

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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JAMES H. LESAR, : : : : :  
Plaintiff, : : : : :  
v. : : : : : Civil Action No. 77-0692  
: : : : :  
U.S. DEPARTMENT OF JUSTICE, : : : : :  
Defendant : : : : :  
.....

AFFIDAVIT OF HAROLD WEISBERG

I, Harold Weisberg, first having been duly sworn, depose and say as follows:

1. I am an author. I reside at Route 12, Frederick, Maryland 21701.

2. I have written six published books on the assassination of President John F. Kennedy. In 1969 I began writing a book on the assassination of Dr. Martin Luther King, Jr. which was later published under the title of Frame-Up: The Martin Luther King-James Earl Ray Case (Outerbridge & Dienstfry, 1971). I attach two reviews of Frame-Up. The first appeared in the March 24, 1971 issue of Publisher's Weekly. (Attachment 1) The second, by author Fred J. Cook, appeared in the April 10, 1971 issue of Saturday Review. (Attachment 2)

3. I am generally recognized as the leading authority on the assassination of Dr. King. Subsequent to the writing of Frame-Up, I became the investigator for James Earl Ray's defense. I was responsible for developing the facts and making the factual analysis which caused the United States Court of Appeals for the Sixth Cir-

cuit to remand Ray's habeas corpus petition to the district court for "a full-scale judicial inquiry" into Ray's allegations. I was deeply involved in the preparations for the evidentiary hearing which ensued, including direct participation in some of the sweeping discovery which Ray had obtained by court order. I was also present at the counsel table with Ray's attorneys during the two-week evidentiary hearing which was held in October, 1974.

4. Over the years I have probably interviewed James Earl Ray at greater length and corresponded with him more than any other person.

5. I have read all available literature on the assassination of Dr. King and the James Earl Ray case. My extensive files on this subject include thousands of pages of court records, countless newspaper and magazine articles, and more than 50,000 pages of government records. They also include voluminous correspondence and my own interviews of witnesses.

6. As a result of Freedom of Information Act lawsuits, principally Weisberg v. Department of Justice, Civil Action No. 75-1996, I have obtained in excess of 50,000 pages of FBI records pertaining to the assassination of Dr. Martin Luther King, Jr., including what is purportedly the entire FBI Headquarters' MURKIN file. I have also obtained voluminous records on related subjects, such as the Memphis sanitation workers' strike (which caused Dr. King to go to Memphis in the first place) and The Invaders, a group of young black radicals, heavily infiltrated by police and FBI informants and agents provocateurs, which was responsible for the outbreak of violence which led Dr. King to return to Memphis where he was killed on April 4, 1968.

7. In preparation for a book on the James Earl Ray case and the campaign to harass, intimidate, and discredit Dr. King, I have

read and taken notes on these more than 50,000 pages of FBI documents on the assassination of Dr. King. I have also read and made notes on the records released as a result of this lawsuit by Mr. Lesar.

7. In addition to this, I am in the process of obtaining more records on Dr. King's assassination from other government agencies. I also have a pending request, on which compliance is long overdue, for the FBI's COINTELPRO records on Dr. King and his organization, the Southern Christian Leadership Conference (SCLC).

8. The work I do on the King and Kennedy assassinations is not done in pursuit of a detective mystery story, a whodunit. Essentially it is a study of the function, malfunction, and non-function of the basic institutions of our society in response to these crises.

9. I have reached only a few conclusions as the result of my work. The most fundamental is that our basic institutions--the law enforcement agencies, the courts, the press--have all failed.

10. Each of these crimes is unsolved. The available evidence shows that Lee Harvey Oswald did not shoot President Kennedy. The hard physical evidence also proves that more than one person fired on the President.

11. With respect to the assassination of Dr. King, the evidence shows that James Earl Ray did not shoot him and that the murder could not have been committed in the manner alleged by the prosecution.

12. I have made arrangements to have all my records pertaining to the assassinations of President Kennedy and Dr. Martin Luther King, Jr., as well as some records on other subjects, made part of an archive which will be deposited with the University of Wisconsin--Stevens Point, where they will be made available to

students, scholars, and the general public. I have, in fact, already deposited some of my records with the University of Wisconsin--Stevens Point.

13. Although this lawsuit was filed in Mr. Lesar's name, he requested that the records disclosed as a result be mailed directly to me. When I have received these records, my wife has made two copies, one for my personal use and another for Mr. Lesar. As is my policy with all records which I obtain from the government on these subjects, I preserve the "original" I get exactly as I receive it. No notes or markings are made on the originals.

14. I have not charged Mr. Lesar for the copies of the records I have provided him. This includes a complete copy of the entire FBI Headquarters' MURKIN file, which amounts to approximately 20,000 pages.

15. I have read the motion for summary judgment summary judgment made by the defendant in the above-entitled case and the affidavits submitted in support of it.

16. Several volumes of Appendix C to the Shaheen Report are said to be duplicate copies of Memphis Police Department records pertaining to the local police investigation of the King assassination. Defendant asserts that these local law enforcement records were furnished to the Department of Justice under circumstances from which an assurance of confidentiality could be reasonably inferred. (Memorandum of Points and Authorities, p. 18) Defendant further asserts that:

Thus, it can be seen that the Memphis Police Department (through its cautious custodial intermediary in the District Attorney General's Office) effectively occupies the role of a "confidential source" to the Department of Justice in this uniquely anomalous situation. (Id., p. 19)

The footnote to this quoted passage indicates that what is "uniquely anomalous" about this, in defendant's view, is that it may

"the first situation ever in which a component of the Department of Justice (or perhaps any federal agency) has taken custody and control of local law enforcement agency records under circumstances leading to such FOIA susceptibility." (Defendant's Memorandum, p. 19, n. 23)

17. It is not at all unusual, particularly in historically important cases such as the assassination of Dr. King, for federal agencies to come into possession of the records of local law enforcement agencies. Nor does past practice suggest in the least that such records are obtained on the basis of confidentiality.

18. For example, several thousand of pages local law enforcement records were furnished the Warren Commission by the Attorney General of the State of Texas. These records were compiled during the investigation into President Kennedy's assassination made by the Texas Court of Inquiry under the direction of Leon Jaworski. The Warren Commission published some of these Texas police records. The originals are on deposit at a state archive in Austin, Texas, where they are readily available to the public. All of these records are on microfilm at the Library of Congress and may be obtained by the public. I personally have a complete microfilm of the Library of Congress copy of these records. The copies which were given the Warren Commission are also available at the National Archives. I have myself published some of these local law enforcement records in my books. For example, in Whitewash II I published the February 17, 1964 report of two detectives of the Criminal Intelligence Section, Special Service Bureau, Dallas Police Department, on their interview of Teofil Meller, who told them that he had checked Lee Harvey Oswald out with the FBI "and they told him that OSWALD was all right." (See Attachment 3) I obtained this Dallas Police Department record from the National Archives.

19. I have also obtained many records of local law enforcement agencies pertaining to the assassination of Dr. King and related matters from the Department of Justice under the Freedom of Information Act. For example, while James Earl Ray was incarcerated in Memphis awaiting trial, his mail was intercepted and taken to the Office of the District Attorney General of Shelby County where xerox copies were made. Even a letter which Ray sent to Trial Judge Preston Battle by registered mail/<sup>was</sup>intercepted and xeroxed for the DA before it was delivered to Judge Battle. The intercepts of Ray's mail were made available to the FBI's Memphis Field Office in copies and verbally. I have obtained copies of these records under the Freedom of Information Act. (See Attachments 4 and 5) Although they were furnished by the Sheriff of Shelby County, the FBI made no claim of confidentiality.

20. Other investigations by the Memphis police were made available to the FBI. The police phoned the FBI in Memphis to make verbal reports of their investigations. The Memphis Field Office then teletyped and telephoned FBI Headquarters in Washington immediately. Additional details on the Memphis police investigations were often added later on in the FBI's LHMs (Letterhead Memorandums). I have obtained these records under the Freedom of Information Act.

21. Almost any information picked up by local law enforcement agencies was passed on to the FBI in this fashion. The FBI has not sought to restrict my access to it on the grounds that it was provided by a confidential source. (See Attachment 6, for example)

22. James Earl Ray's trial defense, if it can be called such, was financed by author William Bradford Huie, who bought the rights to the James Earl Ray story. However, on February 7, 1969, Huie appeared before the Shelby County Grand Jury to testify

against Ray. Four days later the Shelby County District Attorney General, then Phil Canale, notified Ray's lawyer, Percy Foreman, whose fee was being paid by Huie, that Huie would be called as a witness for the prosecution at Ray's trial. Immediately thereafter, Foreman began his efforts to coerce Ray into pleading guilty. At Ray's evidentiary hearing in October, 1974, the State introduced Huie's Grand Jury testimony into evidence. Some of the substance of Huie's Grand Jury testimony is also recounted in a February 5, 1969 memorandum which Assistant District Attorney General Robert K. Dwyer made of a conversation which he and other prosecutors had with Huie on February 4, 1969. This local law enforcement memorandum was made available to the FBI and I obtained it under the Freedom of Information Act. (See Attachment 7) The FBI made no claim that it was exempt from disclosure because it had been received from a confidential source.

23. The Memphis Police Department gave the FBI many records on its investigation of the King murder. For example, Memphis authorities provided the FBI with photographs taken at Dr. King's autopsy and at the scene of the crime. In fact, the FBI purportedly did not take its own crime scene photographs until November, 1968, some seven months after Dr. King's assassination. As long ago as 1970, I obtained a Memphis Police Department photograph of the King assassination crime scene as the result of a Freedom of Information Act lawsuit, Weisberg v. Department of Justice, et al. Civil Action No. 718-70. More recently, in Weisberg v. Department of Justice, Civil Action No. 75-1996, I have obtained some forty more photographs which the FBI got from a local law enforcement agency in Memphis.

