

Memphis 19 MAY 89

Dear Harold,

enjoyed the conversation on the phone today
Here's the photocopies you wanted.
Be in touch soon -)

John S

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gleefully pointed out that Ray was "unable to produce one witness to establish Raoul's existence,"³⁵ he did produce the name of a man whom he implied might have some connection with Raoul, even if the connection was unrelated to the King case.

In a 1977 interview with the Canadian Broadcast Company (CBC) Ray first mentioned the name Randolph Erwin Rosenson. Ray claimed that in November 1967, a few weeks after he had met with Raoul, he found a business card with Rosenson's name on it (then Randolph "Rosen") in the front seat of his white Mustang automobile. *Law Enforcement assistance then not yet established!*

Ray described the incident to the author as follows:³⁶

In November 1967 I found, before crossing into California from Mexico, a pack of cigs. between the seats in front of the car I was driving, a Mustang. The cigs. were in a plastic container and stuck between the two was a business card. On one side it had the name Randolph Rosen written in long hand along with a Miami address. The other side had typed names & addresses inked out although New Orleans appeared to be the city plus there were initials [sic] which I believe were LEAA.

Ray claims that when he was in jail in Memphis following the assassination, he began to make some notes; and he then scribbled "Rosen's" name and the Miami address that was on the card, putting the numbers of the street in reverse order.³⁷ * Ray provided the author with a photocopy of a receipt issued to him by the Shelby County Jail for money he had received from his sister. The receipt is dated December 23, 1968, and the

* In prison Ray wrote almost all phone numbers and addresses in reverse numerical order, a crude code presumably designed to confuse the authorities who he assumed were surveilling him.

They were

*He never mentioned a
been hunting
at this to
me and he
much
showed me
these notes
tell me about
them*

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scribbled notations on it read: "0811 N. W. River Dr. Mi,Fl.ROSEN LEA [intelligible]". That these notations were made in December of 1968 rather than at some later time has yet to be established. *How is this established?*

Correlates with plan to send him to federal prison - I need this to present.

Ray stated to the author that it was not until 1975 that he discovered that Randolph Rosen was really Randolph Rosenson.³⁸ In preparation for one of the several lawsuits that Ray has initiated against authors who have written about him, Ray claims that his then attorney Clyde Watts, now deceased, investigated "Rosen" in New Orleans. According to Ray, Watts discovered that "Rosen" was actually Rosenson, that he had a criminal record and that he was a narcotics dealer.

Ray's intimation that Rosenson might have information about Raoul (made during Ray's 1977 CBC interview) prompted HSCA to conduct what the Committee described as "an exhaustive investigation of Rosenson's background, associates and movements in the 1960s."³⁹ HSCA made some interesting discoveries.⁴⁰ Rosenson had indeed traveled to Mexico in late 1965 and early 1966, although the Committee could not place him there in late 1967 when Ray alleges he found the card with "Rosen's" name on it after meeting with Raoul. Ray further alleged that at the time of this Mexican encounter, Raoul was dealing some sort of contraband which Ray thought to be narcotics or stolen cars.⁴¹

According to HSCA, Rosenson operated a traveling carnival business that, as the Committee put it, "gave him mobility."⁴² But it is the pattern of Rosenson's "mobility" in the year following Ray's 1967 escape from Missouri State Penitentiary (the year preceding the assassination) that is most intriguing.

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Although HSCA found no evidence that Rosenson was in New Orleans in December of 1967 when Ray drove there from Los Angeles and allegedly met with Raoul, the Committee did find that Rosenson was in Los Angeles at the same time as Ray and that Rosenson made frequent trips to New Orleans to visit friends and relatives. Moreover, Rosenson "traveled in many of the same New Orleans circles as Ray's associate Charles Stein, a former New Orleans resident who lived in Los Angeles in 1967."⁴³ Rosenson and Stein, with whom Ray was acquainted in Los Angeles, seemed to have quite a bit in common. Both were known to New Orleans police "for similar criminal conduct"; they shared the same lawyer, frequented the same bars, and "had mutual acquaintances" in New Orleans.⁴⁴

The Committee also established that Rosenson was in Birmingham, Alabama in March 1967 when Ray purchased the rifle that was eventually identified as the murder weapon. The reader will recall that Ray claims to have purchased the rifle on Raoul's instructions, as a sample to be shown to prospective buyers in a gunrunning deal. HSCA also found that Ray and Rosenson used the same Birmingham bank during this period.

HSCA interviewed Randolph Rosenson six times, and he appeared before the Committee in executive session.* He denied knowing Ray, Raoul, or Charles Stein. HSCA concluded:

Despite the opportunities for Ray and Rosenson to have met, an extensive field investigation, including interviews of Rosenson's relatives, friends, business associates, criminal contacts and numerous law

* As with most HSCA records, his testimony has not been made public.

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enforcement officials failed to establish a definite link between Ray and Rosenson. The Committee concluded that Rosenson was not involved with Ray in a conspiracy to assassinate Dr. King.⁴⁵

*any of
all.*

This conclusion is a stunning non sequitur even by HSCA standards. To the author's knowledge, Ray has never claimed that Rosenson was in any way involved in an assassination conspiracy but, rather, that Rosenson might be a link to Raoul. Nor did Ray claim to have had any direct contact with Rosenson. The question under investigation should have been whether any of Rosenson's criminal associates or contacts had seen Rosenson with any Raoul-like characters, not whether they had seen Ray and Rosenson together. It is also indicative of HSCA's failure to apply consistent standards of evidence that despite the pattern of geographic proximity and mutual acquaintance, the Rosenson matter was dismissed for lack of an eyewitness while the Committee's conclusion that Ray was linked to a St. Louis-based conspiracy was offered without a single witness who could establish linkage, and was based solely on the opportunities for linkage provided by geography and mutual acquaintance.

There was also a more recent episode in the saga of the traveling carnival man, one never mentioned by HSCA. It was Ray who indicated in a letter to the author that Rosenson "was in the Andrew Johnson Hotel in Knoxville when I escaped [from Brushy Mountain Prison in Petros, thirty-five miles outside of Knoxville] in June 1977."⁴⁶ This was confirmed by Stan DeLozier, a reporter for the Knoxville News-Sentinel who had done a story on Rosenson in 1978 when he was being questioned by HSCA.⁴⁷ DeLozier managed to dig up information which HSCA either did not

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have or chose not to reveal. He interviewed Rosenson's Knoxville lawyer, Gene A. "Chip" Stanley, Jr. Stanley confirmed that Rosenson had been convicted in New Orleans of drug offenses and customs violations. The reader will recall that Ray claimed that Raoul was dealing in contraband--possibly narcotics. Ray had also alleged, in a letter to the author, that Rosenson was involved in narcotics-dealing in New Orleans.⁴⁸ HSCA merely referred to Rosenson's unspecified "criminal conduct" in New Orleans,⁴⁹ thereby diminishing the relevance of Rosenson's record to the possibility that he might somehow be linked to the man Ray calls Raoul. Rosenson's lawyer also told Stan DeLozier that Rosenson went by the name "Ben Rubin," which again was not mentioned by HSCA.

Boyd Cloud, the proprietor of the Andrew Johnson Hotel in Knoxville, told reporter DeLozier that Rosenson (or "Rubin" as Cloud knew him) stayed at the hotel from late May to July or August of 1977, including the time of Ray's escape from the

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nearby prison (in June).^{*} Both Rosenson's lawyer and the hotel owner told DeLozier that Rosenson's presence in Knoxville during the spring and summer of 1977 was due to a car accident he had had there, and to financial difficulties in the wake of the accident. Said Cloud of Rosenson/Rubin: "He intended to leave sooner. He talked about going to Michigan and to Canada."⁵⁰

* While there is no evidence of any conspiratorial dimension to Ray's 1977 prison escape, the possibility that the escape had been orchestrated by sinister forces was openly expressed by a variety of public figures during the 54 1/2 hours before Ray was captured alive. HSCA chairman Lewis Stokes was quoted in Time magazine as saying: "My real concern is whether Ray was lured into this escape and, if so, whether for the purpose of killing him to stop him from talking" (June 27, 1977 p. 12). Ray's escape came during HSCA's investigation of the King case, after Ray had already been interrogated for 25 1/2 hours by HSCA lawyers but before he was to be put on the stand and questioned about Raoul (according to Stokes, Time cited above).

