

EXHIBIT NO. 5--AFFIDAVITS BY RAY FAMILY

Exhibit 5-A. Affidavit of Jerry William Ray

Exhibit 5-B. Affidavit of John Larry Ray

Exhibit 5-C. Affidavit of Albert Pepper

Exhibit 5-D. Affidavit of Carcl Pepper

AFFIDAVIT OF JERRY WILLIAM RAY

I, Jerry William Ray, being duly sworn, depose as follows:

1. I am the brother of James Earl Ray.

2. On or about November 1, 1968, I received a telegram from author William Bradford Huie asking me to come down to his home at Hartselle, Alabama. Mr. Huie also sent me a round-trip ticket from St. Louis to Huntsville, Alabama.

3. When I arrived in Huntsville, Mr. Huie met me at the airport. We then rented a room at a motel at the airport.

4. During our conference at this motel Mr. Huie showed me the contracts which he, Arthur Hanes, and James Earl Ray had signed. He showed me how much money was coming in, how much had been paid out, and how much more money he expected to make.

5. Huie told me that Hanes was having problems with my brother James because James insisted on taking the stand in his own defense. Huie said that it wouldn't help if James took the stand anyway. Huie stated that he was the only one who could help James. He endeavored to get me to talk to James about not taking the stand, saying: "When you leave here, I want you to do two things. I want you to go see James and tell him we don't want him on that stand. Also, you tell James, whichever way he wants it, we're going to give him \$12,000. We'll give it to you, give it to James, or give it to anybody he wants to." This money was to be given on the condition that James wouldn't take the witness stand.

6. I then asked Mr. Huie where he would get the \$12,000 since I thought Huie had already paid out all the money he owed under the contracts. Huie replied that he would get it back off

Arthur Hanes. He said that the original contracts provided for James to get some of the money from the start and he felt that because Hanes wanted more money he had put pressure on James to change the contracts so that Hanes got all of James' share too. However, Huie said that these contracts could be changed again. I told Huie that Hanes already had the money, "so he's not going to come back and give that money up, that's a lot of money." To this Huie replied: "Hanes does what I tell him. I'm the one paying all this money out. Hanes goes along with me. I tell him to give that money back and I'll get that money back. So you don't worry about that. You just ask James where he wants the money to go to."

7. At this same meeting Huie also made the statement that James had to supply him with names so they could have somebody arrested before we went to trial. Huie said that as things stood, if they went to trial without his supplying names so they could arrest someone, it'd probably be a hung jury rather than an outright acquittal. He said that he felt like I did, that James was innocent, but they had to arrest someone before the trial, otherwise it would look kind of bad.

8. Huie stated that if they got a hung jury, that would delay things for months. If the trial dragged on for a year, people would lose interest in his book. Huie explained that his book was the kind that had to be published when the time was ripe. He stated, "right now the time is ripe. But things come and go, people lose interest in one thing and get interested in another. Six months from now, my book might not sell nothing."

9. After the meeting with Huie at Huntsville, I flew back to St. Louis. The next day or the day after, I got my car and drove to Memphis. When I got there I told James to fire Hanes because Huie, not Hanes, was running the case. James said he wouldn't mind having a local lawyer or one who knew Tennessee law, but he declined to write Percy Foreman as I suggested.

10. While still in Memphis I contacted two other lawyers, but each said he would not be able to handle the case by himself. One of the lawyers I called was Richard J. Ryan of Memphis.

11. As I drove back to St. Louis and got to thinking about it, I decided to call Percy Foreman. When I called Percy Foreman from St. Louis, he said that if James would write him a letter, he would take the case.

12. On my next trip to Memphis, just three or four days before the trial, I again told James he had to write Foreman a letter before Foreman would come into the case. But James still said he didn't want Foreman in. He was dissatisfied with Hanes, but he still didn't want Foreman in.

13. However, I decided to call Foreman on my own. Foreman again asked me about the letter from James. I told him, "we don't have time." Foreman then instructed me to get the contracts and meet him at the Memphis Airport.

14. My brother John and I met Foreman at the Memphis Airport. We brought along with us copies of the contracts, but we did not bring any letter from James to Percy Foreman because James refused to write it. Foreman immediately went with us to our motel room at the airport and looked over the contracts. After he finished looking over the contracts, Foreman said: "I can break them; let's go to the jail and see James."

15. At the jail John and I were refused permission to go to see James with Foreman, but Captain Smith personally took Foreman to James' cell. After an hour or two in conference with James, Foreman came out with a handwritten letter and held a press conference.