24. Under the Freedom of Information Act I have obtained mug shots from a number of different police departments which had made them available to the FBI. No claim of confidentiality was made with respect to such records.

25. I have also obtained hundreds of Memphis Police Department files on The Invaders and the Memphis sanitation workers' strike. The documents given me on these subjects include the reports of criminal informants, among others. I obtained these records from the FBI as the result of a Freedom of Information Act lawsuit.

26. The Memphis Police Department engaged in a massive domestic intelligence operation. Memphis police operatives regularly covered political meetings. The Memphis police even had informers inside the Memphis City Council. The political intelligence records of the Memphis police were given to the FBI and distributed to military intelligence agencies as far away as Miami. These political files of the Memphis police included informant reports on all kinds of activities, religious, draft evasion, criminal, prostitution, and so forth. They have not been withheld from me under any claim that they are confidential because they were provided by a local law enforcement agency. I have obtained copies of them from the FBI as the result of a Freedom of Information Act lawsuit.

27. Relying on an affidavit by James Walker, a member of the Department of Justice Task Force which produced the Shaheen Report, defendant asserts that Shelby County District Attorney Hugh Stanton, Jr., at first refused to provide the Task Force with duplicate copies of the duplicate copies of Memphis Police Department records in his possession "because of the nature of these records" but ultimately did furnish them when compelled to do so by a grand jury subpoena. (Defendant's Memorandum, p. 18)

28. The affidavit of Michael E. Shaheen, Jr. filed in this case addresses the denial of access to these Memphis Police Department records:

These records were made available to the Task Force by the Shelby County Attorney



General's Office pursuant to subpoena. When the Office of Professional Responsibility received Mr. Lesar's request for these records an attorney in my office called the Shelby County Attorney General's Office and inquired whether there was any objection to the release of these records to Mr. Lesar. The Shelby County Attorney General refused to consent to the release of the records to Mr. Lesar. The basis for that denial is that to release Memphis Police Department records after being denied permission to do so could seriously impair future cooperation between the Memphis Police Department and the FBI and could also be expected to diminish the ability of the Department of Justice to acquire similar records from other state and local law enforcement agencies in the future. (Shaheen Affidavit, ¶16.5)

29. Although the above passage from Mr. Shaheen's affidavit purports to give the Department's reasons for denying Mr. Lesar access to these records, it omits whatever reason Mr. Stanton may have given for his position.

30. The real reason for denying Mr. Lesar access to the Memphis Police Department records is that their disclosure will further discredit the official version of Dr. King's assassination and reveal a succession of coverups, both state and federal, to prevent the truth about the assassination and the James Earl Ray case from coming out.

31. Mr. Stanton is well aware of this. On December 18, 1968, Judge Preston Battle appointed the Shelby County Public Defender, Mr. Hugh Stanton, Sr., to act as co-counsel for James Earl Ray, purportedly to investigate the King murder and otherwise assist Mr. Percy Foreman, Ray's attorney. Mr. Hugh Stanton, Jr. was the Assistant Public Defender in charge of the actual investigation. After doing absolutely nothing for the first forty days after the Public Defender was appointed co-counsel for Ray, Mr. Stanton finally began an investigation of the King murder at the end of January, 1969. The Public Defender's investigation proceeded at

snail's pace, interviewing at most two or three witnesses a day. Yet even this minimal investigation produced information which contradicted the State's version of the crime and tended to exculpate James Earl Ray.

32. The Memphis Police Department records will undoubtedly corroborate what the Public Defender's investigation indicated. At a minimum, the Memphis Police Department records should provide evidence that: 1) the shot which killed Dr. King did not come from the bathroom window as alleged by the State of Tennessee; 2) there were two white Mustangs at the scene of the crime shortly before Dr. King was murdered, but one left the scene before he was shot; 3) the alleged murder weapon was planted in the doorway to Canipe's Amusement Center before Dr. King was shot; and 4) the State's only alleged eyewitness, Charles Quitman Stephens, was so drunk fifteen minutes before King was shot he could not get out of bed. The Memphis Police Department records may also help to establish that James Earl Ray was not at the scene of the crime when Dr. King was murdered.

33. It is for these and similar reasons, not "confidentiality," that the Memphis Police Department records are being withheld. The FBI records which I have obtained in Civil Action No. 75-1996 already have established that the prosecution misrepresented facts at James Earl Ray's guilty plea hearing. For example, the prosecution told the court that at a trial an FBI agent would have testified that he had made a microscopic comparison of a dent in the bathroom windowsill and the alleged murder weapon and concluded that "the microscopic evidence in this dent was consistent in all ways with the same microscopic marks as appear on the barrel of this rifle." Subsequently, at a slide lecture which he gave to the Tennessee Bar Association, Shelby County District Attorney General Phil M. Canale asserted:

The FBI laboratory personnel would have testified in a trial that this identification mark on this windowsill had the same machine markings as the underpart of the barrel of the rifle and would have testified that those machine marks on the windowsill were caused by the recoil of the rifle barrel when the shot was fired.

These representations were false, as is shown by the attached FBI Laboratory report which I obtained under the Freedom of Information Act. (See Attachment 8) Not only did the FBI examination not link the rifle to the windowsill by means of microscopic markings present on both, but the FBI lab report also stated that "No gunpowder or gunpowder residues were found on the [windowsill]" from which the shot was allegedly fired.

34. Mr. Stanton has a history of withholding evidentiary materials on the Ray case. In October, 1974, when Mr. Lesar and I sought to implement Ray's discovery order on the Shelby County District Attorney General, we met personally with Mr. Stanton to inform him that discovery materials were being withheld from us. We got an extremely hostile reception from Mr. Stanton. Subsequently, when we proved in court that files of the District Attorney General's Office existed which had not been provided us, Mr. Stanton produced them. The records he had withheld were important documents.

35. As a general proposition, it is not true that police records are kept confidential. Much information in such records is customarily leaked to the press; that which is damaging or embarrassing to the prosecution is withheld. This is particularly true with respect to the James Earl Ray case. The newspapers have carried voluminous information on the James Earl Ray case which could only have come from state and federal records compiled during the investigation of Dr. King's murder.

36. In fact, both the FBI and the Shelby County District Attorney have a history of deliberately seeking to propagandize

the public by providing sycophantic writers with selected information for their files. For example, in August, 1968, three months before Ray's trial was scheduled to begin, the Reader's Digest ran an article by Jeremiah O'Leary which was highly prejudicial to James Earl Ray and which contained information which could only have come from access to information in FBI files. This was so blatantly obvious that James Earl Ray wrote a letter to Trial Judge Preston Battle protesting it, stating: "I am sure you would agree that this article could not have been written without the assistance of someone in the Justice Dept." (See Attachment 9)

37. The moment that James Earl Ray entered a plea of guilty, the FBI began considering cooperation with friendly book writers in order to counter criticisms. (See Attachments 10, 11, 12) At the same time, the FBI hierarchy directed that there be no response to my information requests. (Attachment 13)

38. Tennessee officials followed the same policy. In response to a letter I wrote Shelby County DA Phil Canale on March 16, 1969, his administrative assistant declared that: "None of the evidence not in the transcript [of the guilty plea hearing] will be available to anyone." (Attachment 14) Notwithstanding this declaration, author Gerald Frank, described in FBI files as being friendly to the Bureau, personally told me that he had some 40 meetings with Canale and his staff. Other writers apparently gained access to FBI files through Canale's office. (See Attachment 15, a letter from George McMillan to John Ray, brother of James Earl Ray)

37. Defendant's Memorandum states, at page 10, that the symbol numbers which have been deleted pursuant to Exemption 2 have "no substantive significance" and that "they can hardly be characterized as the subject of a legitimate or genuine public in-

terest . . . ." None of this is true.

38. Although disclosure of informant symbol numbers does not reveal the identity of the informants and thus does not jeopardize them, it can provide important substantive information. Disclosure of informant symbol numbers would give an idea of how many informants were used. This provides a means of assessing the extent of the FBI's coverage. Even repetition of a symbol number can be important. It may, for example, show that an agent provocateur is heating up a situation. Disclosure of the informant symbol numbers makes it possible to evaluate the accuracy and prejudice of a given informant without disclosing his identity. This in turn makes it possible to evaluate the accuracy and prejudice of the review conducted by the Department of Justice Task Force headed by Mr. Shaheen. Contrary to the assertion in defendant's memorandum that the informant symbol numbers do not bear "any substantive relation to the content of the document upon which they appear," these symbol numbers can be content, as where they show that the informant was not merely an informant but an agent provocateur who precipitated violence or dissension through deception, fraud, provocative communications or the other acts typical of a COINTELPRO agent. In cases such as this, the symbol numbers provide a means of evaluating the content and significance of events and information. Obviously, if the informant represented by a particular symbol number provides information known to be false on any occasion, this means that all information provided by that informant must be viewed as suspect unless more reliably confirmed. In such cases as this, content cannot be evaluated apart from the informant. There is, therefore, a legitimate public interest in disclosing these informant symbol numbers.

39. There is a profound public interest in disclosure of the the records which Mr. Lesar seeks in this lawsuit. The Martin

Luther King/James Earl Ray case has been the subject of several books. There have been countless news reports, articles, and discussions of this subject in newspapers and magazines, as well as on radio and T.V. The Ray case has been litigated in a number of different courts over the past ten years. The FBI's investigation of Dr. King's murder has been the subject of several "reviews" by the Department of Justice. The most recent of these, the Justice Department Task Force headed by Michael Shaheen of the Office of Professional Responsibility, reportedly cost the taxpayers \$200,000. The House Select Committee on Assassinations is presently spending unprecedented millions of dollars on its probe of the King assassination. In view of these facts, it is obvious that any claim that materials on the King assassination are exempt from disclosure must be weighed against the overriding interest of the public in full disclosure.

