6 October 1980

Board of Paroles
309 State office bldg,
Nashville, Tennessee.37219

James E. Ray #65477
Brushy Mountain Prison
Petros, Tennessee.37845.

Application for pardon:
Dr. Martin Luther King jr., homicide case.

Dear Sir:

Please consider this paper an application for a pardon; in addition, I would also request that the application be considered for any other type consideration the Board of Pardon & Paroles may have jurisdiction in under T.C.A. 40-3613, and guidelines set forth by the Governor of the State of Tennessee, Hon. Lemar Alexander. The reason for this type request in the application is that under the criterion I am relieing on for a pardon requires that I present "substantial evidence of innocence" in the offense I am incarcerated for in order to qualify for a pardon. In this respect, because of the prosecutorial agencies policy of classifying & sequestering material which is not supportive of the prosecution case in the, Martin Luther King jr., (MLK), matter, the Board may consider the "proof" offered by me in this application as not substantial enought to recommend a pardon, but may consider the same substantial enought to recommend something less than a pardon.

A brief histroy of the case reflects:

I entered a guilty plea therein on March 10, 1969. The following day I posted a letter to the trial Judge alleging the plea was obtained by coersion; that there was a conflict of interest between the Attorney representing me and a publishing Company (Delacorte Press NY), through a $165.000 contract the Attorney had for publishing the results of the state's case, and ask the Judge to set aside the plea and grant a trial. The trial Judge (Hon. Preston Battle), died before he could act on my request. The successor Judge declined to grant a trial. During the intervening years the courts have refused numerous petitions to grant a trial in the case. The last petition for a trial in the case was denied by the Tennessee Supreme court in an order dated September 2, 1980.
This refusal by the courts to grant a trial in the case apparently has nothing to do with guilt or innocence; rather the courts jurisdiction are limited to determining whether procedural errow of constitutional dimension resulted during the plea proceedings.

In respects to the State's case:

It was with one exception circumstantial. The one exception, a state witness, Charles Q. Stephens. In a statement certified in the U.S. District court for the W.D. of Tennessee dated June 13, 1968, Mr. Stephens stated in effect that he saw someone with a profile simular to mine leaving the scene of the area wherein MLK allegedly was assaulted from. Subsequently however, a cab driver, James McGraw, testified in 1974 in the aforementioned District Court that when he came to pick up Mr. Stephens as a fare shortly before MLK was assaulted he found Mr. Stephens intoxicated to the point that he could not walk. See. attached APPENDAGE #1.

In the nearest proceedings to a trial in the MLK case (and now apparently the government's official findings), the United States House of Representatives in 1977 formed a "Select Committee" to investigate the matter. Subsequently in, 1979, the Committee found that I was "probably guilty" in the assault on MLK. This finding was predicated on the Committee further finding that 1) I and a brother, Jerry W. Ray, in September 1967 robbed the "Bank of Alton" (ILL.), for $27.000, and that I had used the proceeds therefrom to finance the MLK assault, or, in the alternative 2) I had anticipated collecting a $50.000 offer by two individuals, John H. Sutherland & John R. Kauffmann--both are now deceased but lived in the St. Louis, Missouri, area in 1967. Mr. Sutherland was apparently a respected member of the Missouri bar & a member of the "Southern States Industrial Council" with headquarters in the Stahlman Building Nashville, Tennessee; while Mr. Kauffmann was a business man with a minor criminal record.

In regard to the "Bank of Alton" robbery, after the Committee made the public charge that by brother, Jerry Ray, was involved in the robbery he turned himself in to the Alton, Illinois, police department and offered to waive the statute-of-limitations and stand trial. The Alton police informed Jerry that he had never been a suspect in the robbery. APPENDAGE #2. The Committee then inferred another brother, John Ray, and I had robbed the "Bank of Alton". Subsequently I posted a Freedom of Information request to the United States Department of Justice concerning the robbery. The Justice Department in turn posted me a Document (APPENDAGE #3), evidencing I was not involved in the robbery.

In regard to Messrs. Sutherland & Kauffmann. Until I heard of the allegations associating them with me and read of the "association" in the New York "Times"--which was working with the Committee--I had never heard of either individual; nor to the best of my knowledge have I ever had any association with either, directly or indirectly. In addition, the Committee never ask me if I knew either of these individuals, and refused to recall me for public testimony wherein the Committee could have interrogated me about, Sutherland & Kauffmann. APPENDAGE #4 & 4--A.

I have written to the U.S. House of Representatives asking for access to transcripts of investigative material the "Select Committee" did not publish, but rather classified in the MLK investigation. In reply, the Clerk of the House of Representatives by letter dated March 6, 1980, stated 'unpublished Committee material in the investigation would remain sequestered for a period of fifty (50) years. APPENDAGE #5.