16. At various times during the next few months I listened to Foreman explain his plans for handling the Ray case. Soon after he entered the case, Foreman remarked that a baby could win the case because there wasn't any evidence against James. He said this would be one of the easiest cases ever. In fact, one of the first things Foreman told me was that the prosecution couldn't even prove the bullet came from the rifle.

17. Foreman was also very critical of Arthur Hanes. He said that Hanes should never have been working with Huie because it was against James' interest. Foreman stated that he would never work with any writers.

18. Foreman told me that as part of his courtroom strategy, "I try everybody but the defendant." He told me about a couple of cases in which he had done this. In one case a woman was tried for murdering her husband. Foreman said he had the whole jury crying when he showed her husband beat a dog to death. In a second case, a woman shot her husband and then went some place. But then she thought he might not have died, so she came back in front of several witnesses and shot him again two or three times to make sure he was dead. Foreman went to trial with her and got her an acquittal. So Foreman said, "if I can get somebody like that an acquittal, with eyewitnesses, what about James?"

19. Foreman talked like he was going to use this same strategy in James' case. He said that all his life Dr. King was out to break the law. He said he would get films showing King at communist training schools. He would show these films to the jury and show that Dr. King was a law-breaker, a full-fledged communist and rabble-rouser whose purpose for being in Memphis was to break a federal injunction.

20. Later, about a month before the trial, Foreman came to Clayton, Missouri to see another client. Afterwards he came to the home of my sister, Carol Pepper. I, my brother John, our father, and Carol's husband, Albert Pepper, were all present.

21. Foreman brought with him a handwritten letter from James listing several reasons why he would not plead guilty. Foreman read to us the reasons why James said he would not plead guilty. The number one reason was: "I'm not guilty."

22. Foreman said, "What I want you to do, all of you, is to try to persuade James to plead guilty." He told us that James would "burn" if he didn't plead guilty. Foreman stated: "If you care about your brother at all, you'll go down and ask him to plead guilty," and then he added, "but don't tell him I was trying to influence you to get him to do it."

23. Foreman stated during this meeting at Carol's that he hadn't made any deal yet, "but I know Phil Canale is a good man, he'll go along with it."

24. As one of his arguments for James to plead guilty, Foreman told us that the type of person that would acquit James

would be cab-drivers and people like that, working-class people, but he said they wouldn't be on the jury. Instead, he said that the jury would have Chamber of Commerce types that would vote to convict him.

25. I made no attempt to try and get my brother James to plead guilty.

26. About five days before the trial, William Bradford Huie called up. He said, "Jerry, they're going to wind it up in Memphis," and told me the date.

27. I and my brother John went down to Memphis three or four days before the trial. The day before the trial I saw Percy Foreman. He looked worried. He said he was having trouble with James. He made the comment: "What I don't want him to do is get up in that courtroom and fire me. That'd be embarrassing."

28. The morning of the trial John and I had breakfast with Foreman at the Sheraton-Peabody. Foreman was still worried about James. He said: "I still can't believe he'll do it. I believe that he'll embarrass me in court." He figured James would fire him in the courtroom.

29. After the trial, Foreman held a televised press conference. He wanted my brother John and I to appear at the conference and say how happy we were that he had saved James' life. But we refused and avoided the T. V. cameras by going out the back way.

30. Later Foreman called us over to his room at the Sheraton-Peabody. He wanted to get the Mustang which James had signed over to him as a retainer. He offered to pay us to drive the Mustang back to Texas for him.

31. William Bradford Huie also came over to see us after the trial. He was all happy. He told me that they were going to make a movie out of his book and use me as one of the stars. He said he was negotiating with Carlo Ponti. He stated that I would have to sign a waiver, but that I would play my own part. He said, "they pay well for that kind of work."

Jerry W. Ray
JERRY WILLIAM RAY

STATE OF ILLINOIS

COUNTY OF COOK

Before me this 25th day of August, 1972, Deponent Jerry W. Ray has appeared and signed this affidavit first having sworn that the statements made therein are true.

My commission expires Cleta M. Margis May 1976

Cleta M. Margis
NOTARY PUBLIC

AFFIDAVIT OF JOHN LARRY RAY

I, John Larry Ray, being duly sworn, depose as follows:

1. I am the brother of James Earl Ray. I presently reside at the penitentiary at Leavenworth, Kansas.

2. Shortly before my brother James Earl Ray was first scheduled to come to trial, my brother Jerry and I met Percy Foreman at the Memphis Airport. The three of us then went to a room Jerry and I had rented at a motel next to the airport. Foreman didn't want to talk much because he said the room might be bugged. But he read the copies of the contracts between William Bradford Huie, Arthur Hanes, and my brother James which we brought to him. He said he could break them easy.

