in Louisiana, Capri, whatever his name was, and I just took it for granted that a rich southerner would be behind it."

I have accurately read your testimony in executive session, have I not?

Mr. RAY. Yes.

Chairman STOKES. OK. Now, my question to you would be this: How would you just take it for granted that a rich southerner would be behind this?

Mr. RAY. I think most people in America—I think millions of people would just take for granted if it was a conspiracy, then somebody had to pay for it, because people just don't go out—and I know James as good as anyone knows him, and I know he don't do nothing for nothing; he has to get paid for doing anything he does. So it has to be one or more people that paid him. I just take for granted—that was no definite statement; that was just my belief, and I think a lot of people believe the same way.

Chairman STOKES. Then you base that belief upon something. You base it, No. 1, on the fact that you know your brother?

Mr. RAY. I know he won't do nothing for nothing.

Chairman STOKES. And you know he does nothing for nothing?

Mr. RAY. Nothing for nothing; and you figure all the trouble was in the South—Memphis, Alabama, Mississippi—so you figure the people there would pay to get him killed. I was just using, you know, just what everybody would think, or most people would think.

Chairman STOKES. Was it your belief that there were a lot of rich southerners who would pay to have him killed, or one rich southerner?

Mr. RAY. Well, at that time, when I got off the interview, I figured probably just one rich guy paid him at the time, because I didn't know anything about that.

The only thing I knew when it hit the papers—and I just figured some guy contacted him—I didn't even—I didn't know even about this Raoul guy at the time. I didn't even know about him. So I just figured probably it was one guy, one rich guy.

Chairman STOKES. Let's take it one step further: What did you believe the rich southerner's name was?

Mr. RAY. Oh, I didn't have no idea who the southerner would be. I wouldn't know if it would be that guy in New Orleans or outside

of Louisiana, a man in the press, whatever his name was, or some guy like him. He's a millionaire.

Chairman STOKES. I have no further questions.

The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. No questions, Mr. Chairman.

Chairman STOKES. The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Can I defer to Mr. McKinney for just a moment.

Chairman STOKES. The gentleman defers to the gentleman from Connecticut, Mr. McKinney.

Mr. MCKINNEY. Thereby surprising the gentleman from Connecticut.

Mr. RAY, you have disagreed with Mr. McMillan, correct?

Mr. RAY. I filed a lawsuit against him.

Mr. MCKINNEY. Is it true to state that you have said that he has lied?

Mr. RAY. Yes; professional liar.

Mr. MCKINNEY. You have also disagreed with statements by Mr. Huie; is that not true?

Mr. RAY. Yes. I think the committee has the tape when we and Mark Lane taped Huie—don't you? Didn't he furnish the committee with a tape of Huie?

Mr. MCKINNEY. I'm sorry. Could you pull the microphone a little closer?

Mr. RAY. Didn't Mark Lane furnish you the tape of the conversation when he offered the \$200,000 to get in to see James?

Mr. MCKINNEY. Right.

Mr. RAY. Yes. I don't think it was on that tape, but right around that time, Huie admitted to me, or he told me, when I confronted him with saying that I had told him that I called James up the day before or something like that, or James called me, he said he was misquoted in the newspaper. He said he never made that statement. He knew I didn't know anything about the King murder.

Mr. MCKINNEY. So the statement could be made that you disagreed with both of them or did they both lie?

Mr. RAY. Huie said he didn't lie; he said he just misquoted; but McMillan is just a liar.

Mr. MCKINNEY. So you at least disagreed with them?

Mr. RAY. Yes.

Mr. MCKINNEY. Today you, emphatically, stated that the testimony in executive session of Mr. James Rogers and a Mr. Ronald Goldenstein about a bank robbery was false; is that not correct?

Mr. RAY. That is true, and they are both ex-convicts, and Jim Rogers—I found out—was out on parole, and his parole can be revoked; so I can imagine why he lied.

Mr. MCKINNEY. Well, Mr. Ray, we have gotten quite a lecture from your counsel today on not using the status of an ex-convict as a status for basing the truth.

Ms. KENNEDY. Sir, I think you can see the difference.

Mr. MCKINNEY. Well, I'm looking for the difference.

Ms. KENNEDY. Keep looking. I think you would see it.

Mr. MCKINNEY. I'll get new glasses.

You have also disagreed with an FBI informant who stated what you had told her, is that not correct?

Mr. RAY. FBI informant—what is that?

Mr. MCKINNEY. In Canada?

Mr. RAY. Canada? I haven't been in Canada since—

Mr. MCKINNEY. What you said about your brother?

Mr. RAY. I don't know what she would say, what he told her. He said, according—I think what she read off—that he stated he was going to meet a brother or see a brother, but I haven't been in Canada—I was in Canada once in my life, and I think that was in 1963.

Mr. MCKINNEY. You have disagreed with New Jersey?

Mr. RAY. Yes, New Jersey. No, I didn't disagree with that. I agreed with that. I said it's probably true.

Mr. MCKINNEY. You have also disagreed with a reporter, Mr. Maloney, on what he stated as your having said; is that not right?

Mr. RAY. No, not completely disagreed; but I don't remember making that statement. I know Maloney; I know he is an ex-convict out of Jefferson City; he did time with James, and I know he prints false stuff, because he said I was involved in the escape at Brushy Mountain Prison, but I'm not going to actually say I didn't say some of it; but I don't remember.

Mr. MCKINNEY. You have, have you not, also admitted, both here and in executive session under oath, that you falsified bank records for Mr. McMillan?

Mr. RAY. Yes, bankbook.

Mr. MCKINNEY. Yes.

Ms. KENNEDY. Mr. Congressman, could I ask you just to include in that question which bank records they were, sir, please?

Mr. MCKINNEY. Certain statements showing payments, and the amount of—counsel can remind me of.

Ms. KENNEDY. And they were his sister's bank records.

Mr. MCKINNEY. They were his sister's bank records; that's absolutely right—Carol Pepper's—but I think that Mr. Ray has admitted to handing them over to Mr. McMillan and realizing that they were false.

Ms. KENNEDY. Thank you.

Mr. MCKINNEY. Is that not true, Mr. Ray?

Mr. RAY. Yes.

Mr. MCKINNEY. You have also, have you not, stated that you—and I could be incorrect on this—and your sister sold Mr. McMillan, for \$500, pictures from the Salvation Army purportedly of the Ray family which, in fact, were just simply purchased photographs?

Mr. RAY. Not all of them; they had one picture of John Ray when he first got out of the Menard Prison in 1960, and he had been in solitary for about—everybody, you know, they like their picture—because he was nothing but skin and bones. He had been in solitary for a month. So that picture was also included, along with some Salvation Army pictures.

Mr. MCKINNEY. May I refer you to Martin Luther King F-615, the second paragraph, Federal Bureau of Investigation report, April 29, 1968, attested to by Joseph M. Burke and Rene J. Du-Maine, where in the fifth line you said, “* * * he had lied but only in an effort to protect his brother John's investment in a bar in St. Louis.” Is that substantially a correct report of the Federal Bureau of Investigation?

Mr. RAY. It might be true, but I can't actually remember that far back, but it's possibly true because I might say something like that to keep him away from John, from harassing him.

Mr. MCKINNEY. Would you have lied to protect an investment of your brother in a bar?

Mr. RAY. Sure.

Mr. MCKINNEY. I then refer you to Martin Luther King exhibit F-606, page 2, which is, again, an FBI document from Newark, which we have already discussed, where, if you will look down in the fourth paragraph, it says, "Ray also said, 'I tell the FBI only enough to keep them off of my back.'" Is that a correct statement?

Mr. RAY. When was that statement made?

Mr. MCKINNEY. It was an FBI document.

Mr. RAY. November—

Mr. MCKINNEY. Do you have MLK F-606 in front of you? If not, I will have a copy supplied. It is on page 2, paragraph 4.

Ms. KENNEDY. Yes, I think we have it.

Mr. MCKINNEY. It is a report: "To: Director, FBI, Attention: FBI Identification Division, From: SAC, Newark, (44-854) (P)," dated June 11, 1968, where you, in the fourth paragraph, are quoted by the FBI as saying, "I tell the FBI only enough to keep them off my back." Is that fairly accurate?

Mr. RAY. That might be true. I can't remember that far back.

Mr. MCKINNEY. You can't remember that?

Mr. RAY. No.

Mr. MCKINNEY. OK. Then may I refer you to an "Interview of Jerry Ray, Twin Orchards Country Club, Long Grove, Ill.," which is Martin Luther King exhibit F-611, which is: "Attorneys Kieckhefer and White interviewed Jerry Ray in Lake Zurich, Ill., on December 20, 1976."

Mr. PEPPER. Mr. Chairman, we were not provided with that.

Mr. MCKINNEY. Mr. Chairman, I would ask that MLK exhibit F-611 be placed in the record at this time.