40. The public interest in the fullest possible disclosure of the FBI's COINTELPRO operations against Dr. King is also manifest. The FBI's campaign to harass, intimidate, and ruin Dr. King is a matter of grave public concern, as is evidenced by the fact that the Church Committee held hearings and issued a report on it.

41. Many of the records released as a result of this lawsuit have extensive excisions pursuant to Exemption 7(C) or 7(D). My extensive experience under the Freedom of Information Act shows that such excisions are almost always unwarranted. Generally the information withheld under 7(C) and 7(D) is already publicly known. It is apparent that that is also true in this case.

42. There are important public benefits to disclosure of information which the Justice Department customarily excises as 7(C) or 7(D) material. Often disclosure of such material will eliminate confusion and unwarranted inferences. In this case it will undoubtedly help to evaluate the work of the Justice Department Task Force and its report. For example, some of the informa-


tion used against James Earl Ray in the Shaheen report undoubtedly came from Raymond Curtis, a prison inmate, even though the Shaheen report never mentions him by name. Although the Shaheen Report relies on statements by Curtis to reach its conclusions, it ignores the FBI reports which show that Curtis was a pathological liar trying to cash in on the assassination to make a fast buck. Some of the OPR documents released to Mr. Lesar excise Curtis' name, while others do not. Disclosure of Curtis' as the source of information will assist the public in evaluating the accuracy and honesty of the Justice Department Task Force in relying on statements by Curtis for its conclusions.

43. Much material is excised from the materials obtained by Mr. Lesar on grounds that it is exempt under 5 U.S.C. 552(b)(1). This claim is obviously based on Hoover's paranoid suspicions that Dr. King and his organization, the SCLC, were under the influence or control of communists. There never was any national security basis for Hoover's suspicions. Assistant FBI Director William Sullivan, an authority on the communist movement, told Hoover that there was no communist control of Dr. King or the SCLC. The Church Committee found that Sullivan was right. Despite massive wiretapping and surveillance, Hoover never obtained evidence to support his suspicions. Because Hoover had no evidence to support his beliefs, Attorney General Ramsey Clark refused to authorize a continuation of the surveillance on Dr. King. What the defendant characterizes as "national security informants" are in fact not national security informants but political operatives engaged in COINTELPRO operations.

44. Over the course of many years I have obtained many records which were initially withheld from me on grounds of "national security". Where I have obtained the records which were originally withheld from me on this grounds, there has not been a

single instance where the claim to the exemption was justified. In all cases the information withheld was embarrassing to government officials.

45. It is apparent that the claim of national security in this case has no relationship to damage to the national defense or foreign relations of the United States sufficient to qualify for classification, particularly at this date ten years and more after the time of relevant events. It is also apparent that these claims of national security serve to suppress information about the FBI's COINTELPRO operations against Dr. King and his organization that would further embarrass the FBI if released to the public.

  
 HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Subscribed and sworn to before me this 22nd day of May, 1978.

  
 NOTARY PUBLIC IN AND FOR  
 FREDERICK COUNTY, MARYLAND  
 Jean M. Kunkle

My commission expires July 1, 1978.



MARCH 24

*FRAME-UP: The Martin Luther King/James Earl Ray Case Containing Suppressed Evidence. Postscript by James Earl Ray. Harold Weisberg. Out-erbridge (Dutton, dist.), \$10*

Weisberg sprang into national prominence with his book "Whitewash," about the Warren Report. Here, in massive detail, he describes his investigations into what he calls the "framing" of James Earl Ray as the murderer of Martin Luther King in 1968. It is an extraordinarily gripping book. Weisberg attempts to get at the actual evidence that would have, he says, been presented and tested by cross-examination—with results unfavorable to the prosecution—had there been what he defines as a full-scale trial of Ray instead of the "minitrial" that took place March 10, 1969. He contends that Ray did not shoot King, but was the decoy for the actual criminals.

This review can barely suggest the detailed number of Weisberg's charges, speculations, freshly documented evidence and revelations about the King murder. In two areas he is pure TNT: his attack on Ray's lawyer, Percy Foreman, and Bradford Huie as "scavengers" and his sensational head-on assault on J. Edgar Hoover, the FBI and the government itself for what he claims was suppressing of official evidence indicating Ray was not alone in the King assassination. Crank or supersleuth, Weisberg, for all his turgid writing has brought forth a blistering book.

**FRAME-UP:**  
The Martin Luther King/  
James Earl Ray Case

by Harold Weisberg

Outerbridge & Dienstfrey/Dutton,  
518 pp., \$10

Reviewed by Fred J. Cook

■ On March 10, 1969, in a Memphis courtroom, the curtain rose on one of the most brazen travesties of justice ever to disgrace America. James Earl Ray, the accused killer of Dr. Martin Luther King, Jr., was to go on trial. But there was no trial. There was instead a deal between judge, prosecutor, and defense attorney. Ray would plead guilty in exchange for a life sentence, and the court would return the verdict so much desired by the American Establishment: Ray had acted alone.

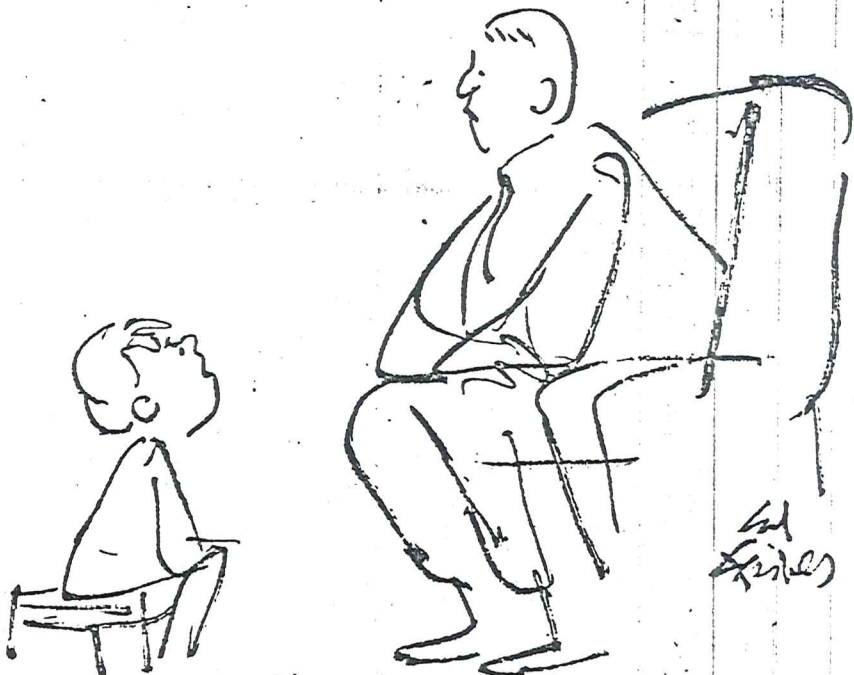
The drama ran as smoothly as a well-plotted Hollywood film—up to a point. Then James Earl Ray spoke. He did not agree, he said, with Attorney General Ramsey Clark and FBI Director J. Edgar Hoover, who had been insisting there was no conspiracy. Here was the man who had to know, and, at some risk to himself, he was telling the court that the script was phony. Defense Attorney Percy Foreman, who had had to browbeat his unwilling client into copping a plea instead of standing trial, leaped into the breach. It was not necessary, he said, for Ray to accept everything; all that mattered

was that he was pleading guilty to the crime. Was he? the judge asked. Yes, Ray said, and the juggernaut of official machinery rolled over his feeble but courageous protest.

Harold Weisberg, a onetime government investigator who has devoted himself to a pursuit of the ignored or suppressed facts about political assassinations, has now turned to the case of James Earl Ray in the book he calls *Frame-Up*. He does not doubt that Ray was implicated in the King assassination, but his thesis is that Ray filled the same role Lee Harvey Oswald did in the assassination of President John F. Kennedy in Dallas. In Weisberg's view Ray, like Oswald, was not the killer; he was the decoy, the patsy, the man meant to be caught.

Weisberg shows that in the King case, just as in Dallas, a baffling use was made of doubles. Just as there is evidence that two men used the name of Lee Harvey Oswald, so is there evidence that someone besides James Earl Ray knew and used some of his various aliases. Here are a few of the points Weisberg raises:

*Ray's arrest at Heathrow (London) Airport, June 8, 1968.* According to Scotland Yard, Ray, traveling under the name of Ramon George Sneyd, came into the airport about 6:15 A.M. on a flight from Lisbon. While waiting for his plane to refuel and fly on to Brussels, he wandered unnecessarily into the immigration section for incoming passengers and was spotted and detained. But on that date a man using the name of Ramon George



"That's all you did in the big war, Dad—keep an eye on this guy Hopkins?"

Sneyd was living—and had been for several days—at the Pax Hotel in London. He left about 9:15 the same morning to catch a plane for Brussels. The FBI's reconstruction of the case was based upon the proposition that Sneyd No. 2 was really Ray. The landlady of the Pax was subpoenaed for possible appearance in the Memphis farce, which the press dubbed "the minitrial." She said afterwards that she had been warned by an FBI agent, accompanied by four Scotland Yard operatives, that she was only to answer the questions she was asked—she was not to volunteer anything. When she remarked that she had found a hypodermic syringe in "Sneyd's" room after he left, she was "virtually told" she must be lying because Ray was not a narcotics addict. Was this all just some kind of official foul-up in announcing the details of Ray's arrest? No; as Weisberg shows by correspondence he reproduces, Scotland Yard was insisting in November, 1968—five and a half months later—that the man it had arrested arrived on a Lisbon flight. Who, then, was the man at the Pax who had been using Ray's alias?