3. We then went to the jail to see Jimmy. Foreman was taken to Jimmy's cell, but Jerry and I were not allowed to go along. Later Foreman came out with a letter from Jimmy and held a press conference. Afterwards, Foreman took Jerry and me to dinner at his hotel.

4. At this first meeting, Foreman didn't talk too much about the case. He just said he would have Jimmy walking on the street. He acted like there wasn't any evidence against Jimmy.

5. I recall that at a later date Foreman discussed some of his trial tactics. Foreman said he would get at least a hung jury. He said that he would get "Martin Luther King films" and show them to the jury. He would turn the volume up high when he showed films of cities burning down and King making speeches. He said that after a couple of weeks of seeing and hearing this, the jury itself would want to shoot King.

6. The first time I learned of any change in tactics was when Foreman came to my sister's home in Maplewood, Missouri. This meeting took place at the time Foreman came to Clayton, Missouri to represent another client. I picked Foreman up at his motel and brought him to Carol's house.

7. Present at Carol's for the meeting with Foreman were my brother Jerry, my sister Carol, our father, and Carol's husband, Albert Pepper.

8. At this meeting Foreman urged us to get Jimmy to plead guilty. He particularly tried to get my sister Carol to get Jimmy to plead guilty.

9. Foreman told us that if Jimmy pleaded not guilty, then they were going to "burn" him. Foreman asked our father if he would testify for Jimmy if there was a trial. Then Foreman said, "If you do testify, they're probably going to burn him anyway." After Foreman left, Dad said Foreman was trying to sell Jimmy down the river.

10. Foreman told us that the jury was going to make an example out of Jimmy. He also said the jury would be a special jury which would not have ordinary people on it like cab-drivers. Foreman said the kind of people on the jury would be worried that the blacks would burn down the city if no conviction was obtained.

11. None of us tried to get Jimmy to plead guilty.

12. I don't recall Foreman making any investigation of the case. I do recall that Foreman said that Jimmy had asked him to go to California. Foreman said you couldn't conduct a trial like that. He said if Jimmy wanted to plead innocent, it would seem like he wouldn't want to bring in conspiracy. Foreman said he spent more

time arguing points of law with Jimmy than on the case itself.

Foreman said he couldn't get it through Jimmy's head "to get conspiracy out of his head because that makes it look like he was involved."

13. Closer to the time of the trial, Jimmy told me that Foreman wanted him to plead guilty and say he killed King because he was a communist. Jimmy told me he wouldn't do it.

14. Foreman also said he would bring in a lawyer who was running for governor, give him a half million dollars worth of publicity and help him win the election. Then after this lawyer became governor, he would get Jimmy a pardon.

15. Foreman also painted a rosy picture. He said Jimmy would get out of prison after four or five years. He said Jimmy would be a hero at the penitentiary and the guards would let him escape anytime, since they didn't think he should be in there anyway. Foreman also stated that Jimmy would have enough money, if nothing else, to buy his way out. He said that if Jimmy got the death penalty, he'd be sitting on death row and wouldn't be able to escape or do anything else.

16. I went to the jail to see Jimmy just before the trial. I think it was the night before the trial. Jimmy said he had been up two or three days but still couldn't make up his mind what to do. He said he was thinking of firing Foreman but the judge told him he couldn't have any more attorneys. He also said that if he fired Foreman, he wouldn't have any money to hire another attorney.

17. The morning of the trial Foreman was still worried that Jimmy wouldn't plead guilty.

18. After the trial, Foreman wanted Jerry and me to walk out with him and talk to reporters and act like we had agreed to the plea. But Jerry and I left through the back door.

19. The morning after the trial, I went to Foreman's room at the Sheraton-Peabody. Foreman had a guilty complex. He was upset and making excuses for the guilty plea. The main reason he gave for the guilty plea was he couldn't be tied up for three or four years by a case that got a hung jury. He said he makes his money in divorce cases and the only reason he takes criminal cases is for the publicity alone.

John Larry Ray

JOHN LARRY RAY

STATE OF KANSAS

COUNTY OF LEAVENWORTH

Before me this 31 day of August, 1972, Deponent John Larry Ray has appeared and signed this affidavit first having sworn that the statements made therein are true.

My commission expires _____.

"Authorized by the act of July 7, 1955 to administer oaths (18 U.S.C. 4004)."