Chairman STOKES. Without objection, so ordered.

[The information follows:]

RESEARCH UNIT-MLK
CONTROL COPY

Interview of Jerry Ray, Twin Orchards Country Club, Long Grove, Ill.
(312) 634-3800

Attorneys Kieckhefer and White interviewed Jerry Ray in Lake Zurich, Illinois on December 20, 1976.

Mr. Ray admitted that he had lied to the FBI in 1968 when he stated that he had not seen James Ray after his escape from MSP. He now states that he saw James possibly three times at the Cypress Inn in Northbrook, Illinois during the period when James was working at the Indian Trails Restaurant in Winnetka, Illinois. James Ray never related how he managed to effect his escape from MSP. Jerry was aware that his brother, John, had visited James in prison the day before the escape but was unaware of any assistance which John may have provided. Jerry claims not to have known about the escape in advance.

According to Jerry the George McMillan account of the meeting between John, Jerry and James in which money was given to James and the assassination discussed is totally false. The three brothers never met together after the escape and Jerry never gave James any money except for a very small amount while James was in prison. James was nearly broke when Jerry saw him in Northbrook at the Cypress Inn. However, it was clear that James had more money after he returned from Canada in the summer of 1967.

James never told Jerry that he was leaving the Indian Trails where he was working in order to travel to Canada. Jerry claims to the best of his knowledge never to have called James at the restaurant nor to have received James' last paycheck from the restaurant in the mail. In August when James returned to the United States they met on one occasion. James stated he was going to establish himself in Alabama. It was clear that he had more money at that time. He gave Jerry his car and said he was going to get a better one in Alabama. Jerry doesn't know why James went to Alabama.

Jerry stated that he never went to Alabama until two years after the assassination in 1970. After James went to Canada, Jerry only talked to James on one occasion until after the assassination. James called Jerry around Christmas 1967. Jerry thinks James was in Texas at the time and just wanted to engage in small talk. Jerry was never aware that James was in California until after the assassination.

James never mentioned the names of Dr. King or George Wallace to Jerry. James told Jerry after his apprehension that there had been a conspiracy to kill Dr. King but he never spoke of his role, if any, in such a conspiracy.

James never spoke about any interest which he had in photography. Jerry is not aware of any drug dealing by James while he was in prison or after he escaped.

Jerry associated with the following people while in St. Louis: Rhonda(Duncan) Gibson, Stoney Nelson, Jim Rogers.

The sister of Jerry & James, Carol Pepper, had two or three bank accounts in St. Louis during the pertinent time period. One account was at the Bohemian Savings and Loan Association. She presently resides at 523 Franru Lane, Lemay, Missouri.

The story given to George McMillan concerning James Ray and the Nazi Party connection was untrue. Jerry also knows nothing about James Ray being a Bible student in prison.

Jerry visited James in Brushy Mount prison after the assassination. Jerry was staying in the Holiday Inn at Harrison, Tennessee when James tried to escape. Jerry knew nothing of the escape attempt in advance. Jerry talked to the warden and tried to visit James after the escape attempt but was unsuccessful.

Harry Jones is a reporter for the "Kansas City Star." There is a person whom Jones assisted in getting a parole from MSP who now works for Jones. This person supposedly has knowledge concerning Ray's escape from MSP.

Jerry has never heard of Ray Russell or Cooley's organization. There is someone named Gilbert Cameron who served time with James at MSP. Cameron is now at a prison in Ashville, North Carolina.

Mr. MCKINNEY. It is the first page, second paragraph, where it states: "Mr. Ray admitted that he had lied to the FBI in 1968 when he stated that he had not seen James Ray after his escape from Missouri State Prison."

Is that a true comment of what you told these attorneys from the Department of Justice, that you had lied to the FBI in 1968?

Mr. RAY. I can remember meeting them two guys. I don't know what you are referring to. We met at this coffee shop. I can't—

Mr. MCKINNEY. Is it your testimony you can't remember meeting with attorneys?

Mr. RAY. No, no, I can remember meeting with them. I remember them. I remember where we had coffee together in a restaurant.

Chairman STOKES. The time of the gentleman has expired.

Mr. MCKINNEY. Could I ask unanimous consent to continue for just 2 more minutes, and then I will be finished?

Chairman STOKES. Without objection, the gentleman is recognized for 2 additional minutes.

Mr. MCKINNEY. May I refer you then to Martin Luther King exhibit F-594? This is a letter written by you, I believe, from your executive session and from your testimony today, on "J. B. Stoner for United States Senator" campaign, et cetera. Is that correct, that you wrote that?

Mr. RAY. Yes.

Mr. MCKINNEY. You stated you wrote that as somewhat of a joke?

Mr. RAY. Yes.

Mr. MCKINNEY. Did you type this yourself?

Mr. RAY. I typed it myself.

Mr. MCKINNEY. And this is your own writing?

Mr. RAY. Yes.

Mr. MCKINNEY. So it is exactly your own wording?

Mr. RAY. Yes, sir.

Mr. MCKINNEY. Is it fair to state, after the first comma, the second sentence, you say, "But being you two are in mourning for them eleven Jews that got done in by the Arabs in Munich then I figured that I owed you a letter." Is that correct?

Mr. RAY. Yes, I wrote the whole letter. I admitted that before.

Mr. MCKINNEY. May I then refer you to Martin Luther King exhibit F-614. This is a purported telephone conversation of Friday, August 29, 1969. Do you have a copy of this exhibit in front of you? It is F-614, August 29, where you state, that this was in essence in your own hand, that you had written this from remarks you had called from your brother; is that not correct?

Mr. RAY. Yes.

Mr. MCKINNEY. And that this telephone conversation was taped.

Now, did you read this comment from what you said you had written?

Mr. RAY. Well, I give this office to KMOX, I think, wasn't it? They got National Banner, but—

Mr. MCKINNEY. I asked you a question. You were told that the tape was rolling and that you could start. In fact, it says, "Go ahead." And "It's all right for me to tape this, right?" "Sure." "OK." Then there is this long statement.

Now, did you read that from a written statement? You told us that you had written this—

Mr. RAY. Yes.

Mr. MCKINNEY [continuing]. From remarks; so that this was read over the telephone by you?

Mr. RAY. No, read in front of the TV camera.

Mr. MCKINNEY. Read in front of a TV camera? From a statement that you had written yourself?

Mr. RAY. Yes.

Mr. MCKINNEY. Had you typed that statement yourself or written it in longhand?

Mr. RAY. I can't actually remember. That's been so long ago. I know they made a Xerox copy at KMOX.

Mr. MCKINNEY. But it is fair to state the words, the sequences, the sentences, the commas and all, are something that you read, that you had written; is that correct? Because we are dealing here with a transcript of a tape, and I just want to know how the original started. Were you actually reading something that you had written in your own words? You have testified, I believe, that J. B. Stoner certainly didn't write it for you?

Mr. RAY. Yes.

Mr. MCKINNEY. You said that you had written it from remarks culled from your brother?

Mr. RAY. Yes.

Mr. MCKINNEY. So you actually read something that you had written?

Mr. RAY. I'm pretty sure. I can't actually remember the thing, but the only thing I can remember—whom I done it with—Barry Seraphim of KMOX-TV—and I made a copy of the written up statement or typed up, or however it was. I can't remember now if I typed it up, wrote it up, or how it was made up.

Mr. MCKINNEY. Then for the record, I would suggest that at this point in the record, certainly not the typing, not the writing, but the grammar, the use of the English language and everything else stand in stark comparison next to each other in the record of Martin Luther King F-594 and Martin Luther King F-614.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. Ray, when you were interviewed by Mr. McMillan on these occasions which we have cited to you today, is it fair to say that you were trying to impress George McMillan that you were closer to James Earl Ray than you really were?

Mr. RAY. No, I wouldn't say that.

Mr. FITHIAN. I'm puzzled, because today you testified that he called you infrequently—I think you said once or possibly two or three times—yet I note in the McMillan notes which we have used extensively here today in discussing these things with you, that on page 13, for example, that you say he—James Earl—called Jerry about nine times, once from Mexico, Memphis, Texas, New Orleans, and so on.

Now assuming that this was not fabricated, I just wonder why you would be trying to convey to McMillan that you were that

close to your brother during either the pre-escape period or during the fugitive period.

Mr. RAY. I don't remember making them statements to McMillan. I haven't even read his book.

Actually, I read excerpts of Time magazine that he had in there, but I haven't even read his book, and I don't remember making them statements to him; but I know definitely James didn't call me from—he called me from New Mexico, but not Mexico, and he only called me, I think, about four times, three or four times all the time he was on the run.

Mr. FITHIAN. The second area I would like to ask you about again has to do with the McMillan document, and that is whether or not you did believe, whether or not you now believe, that your brother James Earl Ray attempted to get into pornography as a money-making proposition?