*The two white Mustangs.* The official version states that after Ray shot Dr. King from the bathroom window of a Memphis flophouse, he made his escape in a 1966 white Mustang he had purchased secondhand in Birmingham, Alabama. He drove some 400 miles through the night and abandoned the car in an Atlanta parking lot, where it was not discovered for days. But there is abundant evidence that two similar white Mustangs were parked in the street near the flophouse at the time of the slaying. According to eyewitnesses, both had red and white license plates—one set were Alabama tags, the other Arkansas. Furthermore, the Mustang which Ray had purchased in Birmingham had an automatic shift, while the one abandoned in Atlanta, with Ray's license plates on it, had a stick shift. The ashtray of the abandoned Mustang was overflowing with cigarette butts—and Ray does not smoke. No mention of model or serial numbers, which would have identified the Mustang positively, was made at the Memphis minitrial, and, though the car must have been splattered with fingerprints, there was no indication that the FBI had found a single print of Ray's in this, his supposed getaway car—evidence that almost certainly would have been flaunted, if it existed, to rivet the case beyond doubt.

*The duplicate driver's license.* In early March 1968 Ray was in Los Angeles attending bartender's school and getting his pointed nose clipped by a plastic surgeon. Records establish his

presence there beyond doubt. But, at this very time, the Alabama Highway Patrol received a telephone call from a man calling himself Eric Starvo Galt (the alias Ray had used in Birmingham). The caller said he had lost his driver's license and needed a duplicate, and gave the address of the Birmingham rooming house at which Ray had stayed. The duplicate license was mailed; the small fee required for this service was promptly paid—and Ray was not in Birmingham, but in California, nearly a continent away. The evidence seems unchallengeable that someone other than Ray—the rooming-



house proprietor could not say who—had picked up the duplicate license and mailed the fee.

*The telltale bundle.* According to the official version, Ray, after shooting King, walked out of the flophouse, deposited a bundle almost in the doorway of an adjacent café, strolled down the street, and drove off in his Mustang. The bundle contained the rifle Ray had purchased and which supposedly did the killing, put carefully back into its cardboard carrying case and wrapped in a green bedspread, along with a pair of binoculars which Ray had bought that very afternoon and which were decorated with his fingerprints. There was also a shaving set he had purchased the day before—and, most helpful of all, a transistor radio he had acquired while in Missouri State Prison, with his prison number stenciled on it. Weisberg holds that it defies belief that the real killer would have taken the time to insert the rifle in its case and wrap up all these articles, then just drop them on the street instead of taking them with him in the Mustang. Such an action, he argues logically, can be reconciled only with the role of a man serving as decoy in an elaborate plot.

*Evidence that Ray fired the shot.* There is none. The medical examiner's testimony at the minitrial failed to establish the first essential—the trajectory of the shot that killed Dr. King. *Paris-Match* tried the experiment of re-enacting the crime and found that the killer would have had to be a contortionist to have fired from the bathtub, as was alleged. Ballistics testimony was worthless. Dr. King had been killed by a soft-nosed dum-dum bullet; when it struck it exploded and fragmented. The prosecution claimed the largest fragment was "consistent"

with a shot fired from Ray's rifle. That is the very word used by a corrupt prosecution in the Sacco-Vanzetti trial, when a police expert who was convinced fatal shots had *not* been fired from a given revolver was asked whether it was "consistent" that they had. He could answer "Yes," since the shots had obviously been fired from a revolver. So here "consistent" means only that the bullet fragment came from a rifle. The term that so deceived press and public does not meet the first requirement of proof—that the ballistics expert be able to testify the shot came from Ray's rifle and no other.

There is more, much more, in Weisberg's book. There is the question of how Ray, alone and unaided, a stranger in Canada, managed to come up with aliases that were the real names of three living men who looked much like him, in one case even to a similar scar on the face. There is the mystery of his free-spending, cross-continental Canadian-Mexican spree, and of how a penny-ante crook like Ray came by so much money. There is the business of the phony police radio broadcast on the night of the assassination, graphically describing a gun battle with a fleeing car, which led police north out of Memphis and away from the assassin's escape route. The reek of conspiracy is on everything.

Weisberg is an indefatigable researcher. Unfortunately, he is not a skilled writer. His book suffers from lack of organization and conciseness. He mentions an issue in passing, then pages or even chapters later he goes back and worries it. He repeatedly lashes out at virtually all concerned in the minitrial as liars and scoundrels, devoting long passages to denunciation instead of the cool presentation of evidence. Though his indignation is in most instances thoroughly justified, it gets in the way of the story.

But when all this has been said, Weisberg remains invaluable. He has pursued the facts, and they are there, buried in the mass of his book. And they are facts that lay claim to the conscience of America. For it should be clear by now that, if the assassinations of some of the nation's most outstanding leaders are to be dismissed with the "one man-no conspiracy" refrain, there will be no deterrent to conspiracies in the future whenever hate may point the way and pull the trigger. And, in that event, this greatest of democracies will have been reduced to the status of a Latin American banana republic. That is the issue.

*Fred J. Cook is the author of "The Troubled Land," "The Secret Rulers," and "The FBI Nobody Knows."*

Some were killed in "auto accidents", some died of ostensibly "natural causes" but in violation of all actuarial tables, and some were even killed "accidentally" in police stations (see Forgive My Grief, by Penn Jones, Jr.).

But the Commission did not call Hudkins as a witness either to Oswald's connections with the FBI or to the strange disinterest of the police in the unauthorized and improper presence of the violent Ruby, who was known to travel with a gun, on all the earlier occasions on which he could have murdered Oswald; or to the remarkable and immediate presence of his lawyer to seek his release once the murder was done.

This document is in the Commission's own files, where it is in the fifth folder of File 87, folio 640. This file is a five-volume Secret Service Report forwarded January 8, 1964. It is among the earliest evidence available to the Commission. The same information is duplicated in another Commission file, 81, from the Texas Attorney General, where it also contains a covering note, unsigned and on a blank piece of paper, reading, "If this office can be of further help to you, please contact us." It is page 326 of File 81.

Ruby's connections were of as little interest to the Commission staff as those imputed to Oswald. Liebelier's heroic proportion in Inquest, through which he assaulted his former Commission associates in its "establishment of truth", exceeds the record he made for himself as the assistant counsel who left unanswered and unpursued Teofil Meller's statement that before the assassination Oswald was "all right" to the FBI.

|  |  |   |
|--|--|---|
| Captain W. P. Gannaway<br>Special Service Bureau<br>Dallas Police Department   | To: Lieutenant Jack Revill<br>Criminal Intelligence Section<br>Special Service Bureau<br>Dallas Police Department        | February 17, 1964   |
| Sir:   |  | SUBJECT: CRIMINAL INTELLIGENCE (6)<br><u>TEOFIL MELLER</u>                    |
| Pursuant to the instructions of Captain W. P. GANNAWAY, SUBJECT was interviewed by the undersigned officers and the following report submitted.  |  |   |
| ... 2703 Mercedes in Fort Worth two or three times after that to take them food and clothing. OSWALD became very belligerent on these occasions, saying that he didn't need or want help from anyone. MRS. MELLER also said that she saw the book, "CAPITAL", which was written by KARL MARX, during one of these visits at OSWALD'S house and became very worried about it. SUBJECT said he checked with the FBI and they told him that OSWALD was all right. |  |   |
| SUBJECT stated that a friend of his, MRS. CUNNINGHAM with the TEXAS EMPLOYMENT COMMISSION, helped OSWALD get a job with a photo engraving company in Dallas in October of 1962. When SUBJECT told OSWALD that he should thank her for getting him the job, he said, "Why should I thank anyone for getting me a job when I only got it because of you?"  |  |   |
| INDEX<br>DATE 2-19<br>INITIALS S   | Respectfully submitted,<br><i>F. A. Hellinghausen</i><br>F. A. Hellinghausen, Detective<br>Criminal Intelligence Section | <i>F. M. Parks</i><br>F. M. Parks, Detective<br>Criminal Intelligence Section |

9-26-68

AIRTEL

AM

TO: DIRECTOR, FBI (44-38861)  
ATTN: DOCUMENT SECTION  
FBI LABORATORY

FROM: SAC, MEMPHIS (44-1987) P

96928070

MURKIN

489

Submitted herewith are five separate communications which Sheriff WILLIAM N. MORRIS, JR., Shelby County, Memphis, Tennessee, made available to SAC this date. These are letters prepared by subject JAMES EARL RAY. These are all samples of known handwriting and hand printing of subject RAY. They should be utilized for any additional handwriting comparison needed in captioned case.

In addition, there are furnished herewith the originals of two letters which were forwarded by RAY to the Honorable W. PRESTON BATTLE, Judge of the Criminal Court, Memphis, Tennessee. Judge BATTLE will be the presiding Judge in the JAMES EARL RAY trial. These letters were furnished by Judge BATTLE to SAC. In connection with these letters, District Attorney General PHIL M. CANALE, Memphis, raised point that possibility exists that utilization of material furnished the Judge might be prejudicial at some future date. CANALE pointed out that since Judge BATTLE would hear case he was of opinion that it would probably not be feasible to utilize handwriting in letters sent Judge BATTLE. Therefore, it is requested that handwriting examination prepared by Document Section utilize letters received from Sheriff MORRIS as primary sources for examination purposes.

Results of examination regarding letters received by Sheriff MORRIS should be handled in separate communication. Handwriting examination relative to letters received by Judge BATTLE should not be incorporated in the examination of handwriting contained in letters received by Sheriff MORRIS. The letters received by Judge BATTLE should be made a matter of a

3 BUREAU (Enc. 7) (AMSD - REGISTERED)  
1 MEMPHIS  
RGJ:BN (4)

Rec-2

ME 44-1987

a separate examination and a separate Laboratory report. District Attorney General CANALE's views should be incorporated in any results pertaining to examination of the letters received by Judge BATTLE.