Ray was apprehended several miles from the prison. He had been wandering through the rattle-snake-infested woods until he was finally overtaken by two prison guards carrying shotguns and led by bloodhounds. According to guard Sammy Joe Chipman (Time, June 27, 1977, p. 12 "Capture in the Cumberland"), he came upon Ray lying exhausted under a pile of leaves: "James, are you all right?" asked Chapman. After a pause Ray replied "I'm all right."

The fact that Ray returned alive was generally regarded as prima facie proof that there was no conspiratorial presence behind his breakout. But Ray had evidently wandered for two and a half days through a maze of hilly forests and narrow, twisting dirt roads leading only to abandoned log cabins and defunct coal mines. It is possible that the outcome of Ray's escape might have been different had he found his way to "civilization."

It is also possible that Ray might have met a different fate had he not been found by two good ol' boys from the prison who asked "James" if he was all right. The search for Ray was, by most press accounts, both massive and chaotic. Helicopters swarmed above the area while 100 local lawmen scoured the woods. Five van loads of SWAT teams were brought in by Tennessee State Police and no fewer than 75 FBI agents were dispatched to the scene. In a hunt that large over such a huge area with such a variety of personnel, it would be very difficult to exclude from the hunt a person or persons whose instructions might be to shoot Ray with no questions asked, especially if they joined the hunt under a false flag.

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Ray indicated to the author on two occasions that, as he put it, "I am sure Rosenson had nothing to do with the MLK case."⁵¹ While there is absolutely no evidence to suggest otherwise, one wonders how Ray can muster such certainty given what he professes to believe about the case--that Raoul set him up as a patsy, that Rosenson may somehow have been linked to Raoul. Some of Ray's comments to the author reveal a nebulous suspicion of Rosenson.⁵² Ray asserted that Rosenson's New Orleans trial transcript, which Ray claims to have sight of, showed that Rosenson was an "informant"; and, said Ray, "I suspect he was being used by someone or some agency."

Whether Randolph Rosenson was some sort of Government informant is unknown. Perhaps HSCA records, as yet undisclosed, can provide the answer. Surely he was not affiliated with LEAA at the point in time at which Ray contends that he found Rosenson's name on a business card (November 1967). The Law Enforcement Assistance Administration (LEAA) was created in 1968 as a provision of the Omnibus Crime Control and Safe Streets Act which was passed that same year. There was an Office of Law Enforcement Assistance (OLEA) in existence from 1965 to 1968. It was a small federal program and was supplanted by LEAA. Either Rosenson was prescient when it came to agency acronyms or Ray is wrong. It is possible that Ray confused a later sighting of an "LEAA" affiliation for Rosenson with the first sighting of Rosenson's name on the card, or that Ray confused OLEA with LEAA. It is also possible that Ray invented the affiliation in order to create an intriguing federal dimension to the world of "Raoul."

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But the significance of the Rosenson matter derives neither from allegations concerning ties to the federal government nor from the unsubstantiated premise that Rosenson might somehow have been involved in the assassination nor from a possible association between Ray and Rosenson (of which HSCA found no evidence and which Ray never claimed existed). The significance is that Ray has produced the name of an identifiable individual whose ties to New Orleans drug traffic and whose travels in the year before the assassination--travels which parallel Ray's and also parallel Ray's alleged meetings with Raoul--provide a possible entre into the shadowy world of "Raoul." Without any complicity in the King case, Rosenson could still have been associated with Raoul or Raoul-like characters who were handling Ray during the crucial period between his 1967 prison break and the assassination. Such associations, however "innocent" on Rosenson's part (in the sense of being unrelated to the King conspiracy), should have been the focus of an energetic HSCA investigation. Instead of concentrating on whether Rosenson was in contact with Ray, HSCA should have concentrated on whether Rosenson had any associates whose travels seemed to shadow Ray's as he wound his way to Memphis under the "Galt" cover.

Not only was Ray's post-assassination fugitive odyssey replete with mysterious contacts but there is a crucial gap in his known whereabouts. No one can say for sure whether James Earl Ray was alone or in the company of others soon after the April 4 assassination, because no one knows for sure where he was from April 6 to April 8.

ASCA NEW ORLEANS
REPORT

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(206)

*How many lies must there be before we really
H.S. of Ray can be blamed in New Orleans but
consideration. Like what about Ray's
Other as Ray's associates...*

*All of H.S. of Ray's reasoning & thinking were handled
Coffey controlled & limited by his own preconceptions - if Ray had
New Orleans was not a conspiracy but a coincidence & Ray had
acted on his own. H.S. of Ray's reasoning Ray's guilt.*

INTRODUCTION

(1) The FBI's investigation, in many ways both thorough and successful, nevertheless failed to resolve several significant questions concerning Ray's preassassination activities. One such question was the reason for Ray's trip from Los Angeles to New Orleans in December 1967. The task of the committee in the New Orleans investigation was to determine, first, the nature of James Earl Ray's activities while in New Orleans and, second, whether these activities might bear on the assassination or indicate a conspiracy between Ray and another individual or individuals.

(2) Several separate sources of information on Ray's trip were available to the committee. These included FBI investigative files; witness in both California and New Orleans; Ray's own statements to the committee and other interviews regarding his trip; and a variety of conspiracy allegations that have surfaced since the assassination of-fering explanations for Ray's New Orleans activities.

(3) Much of the FBI's investigation in 1968 involved interviews of friends and relatives of Charles Stein,¹ individuals who had come into contact with Ray during his 2-day stay in New Orleans. Where possible, the committee located these individuals,⁽¹⁾ and conducted its own interviews. In some cases, the committee also interviewed FBI agents responsible for the original investigation⁽²⁾. As could be expected, the passage of time significantly diminished the amount of detail that could be furnished by those interviewed. In a few cases, potential witnesses had died.⁽³⁾

(4) Apart from the FBI's investigation, the committee also had access to Ray's own explanation for his trip. While many of Ray's statements proved unreliable, the committee, nevertheless, attempted to investigate any detail furnished by Ray that might shed light on the purpose of the trip. The information provided by Ray and witness statements then provided the background for the committee's New Orleans investigation.

RAY'S ACCOUNT OF THE NEW ORLEANS TRIP

(5) On December 15, 1967, James Earl Ray and Charles Stein departed Los Angeles for New Orleans. Ray's own account of his activities, from December 15, 1967, until his return to Los Angeles remained relatively consistent throughout his various interviews with the committee. Sometime subsequent to his arrival in Los Angeles in mid-November, Ray said that he called his contact [an associate of Row]

¹ See sec. ITC of Report for a detailed discussion of several New Orleans based conspiracy allegations.

² Charles Stein was Ray's traveling companion to and from New Orleans.

³ A more extensive discussion of Ray's accounts on the New Orleans trip can be found in a separate staff report entitled "Compilation of the Statements of James Earl Ray." See, vol. III, HSOA-MIAK hearings at pp. 201-204.

in New Orleans. (4) He made the call, because he was short on funds. During the course of this phone call, Ray was instructed to travel to New Orleans during the month of December to meet with Raoul, although no precise date for this proposed journey was specified. Ray maintained that his decision to drive to New Orleans preceded his discussion on December 14 with Marie Martin at the Sullan Room Bar. It was during this discussion that Ray mentioned to Martin that he would be traveling to New Orleans. (5) Martin, according to Ray, expressed interest in Ray's intention to make this trip and suggested that her cousin, Charles Stein, accompany Ray and share with the driving. *She had her husband's car.*

(6) Ray has never provided extensive detail on the drive to New Orleans, or about Charles Stein, his driving partner. He has stated that he has no recollection of his discussions with Stein and conceded that he could have told him anything. Stein and Ray drove straight through to New Orleans, without stopping at night; the driving was split. While en route, Ray made a phone call to his brother, Jerry, the purpose of which, Ray claimed, was merely to check in with him and say hello.