Mr. RAY. I don't have no idea whether he did or not. I don't think he did. I think he said he run an ad in an underground Los Angeles newspaper, but he did it for another reason. I forget what reason he told me he did it for.

Mr. FITHIAN. Well, if we were to spend some time, Mr. Chairman—I know time is short—going through the McMillan document, in a number of cases, pages 5 and 6 and so on, there are a number of references about James Earl Ray getting into pornography, and you say at the bottom of page 5, or you are quoted as saying by George McMillan: "His big idea was to make plenty of money."

You go on through that and shift, as I read this document, toward the end by saying, "since pornography really didn't pay off"—he made some small change selling pictures in Los Angeles and so forth—but "since pornography didn't pay off" you turned then, in the latter part of the notes, to such statements as your brother saying to you it was necessary for him "to get the big nigger."

Now I could go to several references in the document again, if you want, but I am just trying to get at what you believe to be the truth, and you are telling me now that to your knowledge your brother never got involved in pornography, or didn't even try, that the trip to Mexico wasn't related to that?

Mr. RAY. No, I don't think he even tried that, tried to get into pornography, because he took off for Canada right after he worked at this Klingman Restaurant for 2 or 3 months, whatever it was.

Mr. FITHIAN. And the camera that was purchased and was a part of the material found at the arrest, that was not intended to set up—

Mr. RAY. Not that I know of.

Mr. PEPPER. Mr. Chairman, a point of clarification: Is the Congressman stating that there was camera equipment found at the time of the arrest of James Earl Ray?

Mr. FITHIAN. No, I wasn't saying that. I was just trying to get from the witness whether or not all this information that he told George McMillan repeatedly—

Mr. RAY. Supposedly told George McMillan.

Mr. FITHIAN. What?

Mr. RAY. Supposedly told George McMillan.

Mr. FITHIAN. That you were quoted as having told George McMillan.

Let me go to one other thing: You said something earlier this morning that was rather intriguing. You said he—meaning your brother—was used in a conspiracy unknowingly. I believe I quote you pretty accurately; is that correct?

Mr. RAY. Yes.

Mr. FITHIAN. Is that your testimony? Would you amplify for me now on what you meant by that?

Mr. RAY. I'm going by all the facts in what he has told me, and his attorney, Mark Lane, about when he went to Memphis. He didn't even know King was going to be in Memphis and he was up to this rooming house, and he did a few errands for this guy they call Raoul and he went out to get his car fixed, and that's when King got killed; and he took off.

So that's what I was referring—means—was unwillingly was involved in it, and the committee—I just visited James a couple weeks ago and he said the committee brought this service station guy up here to testify. He said it was several blocks from the station that he was at, and then he also—like I said earlier—followed the thing against the archives.

Then we found out instead of being in Atlanta on April 1, he was in a motel in Corinth, Miss. They stole all this stuff and the FBI done seized all the files out of that motel now, since I've been down there. So that's why I am saying he was unknowingly involved in a conspiracy to murder Dr. King.

Chairman STOKES. The time of the gentleman has expired.

Mr. FITHIAN. I ask unanimous consent to proceed for 2 additional minutes, Mr. Chairman.

Chairman STOKES. Without objection, the gentleman is recognized for 2 additional minutes.

Mr. FITHIAN. I just wanted to follow up a bit on that last comment.

You said that subsequent to James Earl being before this committee, you went down and did this investigative work, and that you found that the FBI had taken the records?

Mr. RAY. Let me explain the whole thing better, because if I just make half a statement, then, you know, you get confused on it.

When he was up here, I think he said—

Mr. FITHIAN. As you are doing this, there are two points I wanted you to clarify, and perhaps you could just put them in the same testimony.

First of all, the name and the title of the person that told you that the FBI took the records—that's one specific point I would like.

Second, according to your understanding, when the FBI actually took the records.

Mr. RAY. Yes.

Mr. FITHIAN. OK, proceed.

Mr. RAY. Anyway, he drew the map. I was going to show you the map when I went down there, and where he was at on April 1, and so before he had me go down he was having John Auble go down because he's a TV guy in St. Louis, and he broke the spy story on that. So Auble couldn't get away. So then I went over and

James was coming back up here to testify at that time, so he wanted this information for when he came back up here.

So he drew a map where he was at, and I got the map here someplace on me. And so I went directly to the place he was at, a motel in Corinth, Miss. So I go up there and take a couple of pictures of the motel, and the manager run out and he wanted to fight; and I said—he told me, “Get off my property or I’ll call the police. What you doing here, anyway?” And I told him. I said, “I just wanted to verify that Eric Starvo Galt was here on April 1.” He said, “The FBI just been here and they know it all, so get away from here.”

I went on back and took some pictures, showed the pictures to James, and he said that was the motel he was at.

Mr. FITHIAN. Now, the name of the motel was?

Mr. RAY. Southern Motel.

Mr. FITHIAN. Southern Motel?

Mr. RAY. In Corinth, Miss.

Mr. FITHIAN. In Corinth, Miss.?

Mr. RAY. And——

Mr. FITHIAN. And the man who tried to run you off the property was supposedly the manager?

Mr. RAY. Yes; and he said he was there in 1968; he was there at that time, but he wouldn’t say that James was there; and so he just ordered me off his property.

So then I had James Polk of NBC News to go down and then I had Anna Ray, the girl James married to, to call up over there and it turned out what happened was when Auble got this map he called the sheriff of Corinth, Miss., and said, “Do they have a motel down there that fit that description?” because he didn’t have the name of it. So the sheriff said, yes. So then the sheriff went out there and looked at the records, the 1968 records, and he called in the FBI and the FBI came in and seized all the records.

So I didn’t see James’ or Eric Galt’s name on there, but James said that was the motel he was at; and why would the sheriff call in the FBI and the FBI seize all the records? Because they knew at the time he was coming back up here. Then if he showed where that was a forged document in Atlanta on April 1, then—plus Mark Lane was ready to take on Alexander Eist and prove him a liar.

So I think that would have messed the committee up.

Chairman STOKES. The time of the gentleman has again expired.

Mr. FITHIAN. One additional minute, Mr. Chairman.

Chairman STOKES. Without objection, the gentleman is recognized.

Mr. FITHIAN. Is it your testimony today that Raoul does exist, did exist throughout that period of time?

Mr. RAY. Repeat that again.

Mr. FITHIAN. Do you believe that a man named, or a person named Raoul did, in fact, exist and that your brother had associations with him through this period of time?

Mr. RAY. I have no reason not to believe it.

Mr. FITHIAN. Now, were you intentionally misleading Mr. McMillan, or was McMillan misquoting you when he said in his notes on pages 9 and 10 at the bottom of page 9—Mr. Chairman—“The

whole thing about Raoul and running drugs from Canada was bullshit." Is that totally out of context?

Mr. RAY. I can't remember no statement like that, because I've insisted since 1968 it was conspiracy. That was my belief, and then the more time, the more I find out, the stronger it gets; so it wouldn't make sense for me to tell one guy one thing and tell the rest of the country a different thing.

Mr. FITHIAN. Thank you. And I thank the indulgence of the Chair.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Pennsylvania, Mr. Edgar.

Mr. EDGAR. Thank you, Mr. Chairman.

Mr. Ray, I wonder if you would describe your early childhood with your brothers, John, and James, and your sister, Carol? What was homelife like as a child prior to age 10?

Mr. PEPPER. Mr. Chairman—Congressman, please clarify and make explicit the reason for this line of interrogation.

Mr. EDGAR. There are several reasons for this line of interrogation. If we, as a congressional committee, are to understand the motives and lifestyle of James Earl Ray, who is a prominent part of our investigation, it is helpful for us to understand and know from a relative of that individual what kind of conditions existed throughout his life that may have, or may not have, contributed to some of the allegations that have been made in this case.

Mr. PEPPER. Mr. Chairman, counsel is not going to object to the question if the Congressman is looking for this kind of information to develop a better understanding of the family relationship of James Earl Ray in that social context; but counsel would simply ask the Chair whether or not this information has already been, or not been, provided in executive session. And the reason that counsel is asking that question is because of the wide and great amount of publicity that this particular witness has received over the course of—my goodness—the last several years, serving no other purpose except the fact that he has been the brother of James Earl Ray, and counsel is reluctant to see this kind of information continue to be aired publicly.

Chairman STOKES. Mr. Edgar, can you reply to that?

Mr. PEPPER. I simply want to know if you have this information already in your—

Mr. EDGAR. Mr. Chairman, I am seeking original information for myself as a member of this committee. I am seeking information on the lifestyle of James Earl Ray and how that lifestyle may have, in fact, contributed to some of his attitudes during and continuing from 1966 through the present; and I think it is very relevant to this investigation.