The originals should be returned to the Memphis Office so that they can be delivered to Sheriff MORRIS and Judge BATTLE.

FD-36 (Rev. 4-15-64)

FBI

Date: 8/26/68

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via AIRTEL \_\_\_\_\_  
(Priority)

TO : DIRECTOR, FBI  
FROM : SAC, MEMPHIS (44-1987) (P)  
SUBJECT: MURKIN

Enclosed for the Bureau are Xerox copies of the three documents described below. These were furnished by WILLIAM N MORRIS, JR., Sheriff, Shelby County, Tenn., to [redacted] 8/23/68. *Robert G. Jensen*

- (1) A map which purports to show how the subject escaped from the Missouri State Penitentiary.
- (2) Letter addressed by the subject to his sister, Mrs. CAROL PEPPER, 2023 Belvue, Maplewood, Missouri.
- (3) List of questions, unanswered, which appear to have been prepared for the subject by WILLIAM BRADFORD HUIB.

Since there is some question that this information may be privileged, it is not being disseminated and will not be put in a report.

This is furnished only for the Bureau's information.

3 - Bureau (Enc.-3) ENCLOSURE  
1 - Memphis  
JCM: [redacted]

REC 45

44-38861-516

EX-105

2 AUG 29 1968

ENCLOSURE ATTACHED

Handwritten notes and signatures at the bottom left, including "RET" and "OUT".

July 13.

Dear Mr. Conley,  
 Tell Jack I got his letter, I also  
 got one from Jerry. Tell Jack I would  
 Jerry asking him to come down but  
 on our side he got it since I  
 couldn't help, tell what the address  
 was behind on the letter, tell him  
 to help her out on business.  
 I want to talk to him about Stokes  
 also I think I got some more of interest  
 for him to look into, out at the Home  
 will probably want to see them  
 being brought to stay a couple days  
 in Birmingham, I can't be sure  
 she's sure. Try to come over  
 day after next, I'm  
 Yours truly,  
 Tommie



Mrs. Carl Pepper  
 2025 Bell Ave  
 Birmingham, Alabama



The material which you have written for me is most helpful. With it I can re-create your escape on April 23, 1967, your walk toward Kansas City, how you reached Chicago, and how you lived there for about two months, working at the Indian Trail Restaurant in Winnetka.

I need exactly this sort of information for every other period of your life from the day you left Chicago for Canada... This 11 months from your escape down to about March 1, 1968.

I also need some additional detail as to your way of life inside the prison during the seven years prior to your escape.

Here are more questions:

1. In that seven years name for me all the people who visited you.

2. How often did you have a visit from somebody?

3. Estimate for me how many times you had a visitor during that seven years?

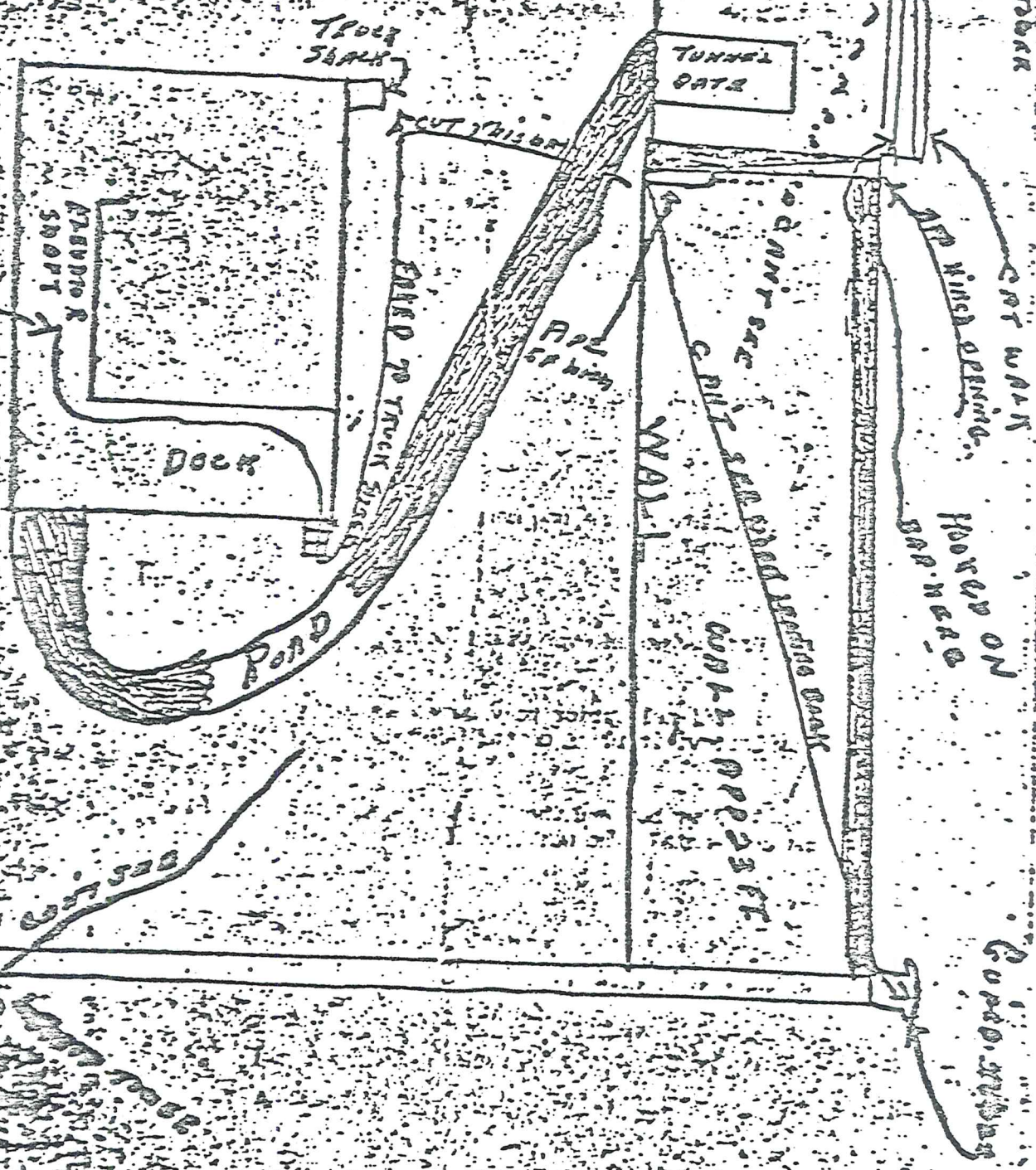
4. Did any women ever visit you?

5. Immediately prior to your escape on April 23rd, when had you had your last visitor? A month? Three months? Christmas? Six months?

6. Tell me how and where you slept in prison? Alone in a cell? With one cell-mate? Who was your last cell-mate?

7. Tell me about this last cell-mate? Who? What crime was he in for? Did he talk a lot? What about?

REPORTS ON HOW I GOT OUT  
 LAUNDRY TROCK, BREAD TROCK  
 IF THE WARDEN KNEW HOW I GOT  
 OUT ASK HIM HOW COME HE  
 WRITED 24 HRS. BEFORE HE  
 REPORTED ME MISSING



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. DeLoach

DATE: December 10, 1968

FROM : A. Rosen *fr*

1 - Mr. DeLoach

1 - Mr. Rosen

SUBJECT: MURKIN

1 - Mr. Malley

1 - Mr. McGowan

1 - Mr. Long

1 - Mr. Bishop

*Loach*

This is the case involving the murder of Martin Luther King, Jr.

In connection with the hearing which was to be held on December 12, 1968, at which time Judge Battle of the State Court was to inquire of Attorney Percy Foreman as to whether he is ready to proceed with trial on March 3, we have been advised there may be some delay.

SAC Jensen stated, according to information he received from the State's Attorney General and the Sheriff's Office, it appears Foreman will not show on Thursday, December 12, 1968, inasmuch as he has some commitments on the West Coast. If he does not, the hearing has been set for December 16, 1968.

The State also feels that Judge Battle is annoyed with the dilly-dallying on the part of the defense and is considering asking a public defender to appear in court, at which time he will instruct that the public defender be prepared to proceed with trial. This would not seem to be too logical a course. (This does not seem to be too logical a course inasmuch as the defendant is entitled to an attorney of his own choice in the event he has the ability to pay for it.)

It is also understood Percy Foreman has not asked to see any of the evidence nor has he conducted any investigation or interview of witnesses. He has, however, placed a lien on the Ford Mustang which was purchased by Ray and which was found in Atlanta.

ACTION TO BE TAKEN:

For your information.

REC-48

✓ 47 3000 5445

AR:ige  
(7)

*N*  
*JLH*

*js*  
*ll*

*SP*

FD-36 (Rev. 5-22-64)

FBI

Date: 2/25/69

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via

AIRTEL

(Priority)

TO: DIRECTOR, FBI (44-38861)  
 FROM: SAC, MEMPHIS (44-1987) (P)  
 SUBJECT: MURKIN

Enclosed for the Bureau is one copy each of the following documents:

- A. Memorandum dated 2/5/69, reflecting conversation between WILLIAM BRADFORD HUIE and members of District Attorney General PHIL M. CANALE's staff on 2/4/69.
- B. Letter dated 2/27/69, from JOACHIM JOESTEN to Judge W. PRESTON BATTLE. This was made available to the Memphis Office by General PHIL M. CANALE. Bureau has previously been advised of JOESTEN's interest in this case.