(7) After arriving in New Orleans, Ray said he checked into the Provincial Motel on the recommendation of Charles Stein. Since he and Raoul had no prearranged meeting place, Ray called the New Orleans telephone number and was instructed by an individual to meet Raoul at Le Bunny Lounge on Canal Street. (8) After this phone call—some time during the afternoon of December 17—Ray met with Raoul. During this conference, which lasted for only 15 to 20 minutes, Ray maintained that the prospect of a gunrunning operation was first discussed. Ray received \$500 from Raoul with the promise of more money in the future. After Ray and Raoul concluded their business, Ray informed Stein that he was ready to return to Los Angeles, but since Stein was visiting relatives and wished to remain in New Orleans, they stayed 2 additional days.

(8) Ray's explanation for his trip to New Orleans has not varied throughout his interviews with the committee. He was in need of money and a passport from Raoul, and because a drive-by car would not be overly expensive, he decided to make the trip. The committee ultimately rejected Ray's Raoul story; nevertheless it found his trip significant for other reasons. Ray's need to transact whatever business he had in New Orleans must have been pressing. A long-distance car trip exposed Ray, a fugitive from the law, to the risk of being stopped by police in a random vehicle check. His willingness to assume this risk indicated the significance which he attached to the trip.

(9) Charles Stein, Ray's companion during the drive to and from New Orleans, therefore became a major focal point of the committee's efforts.

CHARLES JOSEPH STEIN

(10) In December 1967, Stein was a 38-year-old, unemployed, ex-car salesman enjoying a bohemian lifestyle centered around a personal cosmic philosophy of life. He resided with a sister, Rita Stein, and two of her four children at 6666 Franklin Avenue in Los Angeles. At least superficially, a more improbable associate of Ray would be difficult to imagine. Nevertheless, several aspects of Stein's back-

Ray was on the way to Los Angeles

ground raised logical areas of inquiry. First, several witnesses in both the FBI and the committee investigations had provided evidence implicating Ray's interest in both the use and sales of narcotics (amphetamine at Missouri State Prison and marijuana during the year of freedom after Ray's escape.) Without evaluating the credibility and weight attached to this evidence, the fact that Charles Stein's background (7) reflected occasional involvement in narcotics suggested this activity as one possible explanation for the association between Ray and Stein and for their abrupt trip to New Orleans. (8)

(11) Other areas that the committee focused on during its investigations of Stein, and his association with James Earl Ray, included the possibility, raised by the testimony of several California witnesses, that Stein and Ray had known each other long before their readily admitted meeting on December 14 (the day before the New Orleans trip); Stein's registration at American Independent Party Headquarters in Los Angeles on the morning of the New Orleans trip; and Stein's knowledge of Ray's activities in New Orleans.

(12) Stein was interviewed initially by the committee in January 1978. Following this extensive 3-day interview, a field investigation was undertaken in both Los Angeles and New Orleans to establish the reliability of statements received from Stein during the interview, and to examine Stein's background, associates, and activities in both cities. Following these investigative efforts, Stein was brought to Washington for questioning under oath by the committee. This substantial investigative commitment was considered necessary because of Stein's status as one of the few existing primary Ray associates, and because of his involvement in the New Orleans trip. The results of the investigation are summarized below. (9)

(13) Charles Joseph Stein was born on May 11, 1929, in New Orleans La.; with the exception of one stay in New York in 1952 and travel with the merchant marine during the late 1930's and early 1950's, he resided in New Orleans until 1964, when he moved to his 1978 domicile—Los Angeles, Calif. Stein left school after the sixth grade, and held minor jobs shining shoes and washing dishes until he began work as a deckhand on a tugboat at the age of 13. Three years later he took out union membership in the merchant marine, and recalled several years with the merchant marine during his periods at sea. After at sea, Stein found employment as a longshoreman on the docks of New Orleans. This was followed by a brief term as a welder's and pipefitter's helper.

(14) In 1952, Stein went to New York in search of a position with a company exporting auto parts to Brazil; the job failed to materialize when the company's license to ship materials abroad was revoked, and Stein returned to New Orleans and joined the Army. After 5 months at Fort Bliss, Tex., Stein suffered an injury to his lower back during a carpentry detail. Soon after the accident he left the military.

(15) After leaving the Army, Stein returned to New Orleans and during the next 10 years took positions as barker, writer, and bartender with clubs in the French Quarter. Stein managed a club named Marie's Lounge in the midfifties, and worked at the Silver Frolic in the early sixties.

Ray was on the way to Los Angeles
Charles Stein's background
was very good story
who did

Ray was on the way to Los Angeles

5009

(16) As of 1978, Stein had been married four times. He had a son, Charles Stein, Jr., by his first wife, Marie Calahana, whom he married in approximately 1949 or 1950. Marie Calahana was followed by Gloria Hall (no children) and, between 1960 and 1964, by Mickey Medina (no children). During the 3 to 4 years prior to his departure from New Orleans in 1964, Stein and Mickey Medina ran a prostitution business offering the services of Mickey and several other women. (10) Stein lived off the proceeds of the business.

(17) In addition to prostitution activities in New Orleans, Stein's criminal activities in that city included, by his own admission, running dice tables at Marie's Lounge in 1955, and the use of a variety of narcotics. The probability that Stein was involved, at least on a small scale, in the sale of narcotics in New Orleans also seems high. (11)

(18) After leaving New Orleans in 1964, Stein moved to Los Angeles, home of his sister Rita and her husband Iino Rosas. He worked as a car salesman for Felix Chevrolet on Figueroa Street, Brand Motors on Crenshaw Boulevard, and Burbank Ford on Olive Street, leaving the last job sometime in 1967. Stein's job with Burbank Ford was his last official job. Since then he has been supported by unemployment and social security disability payments.

(19) During his interview with the committee staff, Stein professed his belief in a cosmic philosophy of life. In addition to a strong belief in God, Stein's philosophic principles incorporated a belief in an after-life, in extraterrestrial life, and in an ability to communicate with other forms of life. (12) Stein began developing his cosmic philosophy in 1964 with his departure from New Orleans and relocation in California. Thus, he aided by these principles during his relationship with James Earl Ray. While his beliefs were clearly unorthodox, Charles Stein seemed to be a highly intelligent and essentially rational individual.

THE RELATIONSHIP BETWEEN CHARLES STEIN AND JAMES EARL RAY

(20) Prior to moving to 5660 Franklin Street (his residency on December 15, the day Stein and Ray departed for New Orleans), Stein lived at 3340 Floyd Terrace, the home of Rita and Iino Rosas, Charles' sister and brother-in-law. During the FBI investigation, three individuals living in the vicinity of 3340 Floyd Terrace stated that they had observed a white Mustang outside of Stein's address, during the period of Thanksgiving 1967. One neighbor, a Mr. Raymond Murphy, identified the driver of the car as James Earl Ray. (13) If this in fact occurred, then Stein and Ray met before either are willing to acknowledge.