I have been a little bit alarmed at the counsel for the witness acting as though our procedures today were in any attempt trying to put your client on the hot seat. I think your client is here in public session to provide to the American people some understanding and some factual information about a very important case, and I think that information about family background that your client can provide can be very helpful to us.

Chairman STOKES. The Chair would also note that this appears to be in line with conversations he has had with ABC, with Huie,

McMillan. It would seem to me that this is already in the public domain.

Mr. PEPPER. We don't know where the gentleman is going, so we can't properly say that; but if the gentleman is stating that, in fact, he is looking for information that has not been elicited in executive session, then we will not object to the line of questioning.

Chairman STOKES. All right.

Mr. EDGAR. I repeat the question: Can you describe your childhood, early childhood, with Carol and John and James?

Mr. RAY. We grew up mostly on a farm in Missouri, Ewing, Mo., and I was awful small when James moved off. He moved to Alton, Ill., to go to work. He stayed with my grandmother and sometimes with my uncle there; so I wasn't around him much.

Then he went to the Army, and when he got out of the Army he went to California and different places; so I didn't have much contact with him until—the most contact I had with him was after King got killed—but before that nobody in the family knew him hardly, because he always went off on his own.

He got to be 16 years old, and he went in the Army. He got out of the Army and then he went on his own; but the rest of the family grew up together—John, me, Carol, and Frank, and the rest of them, so it was back during the Depression time when jobs was hard to get at first. Then Dad worked on a railroad. Then we moved to Quincy, and most of my life in Quincy, Ill. So I wouldn't know just too much how to describe it.

I couldn't describe James being in there because he never was around us, and like I testified earlier, I seen him in 1951, and I visited him two or three times in prison. He visited me one time when I was in Menard, and that's the only time I seen him until he escaped.

Mr. EDGAR. Is your father alive, or dead?

Mr. RAY. Alive.

Mr. EDGAR. You had indicated in the past on a number of occasions that he was not alive?

Mr. RAY. Yes. The reason for it, see, James didn't want him harassed, so when James went into jail at Jefferson City—you put down your mother and dad's address—he put down "Father deceased" because he didn't want him bothered. He didn't want the police or nobody bothering him.

Mr. EDGAR. Were you close to Carol?

Mr. RAY. Oh, I guess about like any brother and sister would be, not extra close because I'm in Chicago and she's in St. Louis.

Mr. EDGAR. But you would call Carol quite often?

Mr. RAY. No, no; not too often, maybe now—now we do quite a bit on account of this stuff going on, but before maybe once every 2, 3 months.

Mr. EDGAR. Were you close to John?

Mr. RAY. No, not necessarily.

Mr. EDGAR. In your early childhood and being raised on the farm, were there any indications that James Earl Ray had strong feelings about Black people?

Mr. RAY. I couldn't actually answer that, because I never was around him, and beings like when I was very young, when I was

about 8 years old or something like that, he moved off, and I can't—

Mr. EDGAR. So there is nothing in your background that you can remember or recall in your early childhood that would indicate to the committee that there were strong racial attitudes one way or the other with James Earl Ray?

What were the racial attitudes within your family as you grew up?

Mr. RAY. Well, it wasn't much ever said, because we lived in a place, in Ewing, Mo., and there wasn't no Blacks that lived in Ewing, Mo.; and when we finally moved to Quincy, Ill., the population then was 42,000 and they had 40,000 whites and 2,000 Blacks; so there was never no contact with minority. We went to school. The school was segregated, not from the law but just there was no Blacks living in that area. They went to a different school out in their area where they lived at; so there just was never no contacts.

Mr. EDGAR. Did you have personally any strong negative feelings about the Black community in the late sixties?

Mr. RAY. No.

Mr. EDGAR. I wonder if you could refer to MLK exhibit F-594, which is the letter that was written on J. B. Stoner's campaign stationery by you to—

Mr. RAY. I think this is the most read letter in the history of the United States. I've had this letter put on me on the Donahue Show and every place I go.

Mr. EDGAR. Earlier you testified that this was a joke?

Mr. RAY. Yes.

Mr. EDGAR. You were putting on these two particular persons. Can you indicate for me what in that letter is funny?

Mr. RAY. Well, you never did hear Micky and Teddy. If you hear Micky and Teddy, you'd probably wrote it yourself.

Mr. EDGAR. I can't understand what you're saying.

Mr. RAY. I say, you never did hear Micky and Teddy. That's two reporters for Ring Radio, and if you had, you'd probably cosign this letter and send it in with me.

Mr. EDGAR. I'm still not clear as to your statement.

Mr. RAY. I said, the people this letter was addressed to was two Jewish girls on Ring Radio. Micky is one's name; Teddy is the other name, and I said if you ever heard them on the show, the radio—it's all talk show—you would probably cosign the letter and send it in with me.

Mr. EDGAR. I think the record should show that I would not cosign the letter, and I don't find anything funny in the letter itself, and I think there are some attitudes expressed there that are difficult for me as one member of the committee to find as humorous or funny in any respect, and just because two radio personalities may have, in fact, said some things, it's very difficult for me to see the joke in this kind of statement.

Chairman STOKES. The time of the gentleman has expired.

Mr. EDGAR. Mr. Chairman, I ask for 2 additional minutes.

Chairman STOKES. Without objection, the gentleman is recognized for two additional minutes.

Mr. EDGAR. Going back to relationships with your family, could you describe John for us?

Mr. RAY. Well, how would you want me to describe—I don't know what you mean by "describe him."

Mr. EDGAR. Let me ask you some specific questions about John: Is John on the lazy side?

Mr. RAY. I would say yes.

Mr. EDGAR. Does John have a slight speech impediment?

Mr. RAY. I'd say yes.

Mr. EDGAR. Was John as a member of the family the leader of the family, or was he just one of the members of the family?

Mr. RAY. I would say myself, he's got—you know—he is kind of a leader type, but I wouldn't say he was a leader, because we all did our own thing and we all did what we wanted to do.

Mr. EDGAR. Describe Carol. Was she a nervous-type person? Is she a nervous—

Mr. RAY. Yes, she's highly nervous.

Mr. EDGAR. Not interested in talking with the media or the press?

Mr. RAY. No, she's never given out interviews. If she was up here, you know, she—I wasn't in here.

Mr. EDGAR. Isn't it true, of the three brothers and sisters of James Earl Ray, that you were the one who took the position of communicating with the press, communicating with others, going out and seeking lawyers for your brother, and, in fact, upon his arrest in London, didn't you take the responsibility for helping him, at his request?

Mr. RAY. Yes, for several reasons you just named off about John was on the lazy side, and Carol was publicity shy. You know, she stayed away from the news media, so being as I am not lazy, that if James would ask John to do something he would postpone it maybe or not go to there all the time so he knowed that he would.

Mr. EDGAR. So James Earl Ray considers you the point person in the family, the leader?

Mr. RAY. Not a leader, because I am not a leader type, but he considers me a—John has got a speech defect and plus like I say on the lazy side and Carol is publicity shy, and although I don't have the best English, but I am not what you call lazy. You can check my work records on that and plus I'm not, you know, press shy. I'm not shy with the press.

Mr. EDGAR. I have one final question. It is just two parts. You had indicated in testifying that you have little contact with James Earl Ray for long periods of time.

Mr. RAY. Yes.

Mr. EDGAR. Perhaps visiting him several times in prison. You had indicated in testimony that a few weeks after the escape from Missouri State Penitentiary you received a call from James Earl Ray, and at that point agreed to meet with him at some period of time in May, June, or July of 1967, and you in fact knew of the whereabouts or at least the fact that James Earl Ray had escaped from the penitentiary in 1967, and was at large.

You had testified that from about that point on you had several contacts with James Earl Ray, either by telephone or in person, and that in fact after his capture in June of 1968, you immediately left your position and began to work on his behalf. Is all of that testimony accurate?

Mr. RAY. It's all accurate.

Mr. EDGAR. During that period of 1967 when you knew James Earl Ray had escaped from the penitentiary, did you at any time communicate with Carol or John that your brother, James Earl Ray, had escaped?

Mr. RAY. I went to St. Louis sometime in 1967 after the Grapevine opened up, and I visited John at the Grapevine and had some drinks in there, but I can't recall ever meeting Carol after—in between that time. It's possible, but I'm pretty sure I didn't, and so I can only remember that one contact, and it was on my day off and I think I drove to St. Louis I think, and had a few drinks in the Grapevine, talked to John and drove back and went to work.

Mr. EDGAR. You did not spend Christmas of 1967 at Carol's house?

Mr. RAY. I—let's see, Christmas. I believe I worked then. I believe I worked on Christmas and—

Mr. EDGAR. Did Carol or John know that James Earl Ray had escaped from Missouri State Penitentiary?