3 - Bureau (Encs.)  
 1 - Memphis

JCH:jap  
(4)

Airtel \_\_\_\_\_  
 Enclosure \_\_\_\_\_  
 Stetson \_\_\_\_\_  
 A.M. \_\_\_\_\_  
 A.M.S.D. \_\_\_\_\_  
 Spc. Del. \_\_\_\_\_

REC-25

44-38861-5586

FEB 26 1969

53 MAR - 3 1969

Approved: \_\_\_\_\_

Registered \_\_\_\_\_

M Per \_\_\_\_\_

Special Agent in Charge

MEMORANDUM

February 5, 1969

RE: CONVERSATION HELD WITH WILLIAM BRADFORD HUIE ON FEBRUARY 4, 1969,  
REGARDING STATE OF TENNESSEE VS. JAMES EARL RAY.

Yesterday General Canale, James Beasley, John Carlisle and myself met with Mr. Bradford Huie. This meeting took place in Mr. Huie's room, No. 1108, Rivermont Hotel. When we entered the room, Mr. Huie was alone and started telling us that his interest in the James Earl Ray case was only as a businessman. He related that he had no concern for James Earl Ray one way or the other, other than it was strictly a business situation existing between him and Arthur Hanes, former counsel for Ray and now his attorney Percy Foreman. He further stated that his only other interest other than business in that matter was a earnest desire to get and expose other co-conspirators of Ray. He further related that he wanted to know whether there existed a possibility of there not being a trial in this matter. He felt that a trial should be averted in the common interest of the country and the state of Tennessee and that his thinking was that Ray would ultimately end up and be a witness for the State of Tennessee. He stated that he would like to see Ray and confer with him and that was the reason he was now in the city other than meeting with us. He wanted to explore the possibility with us of him being permitted by the Court to go up and confer personally with Ray and that his main objective would be to convince Ray that he should plead guilty. He also enquired of us as to how much time he would have to serve on a ninety-nine year sentence and also on a life sentence. He interrupted his relating of this statement to enquire as to the possibility of the State not wanting to try this case. He was informed by the General and myself that was our business and we like to try law suits. He felt that if he could confer with Ray that he would have Ray amenable to pleading guilty. He also related that he thought Mr. Foreman whom he had known quite a few years had made a bad mistake by getting into this case. He related that he told Mr. Foreman that this was not a Candis Moessler trial and that he was going to get knocked off in this case. He further related that he told Mr. Foreman James Earl Ray killed Martin Luther King and that everybody knew and was aware of that fact. He further

Page 2  
Memorandum  
Conversation with Huie

related that Mr. Foreman had done some soul searching since he had entered into the defense of James Earl Ray and that Mr. Foreman wanted out of this case. He then began to related that he had traveled extensively checking out information given to him from Ray through Hanes. Ray's story about his complicity in the murder of King. He related that Ray had spent some time in Puerto Vallarto, Mexico, and that Ray had registered at a hotel in Acapulco on October 8 and had made a long distance phone call from that hotel to Corpus Christi, Texas. He related that the Mexican police had checked his registration and found out this fact four days after Ray had left the hotel. He stated that Ray, after killing Dr. King went to Birmingham and he is convinced that he met with someone in Birmingham that night and then on to Atlanta. From Atlanta he is convinced from what he knows about the case that Ray went to Gary, Indiana, and met Jerry his brother. He further stated that Ray went to Toronto and held himself to be Bridgman and Sneyd and that he spent nine days in Montreal and that this can be verified by the fact that in Montreal he robbed a food store. He stated further that Ray came in here on the third and stayed in a motel here and that on the fourth he got a hair cut on Union Avenue, that he had a fixation about getting hair cuts everywhere he went. Stated that Ray bought the binoculars; Ray took the rifle up into his room in the rooming house and that Ray told him that he was sitting in the Mustang car when the fatal shot was fired and an unnamed party came down the steps, jumped in the back of the Mustang, pulled a sheet over him and they fled the scene. An earlier version was he stated Ray told him he was to be in the room and to get the room so that they might meet an unnamed, unknown party and discuss the sale of weapons. Huie related that Ray would tell Hanes and himself a story and they would check this story out and would find that Ray had lied. They would then confront Ray with the fact that they had found out that Ray had told them lies and then Ray would relate another story. Mr. Huie was conveying to us that Ray was apt to lie on many occasions. Mr. Huie says that from his knowledge of cons and from being a police reporter shows that Ray's behavior was par for the course for that type of person. I asked Mr. Huie if prior to our meeting if he had not turned over to Percy

Page 3  
Memorandum  
Conversation with Huie

told us that on the advise of his attorneys he had given every scrap of paper in Ray's handwriting to Percy Foreman shortly after Foreman came into the case. I asked Mr. Huie if as he had stated earlier that his only interest in this matter was helping to effect the apprehension and exposure of co-conspirators, how he felt that his turning notes of Ray's over to Foreman was fair and consistent with that statement. I also asked Mr. Huie if General Canale hadn't on many occasions asked to confer with him and he had put General Canale off until this date. I reiterated that I couldn't see how his acts in delivering Ray's notes to Foreman was compatible with his statement that his only interest in the case was the exposure and apprehension of co-conspirators. Mr. Huie stated he would have to reflect on that for a while in view of what I had said. He related after reflection that if any time during the trial that we needed to verify something Ray is supposed to have said that that we thought would be beneficial, he would be available and would co-operate with us to that extent. I asked Mr. Huie if he had not made a statement that he had copies of all of these notes and would deliver them upon request to the State of Tennessee. He stated he might have made such a statement but he didn't have any material in his possession that he could copy. Mr. Huie related examples of Ray's lying to him as follows: The version of the escape from the Missouri Penitentiary as published in LOOK magazine was found to be a lie upon subsequent checking by Mr. Huie. The information as published in reference to the hold up of the house of prostitution in Montreal was later admitted to be a lie by Ray and in truth and in fact he held up a food center in Montreal along in early August of 1967 but when questioned about this by Mr. Huie, Ray said it was a half truth because in 1959 he did rob a house of prostitution in the same manner that he described to Mr. Huie. Mr. Huie related that he tried to verify Ray's hold up in Alton, Illinois, a bank and obtaining in the neighborhood of \$20,000 and Mr. Huie stated that he never could verify that he held up the bank in Alton, Illinois. Mr. Huie further related that he had working with him on verifying Ray's story a investigator by the name of Groovich (phoetic). He then related that Oswald had lived in Exchange Alley in back of the Monte Leon Hotel and that

Page 4  
Memorandum  
Conversation with Huie

at that time the Monte Leon family had as their guests, pilots who had been ransomed from Cuba who had participated in the invasion of the Bay of Pigs. Huie related that Ray on his trip to New Orleans with Stein had met unknown, unnamed parties in a bar from which diagrams made by Ray, Huie concluded was across the street from the Monte Leon. Huie started relating about John F. Kennedy not supporting the invasion of Cuba and that because of that there was much resentment for the Kennedy family among the rescued participants of the invasion of Cuba. He further related that Garrison didn't have anything in his opinion other than a conspiracy that began and ended in the atmosphere of New Orleans. We asked Mr. Huie pointed questions about prior statements made by him in different localities as to him making the assertion that there are other co-conspirators. He stated he might have made statements of that kind. We asked Mr. Huie that if he had any facts or evidence or proof in his possession from any source that would indicate to him from his knowledge of this matter if there were and if there are any co-conspirators. He said that he did not have any proof and that his statements were based on suppositions and inferences that he had drawn from checking Ray's story. We informed Mr. Huie that in view of the fact that he had made these statements about the country and in particular Shelby County that we were handing him a subpoena for his appearance before the Shelby County Grand Jury on Friday, February 7. Mr. Huie accepted his subpoena and said he was not and would not try to avoid it and would be here and would testify. Mr. Huie also added that from his interviewing witnesses he had found that the FBI in showing mug shots to different witnesses for identification purposes that there had been in a group of pictures shown two or three pictures of the same individuals. Mr. Huie stated that the green spread that was used by James Earl Ray to wrap the bundle with the rifle that he dropped on Main Street had come from California. Mr. Huie state that he had purchased an identical rifle that Ray used from Donald Wood at Aeronarine Supply and that he had gone to the rooming house and re-enacted the assassination and that he was convinced that anyone could have made a shot of that kind. It did not take a marksman. Mr. Huie



Page 5  
Memorandum  
Conversation with Huie

Mr. Huie further related that it struck him as peculiar that Ray did make trips to Aeromarine Supply which is in the vicinity of the airport in Birmingham and that also in that location was the headquarters of General Doster. He stated that Doster assembled the pilots that participated in the Bay of Pigs Invasion. He also stated that it was a known fact that people could come and go there in General Doster's headquarters who were of like character as Ray. Mr. Huie further related that Ray and his brothers were 100 per cent convinced that Wallace was going to be elected president of the United States and that we knew that Ray was politically motivated toward Wallace because of his activities in Los Angeles. He further related that Ray is very disappointed at this time in that Wallace was not elected and that he didn't receive the support from the people that he thought he was going to receive by killing King. Mr. Huie felt that Jerry Ray knew prior to the killing what James Earl was going to do and that he knew after the killing and that he assisted James Earl Ray.

XEF

R.K.D.

Special Agent in Charge

of the



FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

To: FBI, Memphis

Date: April 11, 1968

FBI File No.

Re: MURKIN

Lab. No.

Specimens received 77777 personally delivered on 4-8-68 by SA  
Memphis

- Q69 Undershorts
- Q70 T shirt
- Q71 Board from windowsill in bathroom

Results of examination:

The undershorts and the T shirt each bears a laundry tag with what appears to be the characters "02B-6." Only a portion of the first character is present on each tag. The Laboratory does not maintain a file of visible laundry marks. No invisible laundry marks were found on the undershorts or T shirt.

The pair of undershorts is small in size while the T shirt is large.

The pair of undershorts does not have a brand label. The T shirt has a "JOCKEY" brand label.