(21) During his interview, Stein acknowledged that he lived at 3340 Floyd Terrace in 1966 and 1967, but was certain that he and Rita left that address and moved to 5666 Franklin Avenue as long as 2 months before he met Ray. Stein emphatically denied any contact with Ray at the prior address; he stated that Iino Rosas, an ex-New Orleans resident of Mexican heritage, used 3340 Floyd Terrace as a location to fix up old cars for resale and worked with an unidentified Mexican mechanic in this business. Iino Rosas also dealt in marlinams at 3340 Floyd Terrace, and Stein, while denying any direct involvement in the operation, admitted that on one occasion he buried a bottle of marijuana in the backyard to improve its quality. Stein denied knowledge

of Iino's marlinama source, but stated that it was a good one, because Iino was able to sell the merchandise at reasonable prices. (14)

(22) 3340 Floyd Terrace was used as a crash pad for many of Stein's friends. Nevertheless, Stein stated that the premises were not used for hustling, that is, prostitution, and claimed that he would have known if such a business had been in process. Stein stated that Ray would not have fit in at 3340 Floyd Terrace, a residence often frequented by hippies on searolling, mind-expansion trips. Stein stated that Ray, a close-minded individual was not into this at the time. Stein also asserted that Ray, if questioned, could provide no information on the type of people who frequented 3340 Floyd Terrace. Finally, Stein denied that Ray parked his Mustang there, and recalled no other Mustangs with Alabama plates in the vicinity of the residence. (15)

(23) During his executive session testimony, Stein again clearly and emphatically denied Ray's presence at 3340 Floyd Terrace, and noted that his sister, Rita Rosas, possessed a white Mustang while living at that address. He stated that anyone suggesting Ray's presence at 3340 Floyd Terrace had lied to the committee. (16)

(24) Mr. Stein's denial of contact with Ray at 3340 Floyd Terrace was corroborated by the testimony of his sister, Rita Rosas, (17) as well as by additional field investigation performed by the committee. Based on available evidence, it can be concluded that Ray and Stein did not, in fact, meet prior to December 14, 1967, when they were introduced at the Sultan Room, a lounge at the St. Francis Hotel in San Francisco.

(25) In December of 1967, Charles Stein was living with his sister Rita and two of her children at 5666 Franklin Street. The weight of available evidence indicated that he met Ray on December 14, 1967, at the request of Rita, who had encountered Ray earlier that evening at the Sultan Room lounge. Rita had been looking for a means of transporting her two other children from New Orleans to California, and Ray had indicated his own plans to go to New Orleans. Charles Stein was persuaded by his sister to drive with Ray to New Orleans to pick up the children. It was Stein's impression that Ray felt initially he would be making the trip with Rita, and was both surprised and suspicious when Stein was substituted.

(26) The committee developed no significant evidence to contradict this version of Stein's first meeting with Ray. Because Stein was unemployed at the time, he was free to leave Los Angeles on a moment's notice. He had extensive family in New Orleans and the trip provided an opportunity to see them again. (18) Finally, in light of Ray's fugitive status, it is not unreasonable for him to have wanted another passenger in the car during a long drive on the open road; the chances of a random stop by the police existed, and Stein's presence provided a legitimate reason for making the trip to New Orleans—that is, to pick up Stein's niece and nephew. Ray was, however, apparently concerned about the possibility that he was being set up for a robbery by Rita Stein and her brother. He suggested to Rita and Marie Martin that he might bring a gun with him on the trip. (19) Stein never saw a weapon on Ray during the trip.

(27) In summary, the credible evidence would seem to indicate that Stein and Ray came together fortuitously the day before the trip to New Orleans, that both had separate and independent reasons for

Why
 do they
 want to
 meet Ray
 in a hotel
 in San Francisco
 probably
 from
 the
 FBI

Orleans did not involve the motel. This does not preclude the possibility that Ray met with associates at the motel at some later time.

(38) Sometime later the first day, Stein took a walk with his son, Charles Stein, Jr. They covered approximately 2 miles and passed by the "merchandise mart" and the Trade Mart building. Later that afternoon, Ray told Stein that he (Ray) had been drinking beer, and had seen Stein walking on Canal Street. *WMAW 11:30 D. night.*

(39) Ray's failure to call Stein over to join him at the bar on Canal Street suggested to Stein the possibility that Ray was with someone at the time. Ray told Thie that he met "Raoul," in "Le Bunny Lounge" on the day of his arrival in New Orleans; "Le Bunny Lounge" is, in fact, on Canal Street, and thus could have been the bar where Ray was drinking his beer. * Because Stein did not see Ray he could not tell the committee whether Ray was alone or with another. Stein had no knowledge of "Le Bunny Lounge," and could recall no mention of this establishment by Ray. (27)

(40) The next day (December 18) sometime during the morning, Ray came to Stein's sister's (Marie Lee's) home. Ray told Stein that he had finished his business and was ready to return to Los Angeles. The fact that Ray was prepared to return to California so quickly would indicate, of course, a prompt completion of his business in New Orleans. Moreover, it would seem to rule out the possibility that Ray came to New Orleans to enjoy the French Quarter or a change of scenery. Rather, he appears to have had some specific and relatively simple task to accomplish.

(41) In fact, Stein and Ray did not depart until the next day; Stein's recollection is quite clear that this was his idea, not Ray's. Stein was apparently able to convince Ray that the weather precluded an immediate departure; after a phone call to unidentified authorities for weather information, Ray agreed to postpone their departure by 1 day. (28)

(42) Stein emphatically denied two other possible reasons for Ray's New Orleans trip, both of which had been received by the committee from Charles DeCarvalho—a close, New Orleans friend of Stein's. (29) First, DeCarvalho told the committee that Stein had told him (DeCarvalho) in 1967 that Galt came to New Orleans to campaign for Wallace's Presidential bid in Mississippi and Alabama, to distribute campaign materials, and to solicit campaign funds. Second, DeCarvalho said Stein had indicated a plan to introduce Ray to some of his friends, including Papa Joe Comforto. Stein denied making either statement to DeCarvalho. Stein admitted that he knew Joe Comforto, but stated that he would never have introduced Ray to him; moreover, he did not recall seeing Joe Comforto himself while in New Orleans. (30)

(43) Finally, Stein specifically denied, under oath, involvement with Ray in "illegal or criminal activity" generally, or in the manufacture, purchase or sale of narcotic or non-narcotic drugs. Similarly,

*While the committee rejected Ray's "Raoul" story, it noted the high likelihood that the story was intended to conceal contact with one or both of his brothers. Ray's reference to a meeting with "Raoul" at "Le Bunny Lounge" may well be another instance in which he is disguising such contact. *Not possible to determine if what was said was true or not.*

he denied involvement with Ray in any type of legitimate joint venture during the trip.

(44) In light of several factors, including (a) the major differences between the characters and personalities of Stein and Ray; (b) the strong evidence that Ray and Stein met the day before the New Orleans trip; (c) Stein's emphatic and specific denials, under oath, of criminal activity with Ray; (d) an extensive field investigation in both New Orleans and Los Angeles which included extensive questioning, often under oath, of associates and relatives of Charles Stein; (37) it appears that Stein's involvement with James Earl Ray both on the New Orleans trip, and otherwise, was innocent and unrelated in any way to the assassination of Martin Luther King.

(45) Stein's testimony did provide several indications of conspiracy, or at least association, between Ray and another in New Orleans:

- (a) Ray had a "purpose" for the trip in Stein's mind;
 - (b) Ray described a meeting place in New Orleans where he would contact his associate(s); *Why did Ray not give this place?*
 - (c) Stein recalled one or two telephone calls en route to New Orleans, and thinks now Ray may have been calling New Orleans to let his associate(s) know when he would arrive;
 - (d) the circumstances surrounding Ray's sighting of Stein on Canal Street on the first day (December 17) indicated he was with someone at the time; and *Why was he given?*
 - (e) Ray completed his business in New Orleans rapidly, and was ready to return to Los Angeles the morning of December 18.
- (46) It may be concluded, therefore, that Ray met with someone in New Orleans on prearranged business. Stein, however, provided no information to indicate that the business was necessarily connected to the assassination. **

INVESTIGATION AT THE PROVINCIAL MOTEL

(47) During its investigation in New Orleans, the FBI determined that Ray registered at the Provincial Motel, 1024 Chartres Street, for the nights of Sunday and Monday, December 17-18, 1967. Due to the clear indications of a meeting in New Orleans, the committee investigated the possibility that the Provincial was the meeting place.

(48) On May 7, 1968, the FBI's New Orleans Field Office circulated to 18 other field offices a list of all guests who were registered at the Provincial Motel (22) between December 17-19, 1968. The dates of Ray's registration. The list contained 25 names. Each field office was directed to locate and interview the individuals for any knowledge they might have pertaining to Ray. Of these 25 individuals, only 10 were located and interviewed by the FBI by the end of May 1968; no one interviewed had any information to assist the FBI's investigation.