Mr. RAY. Let's see. I imagine he did, but I can't speak for them. I imagine when I went and seen John in 1967 at the bar I imagine we talked about it and I don't think I seen Carol all during that time, and so I can't speak for them. You have to ask John when he comes in tomorrow.

Mr. EDGAR. No further questions.

Chairman STOKES. The time of the gentleman has again expired. The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. As I understand your statements, you have a belief, or I presume you still do, that James Earl Ray received or was committed some substantial payoff by rich southerners, as you put it, for whatever his involvement in this matter was; is that right?

Mr. RAY. That was my first belief. I don't believe it no more. That was the belief I had when it first happened, and I think maybe probably most of the rest of Americans believe the same thing, but after I started learning the facts and learned more, then that wasn't my belief then.

Mr. SAWYER. Do you still believe there was a conspiracy?

Mr. RAY. In my own mind I know there was. I don't believe it. I know there was, and I think the only way we will ever find out the facts is if James wins this suit he filed to get all these secret FBI files out of the archives. I think that will clear him.

Mr. SAWYER. Why then—you feel he was involved in the conspiracy, however?

Mr. RAY. Unknowingly involved, unknowingly involved.

Mr. SAWYER. Why then or how then do you explain the fact that he has made no effort at all, being under a 99-year sentence, which under the laws of Tennessee as I understand them results in a minimum 30-year time before even eligibility for parole occurs, why then, how do you reconcile that with the fact that he has made no effort or even made any effort to accept any overtures that he might do some bargaining with revealing the rest of the conspiracy?

Mr. RAY. He don't want that. He don't want no parole. The only thing he wants is a trial where the evidence can come out and get aquittal, because he wouldn't agree if they commute his sentence

right now to time served if he has still got the murder rap hanging on his head because he wants to clear that off the books and he wants a jury trial where he can present his side of the case, and to show that he didn't kill King, because if he gets a trial he thinks all these secret FBI files come out then that will clear him.

Mr. SAWYER. But you say you know that he was involved in the conspiracy?

Mr. RAY. Unknowingly involved in it.

Mr. SAWYER. And I presume that you know or at least received advice from counsel that if he was involved actively in the conspiracy—

Mr. RAY. He would be guilty—

Mr. SAWYER. He is guilty of first-degree murder whether or not—

Mr. PEPPER. Mr. Chairman, maybe it is more a point of clarification than an objection to the gentleman's line of questioning, several times the witness has stated that in his belief his brother was unknowingly involved in the conspiracy, and that would lend, I think, credence and solidity to a position that he doesn't necessarily know anyone else who is involved in it. The mere fact that there was a conspiracy does not mean that he knows the other participants.

Mr. SAWYER. The fact that he was a member of the conspiracy would perforce, I am sure you are a good enough lawyer to know that he must have been knowingly a member of the conspiracy to be a part of one.

Ms. KENNEDY. That is the precise opposite of what the witness is saying, though. The committee is supplying something that this witness has repeatedly failed to say. He has specifically indicated that if his brother was involved he was not knowingly involved. He was told to go to Memphis. He did not know that King was there. The testimony as—

Mr. SAWYER. Counsel, I am really not asking questions of you.

Ms. KENNEDY. Well, sir, this is his testimony.

Mr. SAWYER. As I understood the witness, and I think I understood him totally clearly, he said that he knew his brother was involved in a conspiracy.

Mr. RAY. I said he was unknowingly, unknowingly involved.

Mr. SAWYER. Thank you. I have nothing further, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

Mr. Ray, let me ask you this. You were present in August when your brother testified before this committee, were you not?

Mr. RAY. I was what?

Chairman STOKES. Present in the hearing room when your brother testified.

Mr. RAY. No, no. I was in St. Louis. When James Earl—

Chairman STOKES. When James Earl Ray testified in August.

Mr. RAY. Yes, I was in St. Louis.

Chairman STOKES. You were not in the courtroom?

Mr. RAY. Oh, no. I was in St. Louis.

Chairman STOKES. In the hearing room.

Mr. RAY. No, no, St. Louis. That is when I was accused of robbing this bank at Alton and Mark Lane called me up that night and suggested I turn myself in, so I drove to Alton the next day and

that was the second day James testified, and turned myself in to the police and waived the statute of limitations and they said I never was a suspect.

Chairman STOKES. Do you know that at the beginning of that hearing with reference to your brother wanting an opportunity to present his case, that this committee gave him an hour and a half, which he occupied?

Mr. RAY. Yes.

Chairman STOKES. Every moment of. You are aware of that, are you not?

Mr. RAY. Yes, I watched most of it on TV.

Chairman STOKES. You watched it. Were you watching it also when I was examining your brother about his whereabouts during that period of time?

Mr. RAY. I probably was. I can't remember all of it.

Chairman STOKES. Do you remember my questioning him about his whereabouts on April 1, and he said something to the effect that "If you can put me in Atlanta on that date, I'll admit the King thing here on national television"?

Mr. RAY. Yes.

Chairman STOKES. Do you remember that?

Mr. RAY. Yes, sir.

Chairman STOKES. A few minutes later do you remember we had presented a document or an exhibit to him that was a laundry receipt that did place him in Atlanta on April 1? Do you remember that?

Mr. RAY. Yes.

Chairman STOKES. So now after that hearing, it was important for him to establish that he was not in Atlanta on April 1.

Mr. RAY. Yes.

Chairman STOKES. Was it not?

Mr. RAY. That's right.

Chairman STOKES. And pursuant to that, you and he talked. He drew a map with you, for you, where he was on April 1.

Mr. RAY. Yes.

Chairman STOKES. And following that map, you then went to Corinth—

Mr. RAY. Mississippi.

Chairman STOKES [continuing]. Mississippi, to the Southern Motel.

Mr. RAY. Motel.

Chairman STOKES. Your purpose for going there was to get evidence that would exonerate your brother, was it not?

Mr. RAY. Yes.

Chairman STOKES. So when you got there, you took photographs of this hotel.

Mr. RAY. Yes.

Chairman STOKES. Did you not?

Mr. RAY. Yes.

Chairman STOKES. Which you took back to your brother and he said, "That's where I was on April 1."

Mr. RAY. Yes.

Chairman STOKES. And while you were there you talked with the manager of the hotel.

Mr. RAY. Yes.

Chairman STOKES. Did you not?

Mr. RAY. Yes.

Chairman STOKES. And the manager of the hotel said to you that he was there, meaning the manager, in 1968.

Mr. RAY. Yes.

Chairman STOKES. Is that correct?

Mr. RAY. Yes.

Chairman STOKES. Did you get the name of the manager?

Mr. RAY. No. He is still there. I haven't—I didn't get the name of him. He run me off. He threatened to call the police on me.

Chairman STOKES. I am sorry?

Mr. RAY. He threatened to call the police on me, run me off, and he wouldn't give me his name.

Chairman STOKES. Would not give you his name?

Mr. RAY. No.

Chairman STOKES. Did you ask him if your brother, James Earl Ray, was there on April 1, 1968?

Mr. RAY. No, I didn't ask him about James. I asked him if Eric Starvo Galt was there.

Chairman STOKES. You asked him what?

Mr. RAY. If Eric Starvo Galt was there.

Chairman STOKES. You did ask him that?

Mr. RAY. Yes. Asked him if Eric Starvo Galt was there. Then his answer was the FBI's just been here. They got all—no, he didn't say they had all the records. He said the FBI has just been here and get off my property or I'm going to call the police on you. And I said could I look at the record and he said no, you can't look at the record. And so he said if you take any more pictures I'm going to call the police. I have three pictures taken of the motel. He grabbed the three pictures so I took some more pictures from a distance, and so I took them back to the prison and showed them to James, and when I showed them to him he said he is almost positive that is the motel. It's the same way he drew it on the map. I've got the map someplace around here where he drew it for me. So then Auble sent James Pope down, and then Anna Ray, she called up over there, and this same manager was there talked to her that had run me off. He told her that the FBI had seized all the records, first to back up the sheriff, Auble called the sheriff up and the sheriff of Corinth, Miss. went out and looked at the record and after he looked at the records he called the FBI up of Tupelo, Miss. and the FBI from Tupelo, Miss. seized all the records.

Chairman STOKES. When was this? Can you tell us when the sheriff from Corinth, Miss. was out there, and when he made this call to the FBI and they then seized the records?

Mr. RAY. To be perfectly honest I couldn't actually name no date. The only thing I know, I think was right after James come back from the live hearings he is wanting to establish that he wasn't in Atlanta on April 1, so he drew a map first and sent it to John Auble to KSD-TV in St. Louis. He was going to check it out but he couldn't get away and the committee was calling James back and he wanted to have this information before he came back, so then he drew a map and had me go for it, so while I was visiting Mark Lane in Memphis the committee canceled him coming back up but

he still needs the information for, you know, when he files a motion for trial.