The T shirt label is held flat with a folded piece of 3/4" wide cellophane tape. The piece of tape is about 1" long. One end has been cut, and the other end has been torn.

The crotch seams of the undershorts have been repaired in two places with brown thread. The repaired areas are hand stitched.

No hairs were found on the undershorts or T shirt.

The Q71 board bears a recent dent which could have been produced by a light blow from the muzzle of a weapon such as the Remington rifle, Serial Number 461476

- Olson \_\_\_\_\_
- Loach \_\_\_\_\_
- Mohr \_\_\_\_\_
- Nease \_\_\_\_\_
- Rosen \_\_\_\_\_
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Holmes \_\_\_\_\_
- Gandy \_\_\_\_\_

previously submitted in this case. The dent contains microscopic marks of the type which could be produced by the side of the barrel at the muzzle but insufficient marks for identification were left on the board due to the physical nature of the wood. The microscopic marks present are different from the type which would be produced by the duck-bill pliers or jack hammer which were in the blue zipper bag previously submitted. No other marks were found on the board.

No gunpowder or gunpowder residues were found on the Q71 board.

No wood, paint, aluminum or other foreign material was found on the rifle barrel nor were any significant marks found on the rifle barrel.

Sept-12-1968

DEAR SIR;

I WOULD LIKE TO RESPECTFULLY CALL YOUR HONOR'S ATTENTION TO THREE ARTICLES WRITTEN ABOUT ME SINCE YOU ISSUED YOUR ORDER AGAINST PUBLICITY IN THE INSTANT CASE. ONE ARTICLE IS IN THE AUGUST ISSUE OF THE READERS DIGEST BY MR. JEREMIAH O'LEARY, I AM SURE YOU WOULD AGREE THAT THIS ARTICLE COULD NOT HAVE BEEN WRITTEN WITHOUT THE ASSISTANCE OF SOMEONE IN THE JUSTICE DEPT.

THE OTHER IS A PICTURE OF ME IN A LATE EDITION OF A TABLOID CALLED THE INQUIRER. THIS IS A TYPICAL PICTURE WHICH THE LAW AUTHORITIES HAVE BEEN REFUSING OF ME, IN THIS INSTANCE THE

!

J. RAY

MEMPHIS, TENN.  
COUNTY, TENN.



Hon. W. Preston Battle - Judge.  
Criminal Court Bldg.  
Memphis, Tenn.

REGISTERED

PICTURE WAS TAKEN AND RELEASED BY THE  
SHELBY COUNTY SHERIFF OFFICE, IT SHOWS ME  
MANACLED UP, A BULLET PROOF VEST ON  
AND LOOKING LIKE I JUST BEEN PULLED  
OUT OF THE RIVER, THE ACCOMPANYING STORY  
DOES NOT RELATE TO ME, THE THIRD STORY  
CAME OUT IN WEDNESDAY'S COMMERCIAL APPEAL  
THE 12TH. OF SEPT. BY MR. WILLIAM BRADFORD  
HUIE. I THINK ALMOST ANYONE READING  
BETWEEN THE LINES WOULD INTERPRET THIS  
ARTICLE AS MEANING THE ONLY THING I AM  
INTERESTED IN IS MONEY AND IN MY GUESS  
FOR IT I AM GOING TO WELLY EXPOSE SOMEONE  
OR ORGANIZATION SUCH AS WAS MENTION IN  
THE NEWSPAPER ARTICLE, I WOULD LIKE  
TO SAY FOR THE RECORD BOTH PUBLIC  
AND PRIVATE, I DONT KNOW ANYONE TO  
EXPOSE AND I WANT TO DISASSOCIATE  
2.

MYSELF FROM THIS ARTICLE, I HADU REMIND  
TO MR. HUIE THAT I WOULD TELL HIM WHERE  
I HAD BEEN AND WHAT I HAD DONE AND THATS  
ALL, THAT I DIDNT CARE WHAT HE WROTE  
BUT NOT TO QUOTE ME. ALSO I CERTAINLY  
DIDNT ASK FOR THE ARTICLE OR ANY OTHER  
PRE TRIAL STATEMENTS FROM MR. HUIE.  
I REUSE YOUR HONOR DOES NOT HAVE JURISDICTION  
OVER NATIONAL PUBLICATIONS LIKE THE DIGEST,  
BUT I WOULD THINK SO IN THE PICTURE RIZLEME  
AND THE HUIE RELEASE. I HAVE SAID NOTHING  
SINCE I ARRIVED HERE THINKING THESE  
STORYS WOULD STOP UNTIL AFTER THE TRIAL  
BUT APPARENTLY THEY ARE NOT, THEREFORE IN  
THE NEAR FUTURE I AM GOING TO HAVE AN  
ATTORNEY FILE SOME LIBEL SUITS, AND  
CONTRADICT SOME OF THE OUTRIGHT LIES.

I AM ALSO SENDING THESE STORIES AND  
PICTURES TO THE ETHICAL COMM. OF THE A.B.A.  
I BELIEVE IF THESE TYPE OF ARTICLES DONT  
STOP I MITE AS WELL WAIVE THE TRIAL  
AND COME OVER AND GET SENTENCED.

I REALIZE THAT MR. HANES SHOULD BRING  
THIS UP BUT I THINK UNDER THE CIRCUMSTANCES  
I HAD TO.

I AM ALSO WRITING HIM TODAY ABOUT THIS MATTER.

SINCERELY

James Earl Ray

- 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

3/11/69

MR. TOLSON:

RE: JAMES EARL RAY  
ASSASSINATION OF MARTIN LUTHER KING

Now that Ray has been convicted and is serving a 99-year sentence, I would like to suggest that the Director allow us to choose a friendly, capable author, or the Reader's Digest, and proceed with a book based on this case.

A carefully written, factual book would do much to preserve the true history of this case. While it will not dispel or put down future rumors, it would certainly help to have a book of this nature on college and high school library shelves so that the future would be protected.

*Whom do you suggest?*

I would also like to suggest that consideration be given to advising a friendly newspaper contact, on a strictly confidential basis, that Coretta King and Reverend Abernathy are deliberately plotting to keep King's assassination in the news by pulling the ruse of maintaining that King's murder was definitely a conspiracy and not committed by one man. This, of course, is obviously a rank trick in order to keep the money coming in to Mrs. King, Abernathy, and the Southern Christian Leadership Conference. We can do this without any attribution to the FBI and without anyone knowing that the information came from a wire tap.

Respectfully,

C. D. DeLoach

CDD:CSH (3)

cc Mr. DeLoach  
Mr. Bishop

See ADDENDUM... page 2

44-38861-5654

REC-33

15 MAR 26 1969

MAR 26 1969

*See attached memo to Bishop 3/20/69*  
*sent to George S. ...*  
*3/20/69*  
*G...*

*ay*

UNRECORDED COPY FILED IN 44-38861-5654



3/12/69

If the Director approves, we have in mind considering cooperating in the preparation of a book with either the Reader's Digest or author Gerold Frank. The Reader's Digest would assign one of their staff writers or contract the preparation of a book out to an established author. Gerold Frank is a well-known author whose most recent book is "The Boston Strangler." Frank is already working on a book on the Ray case and has asked the Bureau's cooperation in the preparation of the book on a number of occasions. We have nothing derogatory on him in our files, and our relationship with him has been excellent. His publisher is Doubleday.

NY

~~P~~

TSP

W.L.  
H

|              |                                     |
|--------------|-------------------------------------|
| Mr. Tolson   | <input checked="" type="checkbox"/> |
| Mr. DeLoach  | <input checked="" type="checkbox"/> |
| Mr. Mohr     | <input type="checkbox"/>            |
| Mr. Bishop   | <input type="checkbox"/>            |
| Mr. Casper   | <input type="checkbox"/>            |
| Mr. Callahan | <input type="checkbox"/>            |
| Mr. Conrad   | <input type="checkbox"/>            |
| Mr. Felt     | <input type="checkbox"/>            |
| Mr. Gale     | <input checked="" type="checkbox"/> |
| Mr. Rosen    | <input checked="" type="checkbox"/> |
| Mr. Sullivan | <input type="checkbox"/>            |
| Mr. Tavel    | <input type="checkbox"/>            |
| Mr. Trotter  | <input type="checkbox"/>            |
| Tele. Room   | <input type="checkbox"/>            |
| Miss Holmes  | <input type="checkbox"/>            |
| Miss Gandy   | <input type="checkbox"/>            |

March 20, 1969

Mr. Bishop:

RE: JAMES EARL RAY  
ASSASSINATION OF MARTIN LUTHER KING  
BUREAU COOPERATION IN A BOOK

By informal memorandum dated March 11, 1969, Mr. DeLoach suggested that consideration be given to our cooperating with a friendly author, or with "The Reader's Digest," in the preparation of a book regarding the Martin Luther King murder case. With regard to this suggestion, the Director noted, "O.K."

With regard to this matter, "The Reader's Digest" has advised that it would greatly appreciate the opportunity to do a book on the Ray-King case with Bureau cooperation. If we approve, "The Reader's Digest" plans to contact Jim Bishop in an effort to place him under contract to write the book for them.

Jim Bishop is, of course, a very thorough and capable writer with whom we have had many contacts over the years. With the Director's approval, we worked with Bishop in connection with his latest published book, "The Day Kennedy Was Shot," which contains a number of favorable references to the FBI. The Director has written Bishop on several occasions concerning commendatory columns--including one in 1967 highly praising the Director as "the greatest law enforcement officer in all history."

Even though Bishop has been described in Bufiles as "somewhat pompous and a little overbearing at times," he nonetheless has both the name and ability to produce a book on the King case which would give proper credit to the outstanding work done by the FBI. Accordingly, it is recommended that approval be given to our cooperating with "The Reader's Digest" and Jim Bishop on this book.