*Stein could provide no specific details or recollections to corroborate his intriguing speculation on the purpose of the call.

**The committee developed significant evidence indicating a meeting between Ray and one or both brothers in New Orleans. This is detailed in section III B of the final Martin Luther King report. *Not necessary to do not believe it.*

MEMORANDUM

(49) In the November 26, 1968 issue of Look magazine, an article by William Bradford Huie denied Ray's travels prior to the assassination. In this article, Huie described Ray's stay at the Provincial Motel. In response to this information, the Bureau requested the New Orleans field office to reinvestigate the motel's registrants. (50) Pursuant to this directive, photostatic copies of the motel records were incorporated into a report dated November 27, 1968. (51) In reviewing these investigative files, the committee determined that there were actually 63 guests registered at the Provincial at the same time as Ray, as opposed to the 26 registrants originally investigated by the Bureau in April and May. In late November 1968, the FBI dispatched to the pertinent field offices the additional 38 names of guests. No positive information was received from these leads.

(52) Records of the Provincial Motel indicated that Ray, using the alias "Galt," registered room 126 for the nights of December 17-18. (53) Galt's registration card also indicated that only one person occupied room 126 during the pertinent period and that Galt checked out prior to 1 p.m. on Monday, December 19, 1967. (54) The FBI interviewed Bryan DuPape, the owner of the Provincial Motel, in April 1968. (55) DuPape advised the Bureau that he had no record of unusual activity in room 126 on the dates of Ray's occupancy. The FBI determined that Ray made no long distance phone calls from room 126; the Bureau was unable to make the determination regarding local calls since the log for calls made prior to April 4, 1968 had been destroyed. (56) The committee interviewed DuPape on February 14, 1978. He advised the staff members that room 126 was, at the time of Ray's occupancy, the least desirable in the motel, since it was split-level, with the bath and bedroom on different floors. He recalled that the room probably was rented at a rate of \$14 a day and that if more than one person were to occupy room 126 they would find the accommodations very uncomfortable. (57)

(58) The most intriguing information concerning Ray's stay at the Provincial Motel was developed in the testimony of Anthony Charles DeCarvelho. (59) His information presented the committee with evidence of such a revelation and the fact that DeCarvelho's statements alluding to a meeting were at variance with all other accounts (including his own interviews with the FBI in 1968) DeCarvelho's testimony was taken under oath in a field deposition.

(60) DeCarvelho, a close acquaintance of Charles Stein, was employed as a cab driver in New Orleans in December 1967. In his statement to the committee, he stated that he arrived at the home of Stein's mother, Clovina Olonzo, shortly after Stein and Ray's arrival there on Sunday, December 17. After being introduced to Ray as "Eric Galt," DeCarvelho recalled that Ray asked DeCarvelho to drive him to the French Quarter, stating, "There is somewhere I got to go." (61) DeCarvelho recalled that Ray specifically requested that he drive him to the Provincial Motel. According to his testimony, DeCarvelho quoted Ray as saying, "I want you to drive me there and wait for me. I will be about 5 or 10 minutes." (62)

(63) After arriving at the Provincial, Ray got out of the car and DeCarvelho turned the car around in the motel's courtyard. While DeCarvelho was making this maneuver he noticed Ray walking along

the balcony of the second story of the motel. (64) "He was looking around for a number, you know, like—like trying to locate a number." (65) DeCarvelho did not see Ray knock on any doors or enter any room. (66) He recalled that Ray had taken an attaché case with him when he left the car, which he brought back with him when he returned. Although he could not be certain, DeCarvelho was under the impression that Ray went to the Provincial Motel to meet someone.

Mr. DeCarvelho. I believe he told me he was meeting somebody.

STAFF COUNSEL. Are you speculating?
Mr. DeCarvelho. No, no, I have a pretty good idea that—that what he told me, that he wanted—he was going to be but a few minutes. (67)

(68) Ray returned to the car approximately 7 minutes later. DeCarvelho asked, "Did you meet your friend?" to which Ray replied, "Yeah, yeah, everything is all right." (69) After leaving the Provincial, Ray and DeCarvelho drove around New Orleans for approximately 20 minutes. DeCarvelho then dropped Ray off at the home of Clovina Olonzo, Charles Stein's mother.

(70) DeCarvelho's testimony was unique in its suggestion of a meeting between Ray and an associate at the Provincial. Further, he was a sincere witness with no ascertainable motive to fabricate his statement. Nevertheless, the committee's investigation revealed no evidence to corroborate his testimony.

(71) According to Stein, he drove Ray to the Provincial for Ray's initial registration. A trip by Stein to the Provincial did not necessarily preclude another trip by Ray and DeCarvelho, but it did make this second trip appear less plausible. According to Stein, the two men drove back to the Olonzo home after Ray registered, and Ray departed only to return shortly thereafter. (72) It is possible that in that interim period, Ray arranged to meet an associate at the Provincial Motel, returned to the Olonzo residence and persuaded DeCarvelho to drive him back to the motel. What is left unexplained in this scenario is why Ray needed DeCarvelho to drive him to the motel. He and Stein had been there shortly before. The Provincial Motel and the Olonzo home are in the same neighborhood, and it is unlikely that Ray would have needed DeCarvelho's assistance in finding the motel. It was also improbable that Ray would deliberately involve DeCarvelho as a possible witness to a clandestine meeting at the Provincial.

(73) It was also significant that Stein was unaware of Ray's and DeCarvelho's trip to the motel. In his interview, Stein stated that he knew of no time during Ray's first day in New Orleans that Ray and DeCarvelho drove around together. (74) Stein and DeCarvelho saw each other during the next 2 days and, according to DeCarvelho, discussed Ray and his purpose for traveling to New Orleans; it is unusual that DeCarvelho did not tell Stein of his visit with Ray to the Provincial.

(75) The most significant problem with DeCarvelho's statement, however, was its inconsistency with prior statements to the FBI. FBI interviews of DeCarvelho contained no references to the Provincial Motel visit, a fact which would have been significant in their attempt to determine the purpose of Ray's trip. The committee considered two possible explanations for this discrepancy. Either DeCarvelho did not

visit Provincial Motel was probably or he made it up?

relate this information to the FBI or the FBI agents conducting the interviews failed to include these highly significant details in their reports.

(60) In a staff interview, Special Agent William F. Kusch, who had interviewed DeCarvello in 1968, advised the committee that anything mentioned by DeCarvello concerning people or places visited by Ray would have been thoroughly investigated by the Bureau. (60) Kusch noted that the FBI was attempting to locate Ray at the time of the DeCarvello interviews. The possibility of a meeting by Ray with another at the Provincial would have been of significant interest, and would have been documented. A thorough review of the New Orleans investigative files reflected no mention of DeCarvello's information or of a subsequent investigation of that information.

(61) In view of this and other problems with DeCarvello's story, it may be concluded that his information was unreliable.

(62) The unreliability of DeCarvello's testimony did not, however, undermine the conclusion that Ray traveled to New Orleans to meet someone, and that such a meeting transpired. It is also possible, of course, that this meeting was at the Provincial Motel. The committee was simply unable to locate concrete evidence of this possibility.