Chairman STOKES. Tell us what date you were in Corinth, Miss., at the Southern Motel.

Mr. RAY. Let's see. It was, it is about 5 days, it's about 6 days before he was scheduled to come back up. When do you have him scheduled to come back up here? Can you look down on your record? It was about 6 days before he was scheduled to make his appearance in front of the committee.

Chairman STOKES. Can you tell us what month this was?

Mr. RAY. He was scheduled to come up this month. It was early in December.

Chairman STOKES. In November? You are talking about November?

Mr. RAY. I mean November, the early part of November.

Chairman STOKES. So then you would have been there at the Southern Motel talking to this manager the early part of November?

Mr. RAY. Yes.

Chairman STOKES. Tell us how long you stayed in Corinth.

Mr. RAY. Oh, 2½, 3 hours.

Chairman STOKES. 2½, 3 hours. You didn't spend the night there?

Mr. RAY. I spent the night, I drove on over after I got all the information I got, I drove over to Harriman, Tenn., and stayed over and visited James the next day.

Chairman STOKES. When did you go back to the penitentiary and see James Earl Ray again?

Mr. RAY. I went back, I was in Corinth, Miss., one day, and the next day James took him the pictures and I have one of the cameras that you can make the picture in 10 seconds or a minute. It was a Kodak.

Chairman STOKES. Thank you. Anything further?

The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. Thank you.

Mr. Ray, you in response to a question from Mr. Sawyer stated in unequivocal terms that you know that there was a conspiracy, and corrected him a couple of times in that regard. You know you are here to share knowledge with us, and I would want you to tell us whether you meant to say, "I believe strongly there was."

Mr. RAY. I used the wrong word. I should have said "I believe very strongly."

Mr. FAUNTROY. Yes.

Mr. RAY. Because if I definitely knew that, I would have to know the conspiracy.

Mr. FAUNTROY. Yes, you would share that with us, would you not?

Mr. RAY. That was just a mistake in words.

Mr. FAUNTROY. Thank you. Now——

Mr. PEPPER. Mr. Chairman, I think the record will show at various points the witness has said very specifically: "I believe in my own mind." Those were his precise words.

Mr. FAUNTROY. Yes. I was only referencing to what I heard him say, and you heard him say it, too, and he has corrected that now, and I am satisfied with that.

With respect to a number of specific statements by Mr. McMillan reporting conversations he had with you, I would like to have some specific answers now. On June 27, 1972, Mr. McMillan states that you stated, "I knew all about the escape but didn't know when they would arrive. Jack met him because he was in St. Louis, and I was in Chicago. I was halfway expecting a phone call. I got it. I couldn't leave right then. The next day I went and met at the Atlantic Hotel. They had already checked in."

That is part of F-599, page 5. Is that true?

Mr. RAY. You mean did we all meet down at the Atlantic Hotel?

Mr. FAUNTROY. Is it—yes.

Mr. RAY. No; definitely not.

Mr. FAUNTROY. And it is not true that you knew all about the escape?

Mr. RAY. No.

Mr. FAUNTROY. OK, even though he reported that?

Mr. RAY. Yes.

Mr. FAUNTROY. So he again was misrepresenting the truth?

Mr. RAY. Yes.

Mr. PEPPER. Mr. Chairman, just a point of information, if you please, because Mr. George McMillan's statements and reports have been used again and again here with respect to this witness' credibility and the committee's valid attempt, I think, to establish the truth here. As a point of information, would you inform counsel and the witness whether Mr. McMillan has made any of these statements under oath, and if he has not, why has he not been, or is it the committee's intention to have Mr. McMillan testify under oath?

Chairman STOKES. The chairman can answer that.

Mr. FAUNTROY. To my knowledge these statements have not been made under oath, and as you know, our mandate is to seek the truth from all persons who have alleged that they have knowledge.

Mr. PEPPER. Mr. Chairman, as an eminently fair man, would you not say that at some point in time the fair thing to do would be to put Mr. McMillan under oath, since such credibility is being given to his statements?

Mr. FAUNTROY. I think that is a fair statement. So returning to Mr. McMillan's allegations with respect to what Mr. Jerry Ray told him that he knew, let me turn to page 6 of F-599 and ask Mr. McMillan whether statements in the middle of the page that "Porno was the main topic that night, less chance of getting caught if he did it right. Also he thought that there would be more money in it. He graduated he thought from this robbery-burglary, didn't want to go back to that. He was running dope, too, no matter what the FBI says."

Mr. RAY. It definitely wasn't true. I can't remember all my conversation with Georgie McMillan, but it definitely is not true. We didn't have no meetings in Chicago meeting John or James. We never the three of us together at one time, so I can't—yeah, I can't remember what McMillan talked about because he is around me.

He hung on me for years and years until he finally got his book published, but——

Mr. FAUNTROY. But you can testify——

Mr. RAY. Definitely we didn't meet, us three meet up there and talk about pornography or dope or anything because we all three of us was never together.

Mr. FAUNTROY. And with respect to going to Birmingham, on page 8, did you or did you not say, "I wish I had gone with him. He could have done porno if he could have just one thing on his mind. If I had gone with him, if money had really started rolling in, it's possible he could have forgotten or forgot about the big boy. I don't know if I had gone with him to Mexico he might not have done anything but he couldn't keep his mind just on porno."

Did you make that statement to Mr. McMillan?

Mr. RAY. I don't remember no such statement like that.

Mr. FAUNTROY. All right. Did you make the statement on page 9 dealing with the report of his conversation with you on Tuesday, June 27, that the whole thing about Raoul and running drugs from Canada was "bullshit"?

Mr. RAY. I don't remember making no statement like that.

Mr. FAUNTROY. Did you state, on page 10, that Raoul was to throw Huie off, for some reason he didn't want Huie to know about porno, he would laugh in his cell about how he was throwing Huie off?

Mr. RAY. No. The only thing I can recall ever telling McMillan, I did tell McMillan that he, James, was throwing Huie off, and he was doing it because Huie was releasing all this stuff. It was supposed to have been between him and Arthur Hanes. Hanes would tell Huie would release it. The only thing I can ever remember telling to throw Huie off that James told that a guy run out of a flophouse and put a sheet over his head and got in a car or something like that. That was because Huie was hooked up on the Ku Klux Klan and he blamed the Klan for everything, so that was just, you know, the white sheet over his head and that. He more or less did it as a joke and Hanes knew it, too.

Mr. FAUNTROY. But you testified that you did not tell Mr. McMillan that Raoul was what this record says you say he was.

Mr. RAY. I don't remember ever saying anything like that.

Mr. FAUNTROY. All right. On page 11, still on the interview of the 27th of June in 1972, did you or did you not say, "See, it wasn't necessarily that he would have to leave the country after killing King. He didn't see how much heat there would have been. His main idea was not going to Canada but to Mexico. He had it on his mind that he might have to leave the country, and Canada was the best way to go, but if it hadn't had all that heat on him, he would probably be living in Mexico today."

Mr. RAY. I don't remember saying anything like that.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. Ray, I would just like to clear up one more point before I terminate my questioning. I believe you said today, in response to a question, that you had been in the Grapevine Tavern only once.

Mr. RAY. Only once that I can remember. I am pretty sure it was only once. This is before I quit my job at Sportsman's Country Club and moved to St. Louis in 1968 after the killing of King. I think I had only been in it once before the——

Mr. FITHIAN. And were you in there several times after you moved to St. Louis?

Mr. RAY. Well, I wasn't in there. I tended bar there for a while.

Mr. FITHIAN. I am sorry.

Mr. RAY. I tended bar. I tended bar there for a while. I was in there regular.

Mr. FITHIAN. And what period of time would that have been?

Mr. RAY. Oh, let's say about June until September of 1968.

Mr. FITHIAN. Let me then ask whether either in conjunction with the Grapevine Tavern and your various visits there or through any other means do you know, did you know, any of these individuals? Did you know James Sutherland?

Mr. RAY. I don't—I can't recall. I'm pretty sure I didn't know him. I don't like to give no definite statement, but I didn't know him by name. He might have come in, I seen his face or something, but I don't remember meeting him.

Mr. FITHIAN. Did you know John Kaufmann?

Mr. RAY. No.

Mr. FITHIAN. Did you know Beulah Kaufmann?

Mr. RAY. No.

Mr. FITHIAN. Did you know Dr. Maxey?

Mr. RAY. No.

Mr. FITHIAN. The doctor that attended the Missouri State Prison.

Mr. RAY. No.

Mr. FITHIAN. Did you know a man by the name of Paul Spica?

Mr. RAY. No.

Mr. FITHIAN. Thank you, Mr. Chairman. I have no further questions.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Pennsylvania, Mr. Edgar.

Mr. EDGAR. Yes. Thank you, Mr. Chairman.

