

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Gallagher

- 1 - Mr. Adams
- 1 - Mr. Callahan

DATE: 10/2/75

FROM : J. S. Peelman

SUBJECT: MURKIN (44-38861)
WALSHOT (44-52576)

- 1 - Mr. Gallagher
- 1 - Mr. O'Connell
- 1 - Mr. Peelman
- 1 - Mr. McDonough
- 1 - Mr. Mintz
- 1 - Mr. Moore
- 1 - Mr. Cochran

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With respect to information which could be the subject of discussion between Dan Rather and the Director concerning assassinations, the attached material is being submitted regarding the murder of Martin Luther King, Jr. (MURKIN) and the shooting of Governor George Wallace (WALSHOT).

MURKIN: Our jurisdiction in this case was based on Title 18, Section 241, U. S. Code, conspiracy to violate the civil rights of Martin Luther King, Jr., namely the right to travel interstate (King travelled to Memphis to engage in a demonstration scheduled for 4/8/68). He was killed 4/4/68.

James Earl Ray has an appeal pending before the 6th U. S. Circuit Court of Appeals on his guilty plea in state court for which he was sentenced to 99 years in prison. Ray in his appeal is claiming conflict of interest on part of his original attorneys resulting in inadequate representation. We have taken the position in this case from the outset that we could not discuss any details of the investigation until all judicial action has been completed.

It is noted that in a letter dated 7/23/75 to Mr. Ernest S. Leiser of CBS news, we advised him "in view of the appeal that is pending in this case, as well as the fact that a Federal civil rights charge remains outstanding against James Earl Ray, it will not be possible for us to furnish details of our investigation of the assassination of Dr. King." Birmingham Office has advised court records show the Federal process was dismissed 12/2/71 because the Department did not reply to motion for dismissal by Ray's attorney. Department did not advise us of the dismissal; however, they may not have been notified by U. S. Magistrate of final dismissal since dismissal was automatic after 10 days of filing of motion if no reply made. Mr. Leiser has been advised orally of dismissal which is being confirmed in writing.

Enclosures

EJM:bap (8)

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Memorandum to Mr. Gallagher
RE: MURKIN --WALSHOT

Mr. Rather may bring up the recent comments by Atlanta, Georgia, Public Safety Commissioner Reginald Eaves to the effect that based on information from Robert Byron Watson, additional investigation should be conducted in the King case. We had received the same information from Watson in 1971, and during interview at that time, he admitted it was entirely fabricated. The original information and current information pertaining to Watson, as well as results of recent Atlanta Police Department investigation of Watson's information, which developed no substantiation, has all been furnished to the Civil Rights Division of the Department and no further investigation has been requested. It is not felt the Director should comment on this other than to state that all of the information has been furnished to the Civil Rights Division for consideration.

Of additional interest is the fact that CBS filed a petition in state criminal court on 9/19/75, requesting that the firearms evidence in the MURKIN case be examined by an expert retained by them. On 9/26/75, the court denied the motion because judicial proceedings are still pending.

WALSHOT: In this case, Arthur Herman Bremer was convicted in state court of this assault and sentenced to 53 years imprisonment. His appeal went through state courts to the U. S. Supreme Court which refused to review his state conviction. Federal Civil Rights charges were then dismissed.

In response to inquiries, we have replied that FBI investigation of this matter disclosed no evidence of a conspiracy. We have furnished Jack Nelson, Chief of Washington Bureau of the "Los Angeles Times" answers to specific questions relating to the case, particularly with respect to alleged possible involvement of certain Watergate figures, namely, Gordon Liddy, Charles Colson and E. Howard Hunt, and circumstances surrounding the search and sealing off of Bremer's Milwaukee apartment. It is possible Mr. Rather may also pursue this avenue of inquiry.

ACTION: For information. Detailed write-ups attached covering these aspects.

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MURKIN
(44-38861)

SHOOTING OF MARTIN LUTHER KING, JR. BY JAMES EARL RAY

This is the case involving the murder of Martin Luther King, Jr., in Memphis, Tennessee, in April, 1968.

At approximately 6:03 p.m., on 4/4/68, while standing on the second-floor balcony of the Lorraine Hotel in Memphis, Martin Luther King, Jr., was shot and killed when struck by a single bullet. Minutes after the shooting, a white male, was observed as he dropped a bundle on the sidewalk near the scene of the crime and fled. Included in the abandoned articles was a rifle with a telescopic sight which was determined to have been purchased in Birmingham, Alabama, in March, 1968.

Investigation by FBI, Birmingham, revealed that on Friday, 3/29/68, a lone individual purchased a .243 caliber model 700 Remington rifle. The following day this individual returned this weapon, stated that his brother indicated that this weapon was not sufficient and instead purchased a Remington Model 760, .30-06 caliber rifle. This was the rifle recovered in Memphis immediately after the shooting of Dr. King.

Extensive investigation by this Bureau at that time determined the identity of the individual who purchased this weapon as Eric Starvo Galt.

On 4/16/68, the Attorney General authorized the filing of a complaint charging Galt with violation of T18, Section 241, for conspiring to interfere with the constitutional rights of Martin Luther King, Jr.

On 4/17/68, Federal process was obtained and Galt was charged with conspiracy in that he and an individual whom he alleged to be his brother, entered into a conspiracy in Birmingham on 3/29/68, by reason of their purchase of the rifle later used in the shooting of Martin Luther King, Jr.

On 4/19/68, the Attorney General announced that James Earl Ray had been identified through FBI identification records as the Eric Starvo Galt against whom a Federal complaint had been filed.

Ray was arrested on 6/8/68 in London and was extradited.