(63) It must be frankly acknowledged that the mystery that has always surrounded the New Orleans trip has not been cleared up. Several aspects of the trip are clear, however:

1. Ray's decision to make this trip and his activities in New Orleans were unrelated to his association with Charles Stein.
2. The decision to travel to New Orleans on Friday, December 15, 1967, was abrupt and without significant planning or foresight.
3. Whatever Ray's business was in New Orleans, it
 - (a) was significant enough to travel nearly 4,000 miles to transit, and
 - (b) involved a transaction which could not be as readily accomplished with a phone call or letter.
4. James received money on the trip. A financial analysis of Ray's spending habits during his fugitive period document a pattern of significant expenditures after his return from New Orleans. These included an immediate payment of approximately \$350.00 for dance lessons.
5. Ray met with someone in New Orleans. This conclusion was based on Ray's receipt of money, as well as Stein's testimony to the committee.*
6. Ray's business in New Orleans was accomplished quickly.
7. There was no evidence of a direct link between Ray's activities in New Orleans and the assassination of Dr. King. Nevertheless, it was noted that Ray's next significant criminal activity was the assassination. *Ray did not want to be there how was it arranged?*

*It is highly probable that Ray met with one or both brothers. Ray mentioned to two independent sources in Los Angeles that his trip involved his brother. Both James Earl and Jerry Ray admit that James telephoned Jerry while en route to New Orleans. Both these references to his brother and New Orleans and his phone call suggest that the two met in New Orleans. (See MITX Report, Section III, for additional discussion of the possible involvement of Ray's brother in the New Orleans trip.)

not speaking to me and I was at all

(64) Two significant questions remained open after the committee's investigation: First, the committee was unable to determine why New Orleans was chosen as the site of Ray's business. If, in fact, Ray met his brother(s), it is difficult to explain why this meeting took place in New Orleans. Jerry was at the time employed at the Sportsman Club in Chicago and James was in Los Angeles. A more convenient meeting place could have been chosen. It seems reasonable to assume, therefore, that New Orleans itself was connected with the purpose of the trip. Second, the committee was unable to determine the exact nature of Ray's activities in the city.

Submitted by:

LISA M. BENTON,
Researcher.

See why did they not just ignore it?

W. F. Kusch

REFERENCES

- (1) Lloyd Calloway, the husband of Lorraine Calloway, was never located or interviewed by the committee. The Calloways were the aunt and uncle of Charles Stein. The committee was satisfied, however, that all New Orleans witnesses who would have been in a position to furnish information of any value were located.
- (2) See, for example: Staff summary of interview of S.A. Pat Collins, December 1977, House Select Committee on Assassinations (MILK Document No. 150170); staff summary of interview of S.A. Stephen Chalkdancer, Jan. 13, 1978, House Select Committee on Assassinations (MILK Document No. 1700044); staff summary of interview of S.A. William Kusch, Mar. 10, 1978, House Select Committee on Assassinations (MILK Document No. 1901360); staff summary of interview of S.A. Frank Hansen, Apr. 4, 1978, House Select Committee on Assassinations (MILK Document No. 2000255); staff summary of interview of S.A. Thomas Colarwell, Nov. 22, 1978, House Select Committee on Assassinations (MILK Document No. 3000411).
- (3) The committee determined that three of Charles Stein's relatives were deceased at the time of its investigation. These relatives were: Willie and Gloriana Olmazo and Dale Rodriguez.
- (4) In "The 20,000 Words," Ray states that someone answered the phone in New Orleans and asked him to come to New Orleans around Christmas. He has never elaborated further about who this individual was. (See "The 20,000 Words," Vol. XII, HSCA-MIK Hearings.)
- (5) There are contradictory accounts as to who initiated the discussion of Ray's drive to New Orleans. Hite, in *He Stew the Dreymer*, wrote that Ray mentioned the proposed trip, and that Marie Martin then told him of Rita Stein's problem. See William Bradford Huie, *He Stew the Dreymer* (New York: Doubleday, Inc., 3d ed., 1970), p. 77. Gerald Frank wrote that Marie Martin first broached the subject, and then Ray volunteered to drive Stein. See Gerald Frank, *As America Dredg* (Garden City, New York: Doubleday and Co., Inc., 1st ed., 1972), p. 103.
- (6) Ray did not have any independent recollection of the name of this bar. After describing the lounge to Hite, the author located the establishment. Ray never disputed Hite's identification of the Le Bunny Lounge as the site of this New Orleans meeting with "Raoul". In earlier accounts, Ray has made inconsistent statements concerning the arrangements for this meeting. Ray's story to Hite is that "Raoul" wrote him while he was in Los Angeles and told him that they would meet in a certain New Orleans bar for a conference. See William Bradford Huie, "I Got Involved Gradually, And I Didn't Know Anybody Was To Be Murdered," *Look Magazine*, Nov. 26, 1978, p. 92. Ray also wrote Hite that after his arrival in New Orleans, he checked into a motel and called "Raoul." It is during this phone call that Ray claimed he was advised of the location of the meeting, the information apparently supplied by a third party. See "The 20,000 Words," XII HSCA-MIK Hearings.
- (7) FBI Identification record of Charles Joseph Stein, FBI Report No. 881F333 (MILK Document No. 1900110). Stein's record reflects a 1901 arrest for possession of narcotics in New Orleans, but no conviction on that charge; a 1969 arrest for cultivating marijuana in California, but no conviction; and a 1974 conviction for the sale of heroin.
- (8) Although Ray indicated, both to author Hite and to the committee, that he had foreknowledge of the necessity to travel to New Orleans sometime in December of 1967, his actual departure from Los Angeles can be viewed as abrupt and without significant planning or preparation. (Regarding the indications of foreknowledge, see, e.g., "The 20,000 Words," XII HSCA-MIK Hearings Staff Interview of James Earl Ray, Apr. 14, 1977, hearings before the House Select Committee on Assassinations, 95th Congress, 2d session, Washington, D.C.: U.S. Government Printing Office, 1978, Vol. IX, pp. 201-207.) Stein and Ray met for the first time on Thursday, December 14, 1967. Either Rita Stein or Marie Martin introduced the two men, and arrangements were made
- (280)
- for them to travel to New Orleans for the purpose of transporting Rita's two daughters back to Los Angeles. These arrangements were impractical and did not preclude the Thursday evening discussion. There is no indication that Ray specifically intended to travel to New Orleans on Friday, December 15, 1967. According to an FBI interview with Dr. Mark O. Freeman, Ray had originally scheduled an appointment for Monday, December 18, 1967, which he canceled at the last minute before leaving town on the 16th.
- (9) The primary source for the background information contained in this section is the staff interview of Charles Joseph Stein, Jan. 23-26, 1978, House Select Committee on Assassinations (MILK Document No. 100102) (hereinafter referred to as Stein interview).
- (10) Stein interview (MILK Document No. 190402), p. 1; see also staff interview of Mickey Meulder, February 17, 1978, House Select Committee on Assassinations.
- (11) While Stein continuously denied personal involvement in the sale of narcotics (see Stein interview, MILK Document No. 190402, p. 2), several former members of the New Orleans Police Department have opined that Stein engaged in the sale of narcotic drugs while in that city. See e.g., staff interview of Bill Warner, February 2, 1978, House Select Committee on Assassinations (MILK Document No. 180074); outside contact report (with John Phillips), Feb. 2, 1978, House Select Committee on Assassinations (MILK Document No. 180049). As previously noted, Stein was convicted for selling heroin in California in 1974 (*supra*, fn. 7).
- (12) Stein interview (MILK Document No. 190402), p. 15.
- (13) FBI interview of Raymond M. Murphy, May 1, 1978, Los Angeles Murkin file No. 44-1574-D-150. In a committee interview on Feb. 12, 1978, Mr. Murphy rounded certain that he had seen Ray, although he did not specify the time. See staff summary of interview of Raymond M. Murphy, Feb. 2, 1978, House Select Committee on Assassinations (MILK Document No. 190390).
- (14) Stein interview (MILK Document No. 190402), pp. 4, 5.
- (15) *Ibid.*
- (16) Minimized executive session testimony of Charles Stein, Apr. 4, 1978, hearings before the House Select Committee on Assassinations, pp. 30-42 (MILK Document No. 210085) (hereinafter referred to as Stein testimony, Apr. 4, 1978).
- (17) Executive session testimony of Rita Ross, Apr. 6, 1978, hearings before the House Select Committee on Assassinations, pp. 15-16.
- (18) Stein interview (MILK Document No. 190402), pp. 5-6.
- (19) Stein testimony, Apr. 4, 1978, p. 32.
- (20) See, e.g., Stein testimony, Apr. 4, 1978, pp. 83, 84.
- (21) Stein circled this area on a map of New Orleans provided by the committee staff. A later field investigation of the area by committee investigators, however, produced nothing of significance (MILK Document No. 200470).
- (22) When asked why this information did not appear in any of several interviews he had given to the FBI, Stein replied that perhaps the agents had not asked him. See Stein interview (MILK Document No. 190102), p. 8.
- (23) Testimony of James Earl Ray, Aug. 16, 1978, hearings before the House Select Committee on Assassinations, 95th Cong., 2d sess., Washington, D.C.: U.S. Government Printing Office, 1979, vol. I, p. 89.
- (24) FBI interview of Charles Stein, May 2, 1968, Los Angeles, Murkin file No. 44-1574.
- (25) FBI interview of Charles Stein, Feb. 13, 1960, Los Angeles, Murkin file No. 44-1574-D-512.
- (26) Stein interview (MILK Document No. 190402), pp. 10-11.
- (27) *Id.* at p. 11.
- (28) *Ibid.*
- (29) Staff interview of Charles DeCarvalho, June 7, 1977, House Select Committee on Assassinations (MILK Document No. 130079); see also designated counsel statement of Charles DeCarvalho, Feb. 10, 1978, House Select Committee on Assassinations, pp. 9-10 (MILK Document No. 1902011).
- (30) Stein interview (MILK Document No. 190402), p. 12.
- (31) See staff summary of interview of Raymond M. Murphy, Jan. 17, 1978, House Select Committee on Assassinations (MILK Document No. 180070); staff summary of interview of Felix Valdez, Feb. 14, 1978, House Select Committee on Assassinations (MILK Document No. 180389); staff summary of interview of Charn Stamm, Feb. 15, 1978, House Select Committee on Assassinations (MILK Document No. 180387); outside contact report (with George Pittman), Jan. 25,