Mr. RAY, I would like to clarify just some comments that you made to the chairman just a few moments ago. Can you give the committee the names of anyone who went with you to the motel in Corinth, Miss.?

Mr. RAY. I went by myself.

Mr. EDGAR. You went what?

Mr. RAY. Me and Mark Lane was talking it over and I left Mark Lane's house and he suggested that I go over and check it out myself.

Mr. EDGAR. So there was no one else with you at the time that you arrived to take the pictures of the motel in Corinth, Miss.?

Mr. RAY. No, sir.

Mr. EDGAR. There were no reporters present?

Mr. RAY. No, sir. It wasn't no publicity hunt. We was just trying to find out the truth.

Mr. EDGAR. You talked about a sheriff in Mississippi. Was he a regular sheriff, a deputy sheriff?

Mr. RAY. I didn't have no contact with the sheriff. John Auble of the St. Louis TV called the sheriff up and I just imagine he said the sheriff. He didn't say deputy sheriff or anything.

Mr. EDGAR. So you didn't talk to a sheriff?

Mr. RAY. I didn't talk to him personally, no.

Mr. EDGAR. So you do not have any firsthand knowledge that—

Mr. RAY. Oh, I know definitely John Auble called and told me when he got that map that he called the sheriff up. Then Anna Ray called up, the girl that James got married to, and she called over there and plus this motel operator told me that the FBI seized the records, so I know most of it by, you know, firsthand.

Mr. EDGAR. But you only went to that motel to take the pictures?

Mr. RAY. Yes, just that one time.

Mr. EDGAR. And the next day you visited—

Mr. RAY. James.

Mr. EDGAR [continuing]. James.

Mr. RAY. With the—

Mr. FITHIAN. Would the gentleman suspend?

Mr. EDGAR. I yield to the gentleman.

Mr. FITHIAN. I did not get the last name of the television personality who went down. John?

Mr. RAY. John Auble. He works for KSD-TV in St. Louis.

Mr. FITHIAN. Thank you.

Mr. EDGAR. Mr. Ray, do you personally know what records the FBI seized?

Mr. RAY. It seized the registration, you know, where you sign in, seized back the records on that time where James was—you know, Eric Galt was signed in. That is according to what the hotel manager told Anna Ray when she called down there about it. Then that's what he told me when I seen him in person, so he has told both of us that.

Mr. EDGAR. Wait a minute, I am confused. Are you indicating that the phone calls that were made by the reporter and by Mrs. Ray were made before your visit?

Mr. RAY. No. John Auble was supposed to go down there. He is the reporter from St. Louis, and when he couldn't go he couldn't get away from St. Louis on account of the ratings thing and so James needed the information before he came back up here so then he drew a map, the same map he drew, you know, another copy of the map and give it to me and asked me to check it out. He had a highway and everything, the overpass.

Mr. EDGAR. Mr. Ray, you have just testified that when you arrived at the motel, you were told by the manager of the motel that the records had been seized.

Ms. KENNEDY. No.

Mr. RAY. What I said, when Auble was going down, Auble called the sheriff up and asked the sheriff, he described the map to the sheriff and asked him if any motel fit that description, and the sheriff said yes, so what the sheriff did then, he went out to the motel, then he looked at the records. Then he called the FBI in Tupelo, Miss., and they came in and seized the records. They looked at them and seized them.

Mr. EDGAR. Is this before or after a map was made?

Mr. RAY. That was after a map was made. That was just after James drew a map and sent it to John Auble of St. Louis and Auble looked at the map and called the sheriff up in Corinth, Miss., and described the map and asked him if any motel fit that description.

Mr. EDGAR. And then you made the visit?

Mr. RAY. And when Auble couldn't leave St. Louis, I went down.

Mr. EDGAR. All of the information except for the actual visit that you made is secondhand information that you are giving the committee today?

Mr. RAY. I don't know if the committee had the motel operator. He told me the same thing he told Anna and so I don't think the committee guys would make up the story that the FBI seized the motel register and I don't think he would threaten to call the police and order me off his property if there wasn't something going on.

Mr. EDGAR. You don't have any knowledge that the information, those documents were seized, personally?

Mr. RAY. Only from what he said. Only from the motel guy, what the motel guy said, and he has told I don't know who all about it now.

Mr. EDGAR. I have no further questions.

Chairman STOKES. Any other members of the committee seeking recognition?

Ms. KENNEDY. Mr. Chairman, would it be possible for counsel to see the laundry receipt that satisfied the committee that—

Chairman STOKES. It has already been provided—

Ms. KENNEDY. It has? OK.

Chairman STOKES [continuing]. To Mr. Lane at the time Mr. Ray was here.

Ms. KENNEDY. All right, I am satisfied. Thank you.

Chairman STOKES. Mr. Ray, at the conclusion of a witness' testimony before this committee, under the rules of the committee, either the witness or his counsel, and that has been determined to be one of his counsel, may make a statement to the committee for a period of 5 minutes, during which time you can either amplify or explain your testimony before the committee.

I would extend at this time to either you or one of your counsel the opportunity to operate under that rule.

Ms. KENNEDY. Your Honor, I just want to put on the record my objection to this ruling in light of many hours of grilling this witness to limit him and/or one of his counsel to 5 minutes.

In my opinion it is unconscionable and denies him his constitutional rights to be represented by counsel. I think it is virtually an impossibility for Ray, Pepper or me to make any kind of comprehensive response to all the conjecture, speculation and questioning this witness has been subjected to.

Chairman STOKES. The rule does not exist for that purpose, counsel. As stated, the rule exists for the purpose of the witness either explaining or amplifying his testimony and that alone.

Mr. Ray, have you conferred with counsel as to who will make the statement?

Mr. PEPPER. The witness and counsel will split the 5 minutes. The witness has, and we request the opportunity of placing additional information in the record at the conclusion of the testimony.

Chairman STOKES. As I understand it then, counsel and the witness will split the time, is that correct?

Mr. RAY. Yes.

Chairman STOKES. All right. In addition, may I say, Ms. Kennedy, if you have anything additional you would like to submit for the record, you may do so in written form.

Ms. KENNEDY. Thank you.

Chairman STOKES. Mr. Ray.

Mr. RAY. Information coming from this committee naming me for—11 years later—for a bank robbery which I didn't commit, I think is awful bad because I never robbed that bank and I don't have no knowledge of robbing the bank and I haven't been in Alton, Ill.—up until I went over there to turn myself in for the bank robbery—since 1960.

So I just want to make that clear and I think the documents I have furnished today will show there is no way possible I could rob that bank or been involved in the bank.

I also would like to say in James' behalf that I think that if he wins this suit—that I am going to put in the file to get all these secret FBI files locked in the Archives—that we will find out who actually killed Martin Luther King and I don't think until he actually gets a trial will anybody ever know who actually killed King, and in this letter he also sent to me about conflict of interest with Mark Lane, he says that the only conflict of interest is with the committee, not with Mark Lane or me or James, so the conflict of interest lies on the committee's part.

So the only thing I would want to say is, if the public wants to find out the truth who killed Martin Luther King, and if he is successful in getting this suit, because the FBI file wouldn't be locked in the Archives if it wasn't of benefit to the FBI.

Mr. PEPPER. Just to finish the time, Mr. Chairman, I think it has only been a period of about a month and a half that counsel have been in any way really familiar with the proceedings and the variety of the investigations relating to the assassination of Dr. Martin Luther King, Jr.

I think I, for one, am deeply disturbed and distressed at the fact that information has been publicly disseminated, that this information does not come to this committee under oath; that it is information of all things that constitutes a reporter or writer or a journalist's notes. In an age when journalists are trying very hard to protect their notes, indeed, going to jail, it is very interesting that a journalist here has turned over entire sheets of notes and that this committee has taken it and submitted it with its press package to all the members of the mass media and as recently as last Tuesday that committee staff disseminated and purveyed this as it was truth and as it was in fact the conclusions of the committee that the brothers had been involved in a criminal conspiracy.

I find that most distressing indeed, and I trust this committee will place under oath the individual, Mr. George McMillan, who is the source of a great deal of the testimony that has come from the

other side this afternoon and ask Mr. McMillan to make these statements under oath.

With respect to Mr. Bradford Huie, I am certain this committee and its staff will look very closely at how and why and where Mr. Huie came to make an offer of \$220,000 to James Earl Ray through Nashville attorney Jack Kershaw first, repeating it on a tape and transcribed telephone conversation if James Earl Ray would once and for all admit that he was the assassin of Martin Luther King, offering him pardons, if you will, from the State of Missouri, and the State of Tennessee, as well as the \$220,000.

I am certain the committee is going to look into that and want to address why that offer was made, how it was made, and where that money would come from.

I think these are important and very critical questions that have simply got to be addressed.