On March 10, 1969, in state court, Memphis, Tennessee, James Earl Ray entered a plea of guilty to charges of murder and received a 99 year sentence.

Federal process against Galt was dismissed on 12/2/71 by U. S. Commissioner Macy Taylor, Northern District of Alabama, based upon a motion filed by Ray's attorney, Bernard Fensterwald, Jr.

Ray appealed his conviction on grounds that he was not properly represented or counseled by his attorney at the time he entered his guilty plea in 1969. However, a Writ of Habeas Corpus was denied Ray in U. S. District Court, Western District of Tennessee, on 2/27/75.

An appeal of this judgment handed down in the Western District of Tennessee was filed on behalf of James Earl Ray in the U. S. Court of Appeals, 6th Circuit, Cincinnati, Ohio, on 7/7/75. This appeal remains pending.

On 9/19/75, CBS filed a petition in state court, Tennessee, requesting access to ballistics evidence used in the Ray trial which evidence was to be used in connection with a forthcoming documentary on Martin Luther King, Jr.

This petition was denied 9/26/75 on the basis of the fact that Ray's appeal for a new trial remains pending in the 6th Circuit Court of Appeals.

Recently Mr. Reginald Eaves, Commissioner of Public Safety, Atlanta, Georgia, requested that the Department of Justice reopen this investigation based upon information received by Eaves from Robert Byron Watson. Watson had previously furnished this same information to the Secret Service and to the FBI in 1971, and at that time during FBI interview, admitted that the information concerning his knowledge of a conspiracy was fabricated. The statement of Watson and the results of interview were furnished to the Department in 1971 and again in 1975 when received by the FBI, Atlanta, from Mr. Eaves. The Department was also furnished a copy of the results of the investigation conducted by the Atlanta Police Department at the request of Mr. Eaves pertaining to information furnished by Watson. This investigation failed to corroborate any conspiracy theory.

Extensive investigation by this Bureau indicated that Ray acted alone and no evidence of a conspiracy has ever been developed.

WALSHOT
(44-52576)

SHOOTING OF GOVERNOR WALLACE AND PROSECUTION OF BREMER:

Governor George C. Wallace was shot and seriously wounded by Arthur H. Bremer at approximately 4:00 p.m., May 15, 1972, after completing an address at a political rally at the Laurel Shopping Center, in Laurel, Maryland. Other victims of the shooting included Secret Service Agent Nicholas J. Zarvos (shot through the neck, bullet lodging in his jaw), Mrs. Dora Thompson (shot in the right calf), and Captain Eldred Cole Dothard, Alabama State Police (shot superficially in the lower abdomen).

We conducted an immediate intensive investigation, which included tracing Bremer's movements months before the shooting. This investigation concluded that Bremer had acted alone and was not part of a conspiracy.

Bremer was charged by a Federal Grand Jury with four counts: 1) Willfully injuring a Presidential candidate (Title 18, Section 245, U. S. Code (USC)); 2) Assault of a Federal Officer (Title 18, Section 111, USC); 3) Transportation of a firearm in interstate commerce with the intent to commit a felony (Title 18, Section 924 (B), USC); and 4) Using a firearm to commit a felony (Title 18, Section 924 (C), USC).

He was also charged in a 24-count state indictment, the most serious charge being attempted murder.

On August 4, 1972, Bremer was found guilty in a Maryland state court on nine counts including: 1) Four counts of assault to commit murder; 2) Four counts of unlawfully using a handgun to commit a felony; and 3) One count of carrying a firearm in violation of Maryland law. Bremer received sentences on these counts totaling 63 years, to be served consecutively (later reduced to a 53-year term).

Bremer unsuccessfully appealed his conviction to the Maryland State Court of Appeals and the U. S. Supreme Court refused to review his conviction. Thereafter, Federal charges were dismissed on 6/25/74 and Bremer continues to serve his sentence in the Maryland State Penitentiary.

Enc.

CONSPIRACY THEORIES:

Every effort was made during our investigation to identify all persons in contact with Bremer prior to the shooting. There has been no indication that Watergate people or any others were involved with Bremer and the media has been so advised. However, the news media continues to advance speculations of a conspiracy theory. One effort has been an attempt to implicate the "Liddy - Hunt Watergate Group" in the shooting of Wallace by suggesting in July, 1973, that a CBS news film of the Wallace shooting depicted G. Gordon Liddy near Wallace. This film and other photographs were reviewed at the Bureau and it was concluded the man shown was not Liddy.

Questions were also raised regarding testimony by E. Howard Hunt before the Senate "Watergate" Select Committee that White House Counsel Charles Colson suggested Hunt search Bremer's apartment in Milwaukee following his attack on Wallace. We have interviewed both about this and Hunt maintains he was asked by Colson to go to Milwaukee and survey Bremer's apartment but he did not go. Colson stated he called Hunt on the evening of the shooting for the sole purpose of ascertaining Hunt's evaluation of Bremer as Hunt reportedly had a background in psychological evaluation. Both men denied any involvement and stated they do not know of any involvement by others at the White House or elsewhere. Regarding alleged FBI failure to promptly "seal off" Bremer's apartment, it was already occupied by a Secret Service Agent when our Agents reached the scene, but was later "sealed" when the White House ordered the FBI to assume complete control of the investigation.

The Director has previously responded to specific questions about our WALSHOT investigation and media speculations on conspiracy in a 1/21/75 letter to Jack Nelson, Chief, Washington Bureau, "Los Angeles Times." Since questions similar to those from Nelson may also be raised by the CBS representatives during discussions with the Director, there is attached for ready reference the 1/15/75 memorandum setting out questions from Nelson and our response.