In regard to persons I was associated with in connection with the MLK assault:

Beginning shortly after my incarceration in the case in 1968 until recently I have viewed something like 250+ photographs of various individuals that I may have come in contact with during the 1967-68 period for possible involvement of the "individuals" in the MLK homicide. These pictures were provided me by various sources including Attorneys representing me, various investigators, and staff members of the aforementioned "Select Committee" of the U.S. House of Representatives.
Because it was/is my belief, based on associations during the 1967-68 period, and other information, that elements associated with the illegal traffic in narcotics financed the MLK assault, I have over the past three years viewed numerous photographs of individuals linked directly or indirectly with narcotic trafficking. This has assisted me in identifying:

1. Carlos Miguel Hernandez. I observed Mr. Hernandez twiced apparently surveilling me in Memphis, Tennessee, on April 4, 1968, near the area where MLK was assaulted. Mr. Hernandez was at one time an agent for the federal 'Drug Enforcement Administration (DEA); later in 1971 he was convicted in Mobile, Alabama, for a narcotic offense. APPENDAGE #6.

2. David Graiver. I observed Mr. Graiver, minus a beard, in Neuvo Laredo, Mexico, in October 1967, in the company of a second individual; the second person whom I knew under the alias of "Roual" and was then associated with in trying to obtain a passport. APPENDAGE #7.
An investigation of Mr. Graiver indicated he was/is a fugitive (1976), having been indicted for embezzlement of funds from the American Bank and Trust Co. of New York city; that he and his "banking" associates including the present secretary of commerce, Mr. Phillip Klutznik, had unethically solicited funds for political figures campaigns in New York city (N.Y. "Times" Sept. 14, 1976, p.53); and that he was an associate of organized crime leader, Meyer Lansky.

3. Randolph Erwin Rosenson. In November, 1967, prior to entering the United States from Mexico in a search of the automobile I was driving I found a business card with a name written on the back which later was determined to be, Mr. Rosenson's. Subsequently an Attorney representing me, Mr. Richard J. Ryan, of the Memphis bar made a trip to New Orleans, Louisiana, in

1975, and obtained from the U.S. 5th circuit court of appeals a trial transcript evidencing Mr. Rosenson had been convicted in New Orleans for illegally smuggling narcotics from Mexico into the United States.

Subsequently I provided Mr. Rosenson's name to the aforementioned "Select Committee" as a possible source in the MLK homicide. The Committee later--in June 1977--sequestered Mr. Rosenson in the Andrew Johnson Hotel in Knoxville, Tennessee. While Mr. Rosenson was sequestered in the Hotel a Hotel employee, Mr. David Allen Boman, tape recorded several conversations between Committee Staff members (unknown to them), and Mr. Rosenson, and other conversations. Thereafter Mr. Boman gave the tapes to, Mr. Gene A. Stanley, a member of the Knoxville bar; after I learned of this transaction I wrote Mr. Stanley a letter requesting duplicate copies of the tapes; Mr. Stanley did not answer the letter; however, in a subsequent taped telephonic conversation with, Mr. Edward M. Ellis, also of the Knoxville bar, Mr. Stanley upon being quired by Mr. Ellis as to the disposition of the tapes replied " I did what Richard Nixon should have done, burned them. 'I didn't burn them I recorded over them". APPENDAGE # 8 & related tape enclosed

Numerous individuals and organizations have publicly supported a trial in the MLK case for me; and while advocating a trial is not synonymous with advocating a pardon or clemency, it does indicate they believe the matter should be resolved in an equitable manner I think, they are:

1. The "Priest Council Diocese of Tennessee" APPENDAGE # 9.
2. The Rev. Ralph Abernathy. APPENDAGE # 10.
3. The Rev. Jesse Jackson, Director of "Operation Push" located in Chicago, Illinois. APPENDAGE # 11.
4. Rev. James M. Lawson jr., a Minister in Memphis, Tennessee, in 1968, and presently Pastor of the 'Holman United Methodist Church of Los Angeles, California. APPENDAGE # 12.

In addition to the above, former United States Attorney General, Griffin Bell, has expressed dissatisfaction with certain conclusions in the MLK case arrived at by the Department of Justice. APPENDAGE # 13.

As noted in the letter I posted to the Board dated September 9, 1980, the U.S. Department of Justice has classified investigations into the MLK case and related matter as follows:

1. The Memphis, Tennessee, police department's investigation of the MLK homicide.
2. The Memphis, Tennessee, police department's "Intelligence section" investigation of MLK & related matter prior to said homicide.
3. The Atlanta, Georgia, police department's 1950's & 60's investigation of individuals who made threats against MLK & other related investigative information.
4. In 1972 the Department of Justice had the President of the United States classify material in the MLK case in order to avoid compromising some type "national security"; the material was classified under executive order no. 11652, 3 C.F.R. 678 (1972).
   All of the aforementioned classified material, except para. 2, is evidenced in, Lesar v. United States Dept. of Justice, 455 F. supp. 921 (1978).