I would like to remind the committee and its staff of the ruling of the Supreme Court with respect to the speech and debate clause and immunity to each and every member thereof under the Dole-McMillan case of 1972.

You are perfectly within, of course, speech and debate and immunity in providing within house and preparing reports. Gentlemen, you begin to go far afield, and I suggest outside of the legislative sphere, when you start to disseminate publicly information with respect to James Earl Ray, perhaps not so much but certainly with respect to John Ray and Jerry Ray.

It is not enough that they have undergone, simply by being the basis of being the brothers of one accused of a heinous crime, the kinds of torment they have over the course of the last 11 years, it is something else on top of that to continually visit this kind of defamation upon them leaking through the media the way this committee has done.

I trust that the chairman will take these words in the spirit in which they are offered and will act accordingly with respect to the staff and the behavior of the other members of the committee from here on.

Chairman STOKES. Thank you, counsel.

I might say to counsel that this committee has not yet reached any conclusions based upon any of the testimony and evidence that has been received either in executive session or open hearings.

The committee intends very shortly to meet for that specific purpose, at which time the committee will arrive at conclusions, make recommendations to this Congress.

At that time it will make its conclusions known to the American public. Until then I would like the record to conclusively show this committee has arrived at no conclusions. There being nothing further—

Ms. KENNEDY. Your Honor, I would ask for 1 minute, if I may.
Chairman STOKES. Ms. Kennedy.

Ms. KENNEDY. Yes. I want to ask for 1 minute, if I may, sir.
Chairman STOKES. I recognize you, Ms. Kennedy.

Ms. KENNEDY. Thank you, sir.

I want to say I never met Jerry Ray until yesterday evening. I appear here at a great personal, private, public, professional, and political risk. My own sister has denounced me for coming before

this committee to represent a redneck racist, but I am here because I think it is important to the Black community, and the Black people in general that the truth be obtained.

I simply want for the record to indicate that this purported search for truth has seemed consistently to have an aim of avoiding exculpatory information.

As far as his being grilled, for example, on telling the FBI just enough to keep them off his back, in that sense he is no different from President Nixon or Colson or Ehrlichman or other people who have lied to keep the FBI off their back.

As for the idea of conspiracy, bushes were cut from the area where another reporter who, as far as I know, is not an ex-con, indicates that the shots have come. No information of the nature that is exculpatory to the theory that James Earl Ray is the center of a conspiracy seems to be able to get on to the AP wires and I simply want for the record to submit that I take it as seriously as any white or Black person on this committee, the antisemitism exhibited in this letter.

My humor, the attitude that I took of levity, was because of the hypocrisy of our sitting in these halls and pretending that the entire society does not reward people for killing Black kids, whether it is a cop who is now applying for a pension or whether it is cops all over this country killing Black people.

All I am saying is, any attempt to smear this man with racism would only seem to be reflective of a racist society and whether it is antisemitism or anti-Black attitude, although Stoner may be more outspoken and this letter may be more offensive, the fact is that the law schools and all parts of the institutional system of this country is predicated on that same thing.

I simply would ask that you follow up some of the exculpatory information you have and that you not attempt to only followup laundry slips and slivers of information, neglecting substantial, well-documented evidence to the contrary, and I want to thank you, sir.

Chairman STOKES. Thank you, Ms. Kennedy.

I might just say to you that this committee has, in a very diligent manner, over the past 2 years, endeavored in every way that we have been able to try and uncover the real truth of all the facts and circumstances around not only the death of Dr. King, but another great American, President Kennedy, and this committee has been receptive at all times to any type of exculpatory evidence related to either the Ray brothers, or James Earl Ray himself, and no one on this committee would ever be a part to any coverup of any type of exculpatory evidence or testimony of any type.

I can assure you that when we reach our final conclusion, it will be based upon our honest search for the truth in this matter.

Ms. KENNEDY. Thank you, sir.

Chairman STOKES. Thank you.

Mr. RAY. May I put these two things in the record, Mr. Stokes?

Chairman STOKES. There is something you would like to have in the record?

Mr. RAY. Yes.

Chairman STOKES. Can you tell us what it is?

Mr. RAY. One thing is about conflict of interest and the other thing is this suit that has been filed against the Archives, you know, getting the FBI files out of the Archives.

Chairman STOKES. Certainly.

The clerk will mark these exhibits appropriately as MLK exhibits F-584 and F-585¹ and they may be entered into the record at this point.

[The information follows:]

¹ MLK exhibit F-585 is a copy of Mr. Ray's civil suit against the National Archives. It is available at Federal District Court in Washington, D.C. as civil action No. 782340.

Jerry Ray
 591 Cherokee
 Marietta, Georgia. 30061.

16 November 1978

James E. Ray #65477
 B.M.P.
 Petros, TN. 37845.

Dear Jerry:

I have a duplicate copy of the letter the House select committee investigating the Dr. Martin Luther King jr posted you dated 7th November 1978.

In respect's to the Select Committee denying you the right to choose counsel, Mark Lane, to represent you; I believe it up to the individual, not the politicians, to decide whether there would be a conflict of interest if Mr. Lane represented you.

In respect's to the committee appointing you counsel, there is no doubt but what the committee would appoint one of the politicians pimps. Mostly ^{likely} after he represented you he would hold a news conference, e.g., Percy Foreman, and say to you "confessed" to him what ever the committee wants a confession about. The attorney-client privilege rule is non-existence when the legal system decides as mush. Percy Foreman had no release from me though he not only testified about what I told him but lied to the committee.

Sincerely:

cc: Marl Lane
 cc: Select Committee
 cc: American Bar Association.

James E. Ray

MLK EXHIBIT F-584

Chairman STOKES. Anything further?

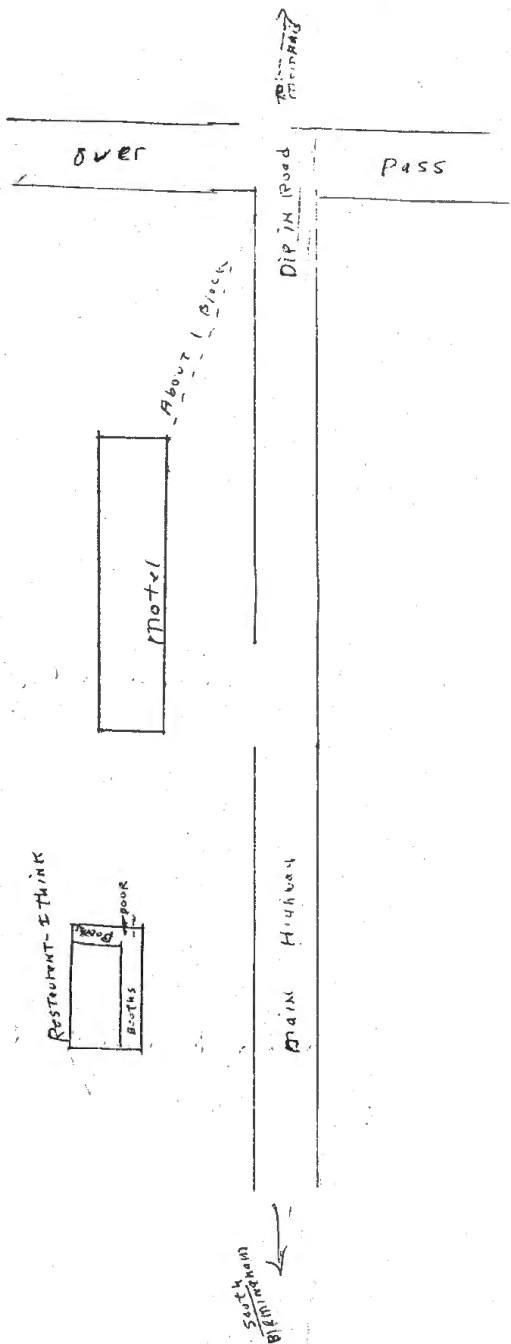
Mr. RAY. Oh, yes. This is that map, if you care to see that. That is the map I was showing you that James drew for me.

Chairman STOKES. Do you want to enter that as part of the record also?

Mr. RAY. You can look at it if you want to. That is a picture of how he drew it and I drove right straight to it.

Chairman STOKES. Staff can receive it and if you desire it to be marked as MLK exhibit F-626 and made a part of the record, we will also receive that.

[The information follows:]



I think that the building I
 mentioned was the 'Motel' I
 mentioned in the description
 of the building that was
 destroyed in the bombing.

MLK EXHIBIT F-626

Chairman STOKES. Is there anything further?

Mr. RAY. That is all.

Chairman STOKES. Thank you, Mr. Ray. Thank you, counsel. There being nothing further to come before the committee at this time, the committee is adjourned until 9 a.m. tomorrow morning.

[Whereupon, at 4:30 p.m., the committee was adjourned, to reconvene at 9 a.m., Friday, December 1, 1978.]