- 1978, House Select Committee on Assassinations (MILK Document No. 170315); staff summary of interview of Theresa Rodriguez Stone, Feb. 13, 1978, House Select Committee on Assassinations (MILK Document No. 180386); staff summary of interview of John Morroni, Feb. 11, 1978, House Select Committee on Assassinations (MILK Document No. 180388); despatched counsel statement of Marie Lee, Feb. 15, 1978, House Select Committee on Assassinations (MILK Document No. 190292); immunized executive session testimony of Marie Marth, Apr. 5-8, 1978, hearings before the Select Committee on Assassinations; staff summary of interview of Mickey Carlos Tomasey, Mar. 9, 1978, House Select Committee on Assassinations (MILK Document No. 190404). Additionally, the committee contracted knowledgeable law enforcement officials for information on this aspect of the investigation. See staff summary of interview of Lt. David Kent and Sergeant Lohman, New Orleans Police Department, Feb. 9, 1978, House Select Committee on Assassinations (MILK Document No. 180388); outside contact report (with John Phillips), Feb. 2, 1978, House Select Committee on Assassinations (MILK Document No. 180049).
- (32) FBI Airtel, from New Orleans to Memphis, May 7, 1968, FBI Memphis Murkin file, No. 44-1978-Sub. B-603.
- (33) FBI Airtel, former Director Hoover to New Orleans, Nov. 14, 1963, New Orleans Murkin file, No. 157-10673-1202.
- (34) FBI report, Nov. 27, 1968, pp. 4305-4468 (MILK Document No. 010081).
- (35) FBI report re: Records of the Provincial Motel, Apr. 15, 1968, p. 724 (MILK Document No. 010051).
- (36) *Ibid.*
- (37) *Ibid.*
- (38) *Id.*, at pp. 724-725.
- (39) Staff summary of interview of Bryan D'Arpe, Feb. 11, 1978, House Select Committee on Assassinations, p. 1 (MILK Document No. 180483). In his interview with the FBI in April 1968, D'Arpe advised that room 126 rented for \$12 per day. See FBI report, Apr. 15, 1968, p. 724 (MILK Document No. 010051).
- (40) Designated Counsel Statement of Anthony Charles Pedarvello, Feb. 23, 1978, House Select Committee on Assassinations, pp. 14-27 (MILK Document No. 190281).
- (41) *Id.*, at p. 14.
- (42) *Ibid.*
- (43) *Id.*, at p. 21.
- (44) *Ibid.*
- (45) *Id.*, at p. 22.
- (46) *Ibid.*, p. 23.
- (47) *Id.*, at p. 27.
- (48) Stein interview (MILK Document No. 190402), pp. 10-11.
- (49) *Id.*, at p. 12.
- (50) Staff summary of interview of William Kusch, Nov. 30, 1978, House Select Committee on Assassinations (MILK Document No. 190190).

INVESTIGATION INTO THE ASSASSINATION OF
 DR. MARTIN LUTHER KING, JR.
 TO THE ASSASSINATION

Supplementary Staff Report

of the

Select Committee on Assassinations

U.S. House of Representatives

Ninety-fifth Congress

Second Session

March 1979

Stephens was not in the room at the time of the shooting. The committee advised James during as to how to work. The error was made, I just kept him as a subject of my hearing witness. He testified to what he saw in the field of view of the taxi and the fact that he was in the first window on the 4th floor.

(1) Within moments (1) of the shot that felled Dr. King, two witnesses in the northern wing of Bessie Brewer's roominghouse observed a man run down the hallway from the area of a common bathroom at the end of the hall. This bathroom faced to the east of the roominghouse* and overlooked the Lorraine Motel. (2) William Anschutz, the tenant from room 4-B, saw the man briefly but could provide only a general description. On the other hand, Charles Q. Stephens, a tenant from 6-B, provided a detailed description, and felt that the man he saw fleeing down the hallway was the same person he had seen checking into room 5-B earlier in the afternoon. (3) Subsequently, Stephens identified a profile photograph of James Earl Ray as looking very much like the man he had observed checking into room 5-B. (4) James Earl Ray has admitted that he checked into room 5-B on the afternoon of April 4, 1968. (5)

(2) During the investigation following the assassination, authorities were unable to uncover an eyewitness to the assassination who could make a positive identification of the assassin. Thus, Charles Stephens quickly became a significant witness.

(3) Questions, however, were raised as to the reliability of Stephens' tentative identification. The committee, therefore, conducted a full investigation into his reliability as a witness.

(4) The committee first determined that Stephens' significance as a witness may have been somewhat exaggerated during the months following the assassination. Stephens was provided with a police guard for a period of several months following the assassination and at one time was jailed as a material witness. (6) Lt. R. A. Cochran, second in command of the homicide squad in 1968, explained, however, that the protection was made necessary because of exaggerated newspaper reports concerning Stephens' ability to make such an identification. (7) Cochran added that Stephens could never really identify the assassin.

(5) Phil Canale, the Shelby County Attorney General in 1968 who prepared the Government's case against James Earl Ray, testified that Stephens had seen Ray checking into the roominghouse prior to the assassination, and in the hallway after the assassination. Canale added that he was considered an important, but not an essential, prosecution witness. (8) *My son f doesn't have his name right. It is McCraw*

(6) A substantial issue was raised concerning Stephens' sobriety on the day of Dr. King's assassination. One witness, a taxi driver named James McGraw, told the committee that only minutes before the assassination, he observed Stephens lying on his bed in room 6-B in a drunken stupor. (9) McGraw's assertions to the committee received

This is a guess that Stephens also refused to identify.

It was actually a guess that Stephens also refused to identify.

* A diagram of the second floor of Bessie Brewer's roominghouse was introduced into the record during the committee's public hearings. See, MILK exhibit F-29, vol. 1, HSCA-MILK hearing, p. 70.

support from Capt. Tommy D. Smith of the Memphis Police Department. Smith, a lieutenant for the homicide squad on April 4, 1968, reported to the crime scene following the assassination of Dr. King. He observed both Charles Stephens and his common-law wife, Grace Walden,* after the assassination and told the committee that both appeared to be intoxicated. (10) Smith did not question either Stephens or Walden at the time.