[Signature]

NOTARY PUBLIC
M.S. Parole Officer

AFFIDAVIT OF ALBERT PEPPER

I, ALBERT PEPPER, being duly sworn, depose as follows:

1. I am the husband of CAROL PEPPER and brother-in-law of JAMES EARL RAY.

2. I recall that Mr. Percy Foreman paid a visit to our home and tried to convince Carol and the family to go down and get her brother James to plead guilty. I do not recall just when this visit occurred.

3. Mr. Foreman told us that he knew James did not kill Dr. King but that he would be convicted because of the pretrial publicity and because he was an escaped convict. Foreman said that an ex-con will never look you in the eye when you're talking with him. He said this is one of the ways you can spot an ex-convict right off.

4. Mr. Foreman also told us that the prosecution was bribing witnesses. He mentioned a witness named Stephens.

5. Mr. Foreman said he had worked out a deal for 99 years and that if James did not plead guilty he would be sentenced to die.

6. Mr. Foreman also stated that if James would plead guilty he would receive about \$200,000 from the book Mr. Huie was writing. Foreman said that if James would cooperate and keep his mouth shut, he (Foreman) would get him a pardon in a matter of about two years, as he knew who the next governor would be.

7. When Mr. Foreman left our house Carol's father remarked "He sold him out."

8. I refused to do what Mr. Foreman asked us to do.


ALBERT PEPPER

State of Missouri)
)
County of St. Louis)

Before me this 25 day of August, 1972, Deponent
Albert Pepper has appeared and signed this affidavit
first having sworn that the statements therein are true.

My commission expires on NOTARY PUBLIC, STATE OF MISSOURI
MY COMMISSION EXPIRES JAN. 30, 1974

J.M. Deland
Notary Public

AFFIDAVIT OF CAROL PEPPER

I, CAROL PEPPER, being duly sworn, depose as follows:

1. I am the sister of James Earl Ray.
2. Attorney Percy Foreman came to my home in Maplewood, Missouri, at a time which, as best I can recall, was close to the trial of my brother James. I remember the meeting clearly because as I stood up to shake hands with Mr. Foreman he took my chair, saying he had a bad back. I do recall that Mr. Foreman's visit to my home coincided with a trip Mr. Foreman made to Clayton, Missouri to see another client. Also, I recall that at the time of this visit there was a write-up on Mr. Foreman in one of the St. Louis papers.
3. Present at my home when Mr. Foreman made his visit were my brothers, Jerry and John Ray, our father, Jerry Rayns, and Albert Pepper, my husband.
4. Mr. Foreman brought with him a two-page letter which I recognized as being written in the hand of my brother James. This letter was from James to Mr. Foreman and it listed the reasons why James did not want to plead guilty.
5. Mr. Foreman read to us the list of reasons why James said he did not want to plead guilty. The number one reason was, "because I'm not guilty."
6. Mr. Foreman argued with us that James should plead guilty and he asked us to visit or write him and try to persuade him to plead guilty. In fact, during this meeting Mr. Foreman asked me two different times to write my brother James and tell him I agreed with everything Foreman said.
7. While trying to convince us that James should plead guilty, Foreman stated that James would receive the death penalty

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if he did not plead guilty. Foreman told us he knew that James did not kill Dr. King but that it didn't matter whether or not James was guilty because the jurors all read the newspapers. He said that James would be convicted because of the pretrial publicity and the fact that he was an escaped convict. He also said that the prosecution had a lot of evidence against James and that they were bribing witnesses. He mentioned a witness named Stephens and said that they were bribing him, giving him money to keep him in wine. He said the type of jurors that would be on the jury would be the type that would vote to convict James.

8. Mr. Foreman also told us that if James would plead guilty he would receive about \$200,000 from the book Mr. Huie was writing. He also told us that James would be treated like a hero at the prison and that if he would cooperate and keep his mouth shut, he (Foreman) would get him a pardon in a matter of about two years, as he knew who the next governor would be.

9. When Foreman left the house my father said, "he sold him out."

10. I refused to do what Mr. Foreman wanted us to do.

Carol Pepper
CAROL PEPPER

State of Missouri

County of St. Louis

before me this 25 day of August, 1972, Depo-
nent Carol Pepper, has appeared and signed this affidavit
first having sworn that the statements made therein are true.

My commission expires

NOTARY PUBLIC, STATE OF MISSOURI
MY COMMISSION EXPIRES FEB. 29, 1974

M. S. [Signature]
NOTARY PUBLIC