Sincerely,

M. A. Jones

- 1 - Mr. DeLoach
  - 1 - Mr. Bishop
  - 1 - Mr. Rosen
  - 1 - C. L. McGowan
- GWG:pls (7)

*I think we should wait & see what move Ray makes. He is a big case.*

MAR 26 1969

APR 3 1969

U.S. GOVERNMENT PRINTING OFFICE

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. DeLoach

DATE: January 16, 1970

FROM : A. Rosen

1 - Mr. DeLoach

1 - Mr. Rosen

1 - Mr. Malley

1 - Mr. McGowan

1 - Mr. McDonough

1 - Mr. Bishop

1 - Mr. Mohr

SUBJECT: MURKIN

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

This is the case involving the murder of Martin Luther King, Jr. Set forth hereunder is the current status of prosecutive action relative to the subject, James Earl Ray who is serving a 99 year sentence for murder in the Tennessee State Penitentiary, Nashville, Tennessee.

### STATUS OF STATE PROSECUTION:

On January 8, 1970, the Tennessee State Supreme Court denied a petition by James Earl Ray for a new trial. In handing down the unanimous (four judges sitting) decision, the court noted that Ray had knowingly pleaded guilty in State Criminal Court to the slaying of King, that he had been represented by competent counsel and had waived all rights of appeal in entering his plea.

SAC, Memphis has advised that on January 12, 1970, Jesse Clyde Mason, Assistant State Attorney General, Shelby County, Memphis, Tennessee, advised that the only other appeal recourse that James Earl Ray has in connection with his conviction in the murder of Martin Luther King, Jr., is to file a motion under the Tennessee "Post-Conviction Relief Act." He stated that attorneys for Ray have not filed such a motion to date; however, he anticipates that such a motion will be filed within the next thirty days. He asserted that there is no limitation for such a motion to be filed in Ray's behalf; however, the longer that Ray waits to file such a motion hinders his chances of having a successful opinion rendered in his behalf. If such a motion is filed and is declined at the Shelby County Circuit Court level, Ray does have recourse through the Appellate Court and State Supreme Court on this particular issue.

Mason stated that if Ray is unsuccessful in obtaining a new trial under the Tennessee "Post Conviction Relief Act," he then has recourse through the Federal courts by a habeas corpus action claiming that his constitutional rights have been violated in that his plea of guilty to the murder charge was not given voluntarily.

EJM:cs (8)

CONTINUED - OVER  
(SEE ADDENDUM ON PAGE 3.)

016 30 1970  
XEROX

REC-21

1-585

JAN 23 1970

Memo Rosen to DeLoach  
RE: MURKIN

STATUS OF FEDERAL PROSECUTION:

Federal process is still outstanding on Ray charging that he and an individual who he alleged to be his brother conspired to interfere with a constitutional right of Martin Luther King, Jr., namely, the right to travel freely from state to state.

RELEASE OF INFORMATION:

It is noted that consideration was previously given to the release of information regarding the Bureau's outstanding handling of this investigation. Ray currently still has possible avenues of appeals in state courts and through the Federal courts and Federal process is still outstanding on the conspiracy charge which the Department previously declined to have dismissed even though it is within their province to do so. Investigation has indicated that Ray acted alone and no evidence of a conspiracy has been developed and, therefore, the Department is not in a position to proceed on the conspiracy charge. However, inasmuch as he never was tried by a jury and has not exhausted the possibility of an appeal in State court and as Federal process is still outstanding, it is felt that the releasing of any information of a possible evidentiary nature should be taken up with the Department prior to making any such release and assuming such a responsibility.

ACTION:

For information. Any further appellate action by Ray will be closely followed and you will be kept advised.

Rosen to DeLoach Memorandum  
RE: MURKIN

ADDENDUM BY C. D. DE LOACH, 1/15/70:

I agree thoroughly that the Department should be consulted prior to any cooperation being given by the FBI to anyone. However, I believe that our chances for good public relations and solid credit in this particular case are being gradually eroded away by those critics who are constantly harping about the wiretap on Martin Luther King as well as his (King's) criticisms against the FBI. Frankly, considerable aspects of this case are already within the public realm. This includes the Reader's Digest article by Jerry O'Leary as well as hundreds of articles which have appeared in the press and programs on radio and television. Consequently, there is not a great deal more that could be said in a book.

Ray can always launch an appeal. He could actually do so ten to twenty years from now. Therefore, we are always faced with this prospect regardless of the circumstances. I believe that a "reasonable time" has elapsed and the consideration should be given at this time to granting the Reader's Digest request that Jim Bishop be allowed to write a book on this case.

Admittedly, Jim Bishop is somewhat pompous, however, he is cooperative, friendly and perhaps the most thorough, exacting author in this particular category of books. As stated above, however, we should get the views of the Department in writing before proceeding.

CDD:amr  
(7)

Handwritten initials and scribbles.

Handwritten initials: WFS

Handwritten initials: mo

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

FROM : A. Rosen

SUBJECT: MURKIN

DATE: October 20, 1969

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. McGowan
- 1 - Mr. McDonough
- 1 - Mr. Bishop
- 1 - Mr. W. C. Sullivan

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

This is the case involving the murder of Martin Luther King, Jr.

Weisberg is apparently identical with Harold Weisberg an individual who has been most critical of the Bureau in the past. He is the author of several books including one entitled, "Whitewash - The Report of the Warren Report" and has been critical of the FBI, Secret Service, police agencies and other branches of Government.

Weisberg by letter in April, 1969, requested information on the King murder case for a forthcoming book. It was approved that his letter not be acknowledged. (100-35138)

Enclosures (2) *same 10-21-69*

EJM:jmv  
(8)

REC-52

CONTINUED - OVER

70 NOV 8 - 1969

1-3000

Handwritten initials and marks

ROBERT K. DWYER  
EXECUTIVE ASSISTANT

LLOYD A. RHODES  
ADMINISTRATIVE ASSISTANT

JOHN L. CARLISLE  
H. J. BEACH  
E. L. HUTCHINSON, JR.  
CLYDE R. VENSON  
CRIMINAL INVESTIGATORS

EARL E. FITZPATRICK  
NON-SUPPORT DIVISION

PHIL M. CANALE, JR.  
DISTRICT ATTORNEY GENERAL  
FIFTEENTH JUDICIAL CIRCUIT OF TENNESSEE  
COUNTY OF SHELBY

SHELBY COUNTY OFFICE BUILDING  
157 POPLAR AVENUE  
MEMPHIS, TENN. 38103

March 24, 1969

ASSISTANTS

WILLIAM D. HAYNES  
JAMES C. BEASLEY  
EWELL C. RICHARDSON  
JEWETT H. MILLER  
J. CLYDE MASON  
SAM J. CATANZARO  
LEONARD T. LAFFERTY  
ARTHUR T. BENNETT  
DON D. STROTHER  
DON A. DINO  
JOSEPH L. PATTERSON  
BILLY F. GRAY  
EUGENE C. GAERIG  
HARVEY HERRIN  
F. GLEN SISSON  
JOHN W. PIEROTTI

Mr. Harold Weisberg  
Con d' Or Press  
Route 8  
Frederick, Maryland 21701

Dear Mr. Weisberg:

You may obtain a copy of the transcript in  
the James Earl Ray case at 50¢ per page from:

J.A. Blackwell  
Criminal Court Clerk  
157 Poplar Avenue  
Memphis, Tennessee

The transcript consists of eighty-eight (88) pages.  
None of the evidence not in the transcript will be  
available to anyone.

Yours truly,

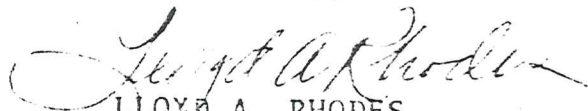
  
LLOYD A. RHODES  
ADMINISTRATIVE ASSISTANT

EXHIBIT 8

GEORGE McMILLAN  
12 HILLIARD STREET  
CAMBRIDGE, MASS 02138  
PHONE 617-547-8260

Sept 14, 1973

Dear Jack:

That was a good letter you wrote about the blackberries, etc. Peacock is now living in Lewiston, not far from Ewing. I heard that his wife is an alcoholic and that he isn't doing much of anything himself.

My lawsuit to see you goes on, in fact my lawyers expect some kind of decision from the federal judge here in Boston within next two weeks. But, even if he acts in my favor, the government has recourses which will still delay my seeing you. I am now well along with my book and am working against a hard deadline of March 15, 1973. It is the absolute last date on which I can do anything with my manuscript. That means it will be published in the Fall of 1974, about a year from now. Book publishing is a very slow affair..

The thing I want to talk with you about now is ~~xxxxxxx~~ about what went on between you and Jimmy and Jerry and Jimmy in that year between the time he escaped from Jeff City and was arrested in London. I especially want to know about the time between Jeff City and Memphis. What I most want to do is check with you the story Jerry told me in Chicago in the summer of 1972 when I went out there two times to interview him. He told me one hell of a lot stuff. Then he sent me a tape on which he said he had conned me. I put all the stuff I got from him aside, telling myself it was probably all a lot of shit. Then the other day I looked at it again, read it all over carefully. I changed my mind about it. I decided that Jerry had told me the truth, that all the stuff was pretty much true, that maybe he had lied to me about some names, invented something here or there, but that the general story he told me was true. That's what I believe now, and I mean to use the stuff.

But I want to check it as much as I can. I've already checked a couple of things & they've turned out to be true. Sometime before I write this section I am going to Memphis and look at the FBI file on the case; that's been made available to me. Knowing what I know, some of the things in that file might look different to me from what they looked to Frank and Mule.

(More)

PS I thought a man named Cason ran the pool hall? Edix And barber shop. Did he come before or after Fat Brown? Or did Cason own it and Fat run it?