(7) On the other hand, the first police officer to observe and question Stephens only minutes after the assassination, Lt. James Pappia of the MPD intelligence section, (11) told the committee that although Stephens had obviously been drinking, he was neither incoherent nor staggering. (12) Lt. Glenn King, who was also at the scene within minutes after the assassination, interviewed Stephens and found him coherent. (13) He told the committee, however, that Stephens was well known on South Main Street for his excessive drinking habits. (14)

(8) These judgments of Lieutenants Pappia and King were supported by the statement of Lloyd Jowers, the owner of Jim's Grill, a bar located under the northern wing of the roominghouse. According to Jowers, Charles Stephens was in his establishment on April 4, drinking—like always. (15) Nevertheless, Jowers stated that Stephens was in control of himself and knew what he was saying or doing. (16) Jowers added—in a statement that casts some question on the assertion of James McGraw—that although Stephens drank beer all the time by the quart, he never saw him passed out. (17)

(9) The committee also questioned J. Harold Flannery, the attorney for the U.S. Department of Justice who prepared the Ray extradition affidavit that was executed by Stephens. (18) Flannery stated that he had carefully questioned Stephens and examined the circumstances under which Stephens had identified Ray's profile photograph. He was convinced as to the genuineness of that identification. (19) The committee was also told by Stephens' attorney, Harvey Gipson, that he believed Stephens' April 4, 1968 statements truthfully represented what Stephens had, in fact, seen on that date. (20)

(10) The committee considered the possibility that Stephens' testimony might have been influenced by the reward offered for information leading to the arrest and conviction of the assassin. Stephens lost his judicial bid for the \$100,000 reward, which had been announced on April 5, 1968. In the court's ruling, however, the reliability of Stephens' identification did not become an issue. (21) Rather, the court's ruling was based on its finding that Stephens had no knowledge of the reward offer at the time he provided his initial statements on April 4. The court further found that Stephens' information did not, in fact, lead to either the arrest or the conviction of James Earl Ray. (22)

(11) Finally, the committee reviewed a variety of statements by Stephens, and noted their general consistency over the past 10 years. (23) In addition, a similarity was noted between the description provided by Stephens after the assassination and that of James Earl Ray. (24)

*A complete discussion of Grace Walden's significance as a witness is included in the committee's final report, sec. 11A.

(12) To sum up, while it may be concluded that Charles Stephens did, in fact, see James Earl Ray in the hallway immediately following the assassination, his testimony to that effect was vulnerable on several counts had Ray gone to trial. First, the evidence is overwhelming that Charles Stephens was drinking on April 4, 1968. Only the extent of that drinking is at issue. Second, the hallway at Bessie Brewer's was dimly lighted, and Stephens was separated from the fleeing assassin by between 40 and 50 feet. Finally, Stephens himself has declined to provide an unqualified identification of the assassin. In his June 1968 identification of Ray's profile photograph for the FBI, he stated only that the profile photo of Ray looked very much like the man he saw in the roominghouse. (25)

(13) Stephens' value to the prosecution's case would, therefore, have been limited. His testimony that he heard steps between room 5-B and the roominghouse bathroom on several occasions prior to the shot would have provided circumstantial evidence against Ray, since Ray has admitted renting and occupying room 5-B on the afternoon of April 4.* Beyond this, Stephens' testimony would have contributed little.

Submitted by:

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*The assumption is made here that Ray would have taken the stand and repeated his basic Raoul story. During interviews with the staff, Ray told the committee that this was his trial strategy.

REFERENCES

- (1) Charles Quitman Stephens, who lived in room 6-B immediately adjacent to the bathroom, stated that the time which elapsed between the shot and his observation of the assassin at the end of the hallway was no more than 30 seconds. See designated counsel statement of Charles Q. Stephens, Apr. 14, 1978, House Select Committee on Assassinations, pp. 42-43 (MLK Document No. 210178) (hereinafter referred to as Stephens' statement).
- (2) *Ibid.*, pp. 38-41, 48-51, 57-58, 67-70, and 76-80; see also staff summary of interview of William Anschutz, House Select Committee on Assassinations (MLK Document No. 1100089); see also Memphis Police Department supplemental homicide report (MLK Document No. 140141).
- (3) Stephens' statement, pp. 38-44, 48-51, 57-58, 67-70, and 76-80; see also Memphis Police Department supplemental homicide report (MLK Document No. 140141).
- (4) Stephens' statement, pp. 80-81; see also outside contact report with J. Harold Flannery, Nov. 3, 1978, House Select Committee on Assassinations (MLK Document No. 2800682).
- (5) Testimony of James Earl Ray, Aug. 16, 1978, hearings before the House Select Committee on Assassinations, 95th Cong., 2d sess. (Washington, D.C.: U.S. Government Printing Office, 1979), vol. I, pp. 101-102.
- (6) Order of Judge Battle, Shelby County Criminal Court, July 22, 1968 (MLK Document No. 110116).
- (7) Staff summary of interview of R. A. Cochran, Sept. 30, 1977, House Select Committee on Assassinations, p. 3 (MLK Document No. 170020).
- (8) Testimony of Phil Canale, Nov. 13, 1978, hearings before the House Select Committee on Assassinations, 95th Cong., 2d sess. (Washington, D.C.: U.S. Government Printing Office, 1979), vol. V, p. 334.
- (9) Staff summary of interview of James McGraw, July 10, 1977, House Select Committee on Assassinations, pp. 4-9 (MLK Document No. 120118); see also report by professional security consultants re James McGraw, Jan. 10, 1978 (MLK Document No. 200320); statement of James McGraw to George R. King and John Getz, Feb. 19, 1969 (MLK Document Nos. 030167, 030071, 030052, and 030120).
- (10) Outside contact report (with Tommy Smith), Aug. 19, 1978, House Select Committee on Assassinations (MLK Document No. 250055); see also outside contact report (with Tommy Smith), Oct. 19, 1978, House Select Committee on Assassinations (MLK Document No. 270001).
- (11) Outside contact report (with James Tapha), Aug. 19, 1978, House Select Committee on Assassinations (MLK Document No. 250056).
- (12) *Ibid.*
- (13) Memphis Police Department homicide report, p. 1586 (MLK Document No. 030203).
- (14) Outside contact report (with Glenn King), Dec. 19, 1978, House Select Committee on Assassinations (MLK Document No. 280117).
- (15) Outside contact report (with Lloyd Jowers), Aug. 19, 1978, House Select Committee on Assassinations (MLK Document No. 250057).
- (16) *Ibid.*
- (17) *Ibid.*
- (18) See affidavit of Charles Q. Stephens, June 19, 1968 (MLK Document No. 080011).
- (19) Outside contact report (with J. Harold Flannery), Nov. 3, 1978 (MLK Document No. 280062).
- (20) Outside contact report (with Harvey Gibson), June 19, 1978, House Select Committee on Assassinations (MLK Document No. 220160).
- (21) See *Charles Quitman Stephens v. State of Tennessee*, city of Memphis, Memphis Press-Schmitter, et al., No. 72333-3 R.D., Shelby County, Tenn., Chancery Court, Apr. 19, 1976 (MLK Document No. 260238).
- (22) *Ibid.*
- (23) Stephens' statement; Memphis Police Department homicide report, 1968, pp. 1594-1595 (MLK Document No. 030203); Memphis Police Department homicide report (MLK Document No. 140141); affidavit of Charles Q. Stephens, June 19, 1968 (MLK Document No. 080011); staff memo re: statements made by Charles Q. Stephens to NBC reporters, Sept. 19, 1977 Journal (MLK Document No. 130107); testimony of Charles Quitman Stephens in *Charles Q. Stephens v. State of Tennessee*, city of Memphis, Memphis Press-Schmitter, et al., No. 72333-3 R.D., Shelby County, Tenn., Chancery Court, Apr. 19, 1976 (MLK Document No. 260238); statement of Charles Q. Stephens to J. C. Kellum, Aug. 19, 1968 (MLK Document No. 280147).
- (24) Memphis Police Department homicide report, Apr. 4, 1968, supplement No. 4 (MLK Document No. 030203).
- (25) Affidavit of Charles Q. Stephens, June 19, 1968 (MLK Document No. 080011); FBI interview of Charles Stephens, June 19, 1968 (MLK Document No. 040001).