In addition to the above classified material, there are 58 cubic feet of records including 83 tape recordings of F.B.I. investigative material relating to MLK & other persons that have been sequestered by Court Order for fifty (50) years in the National Archives & Records Service. See, Lee v. Kelley, no. 76-1185, U.S. Dist. Ct. for the District of Columbia.

In respect to the contents of this sequestered/classified material, newspaper Columnist, Paul Scott, has quoated F.B.I. officials as saying this material "should be reviewed for possible leads" in the MLK assault. APPENDAGE #14.

In conclusion, Mr. Robert Blakey, the Chief Counsel of the aforementioned "Select Committee" in referring to one issue in the MLK case has commented "it is always possible tomorrow new evidence will develope". APPENDAGE #2. This reasoning may also hold true for other aspects of the case; however, I have now been imprisoned--except for a 14 month fugitivity period in 1967-68--for twentyone (21) years, since 1959. In excess of twelve of these years have been in the Tennessee prison system wherein I have served approximately six (6) years in solitary confinement, including three (3) years in solitary (August 1972 until August 1975), apparently because of efforts by me then to gain a trial in the MLK case--for this reason alone I am sure anyone could discern that I am not looking forward to continued existence in prison for possibly further years waiting for, to paraphrase Mr. Blakey, "new evidence that may possibly develope tomorrow".
I would also respectfully suggest that unlike in Watergate the influential publishing Houses, such as the New York "Times", are not interested in promoting a climate conducive to a factual resolution in the MLK case, especially, if the forces represented by the above, David Graiver, financed the MLK homicide. There apparently would be no political or other benefits to the large publishing Houses and thoes they represent, and influence, for a factual resolution to the case.

Sincerely submitted:

James E. Ray #65477 James E. Ray.

Brushy Mountain Prison

Petros, TN. 37845.

Sworn to and subscribed before me

this 6 day of October 1980.

My commission expires Oct. 17, 1982.

Notary public Brenda L. Coy.

MERCIAL APPEAL FINAL

Memphis, Tenn., Thursday Morning, October 24, 1974 96 Pages Price 15 Cents

King Assassin 'Witness' Leaves Mental Hospital

Bolivar (AP) — A woman who says she saw Martin Luther King Jr.'s assassin moments after the killing has been released from Western Mental Health Institute.

Dr. Morris Cohen, hospital superintendent, said Thursday that Grace Walden was released Tuesday to a sheltered boarding home in Memphis and will receive care from the University of Tennessee Mental Health Center.

Mrs. Walden, who lived in the Main Street hotel from which King's assassin fired his fatal shot in 1968, claims to have seen a man running down the hotel hallway after King was shot to death on the balcony of the nearby Lorraine Motel.

She has been confined to the Bolivar hospital since July 1, 1968. Officials have said that her mental problems stemmed from alcoholism.

On the 10th anniversary of King's death earlier this month, a group of ministers issued a statement demanding Mrs. Walden's release. The ministers claim she has been held in the hospital because she refuses to identify James Earl Ray as the man she saw fleeing from the hotel.

Ray, who is serving a 99-year prison term as a result of his 1969 guilty plea, has been seeking a full trial on the King murder charge since shortly after his incarceration.

april 1978

Ms. Walden, Charles Stephens common-law wife.

Ray's Lawyers Attack Pretrial Investigations, State's Major Witness

By MICHAEL LOLLAR

A Memphis taxi driver testified yesterday that the state's key witness in the James Earl Ray murder case was lying drunk on a rooming house bed only 15 minutes before Dr. Martin Luther King Jr. was killed.

James McGraw, a Yellow Cab driver, said he had gone to the rooming house at 422½ South Main to pick up Charles Quitman Stephens. It was 5:45 p.m. on April 4, 1968.

"I found him drunk," McGraw said. "He was lying on the bed and couldn't get up." McGraw said Stephens, one of his regular customers, was in no condition to walk.

Stephens later told police he heard a gunshot about 6 p.m. and looked out to see James Earl Ray racing down the hallway with a package in his arms.

began to contradict statements supplied by Hays."

Soon, he said, he began to doubt "the truth and veracity" of all of Hays' efforts, because, "He would take a little fact and make it appear to fit into the puzzle, when, in fact, it didn't fit at all."

"Stanton testified he and his staff had interviewed only 31 of the state's 360 potential witnesses by the time Ray's originally scheduled trial date — March 3, 1969 — arrived. The trial was continued, and Stanton said he and his staff resumed their investigation until March 7, when he learned "by accident" that Ray had agreed to plead guilty.

The attorney said he had telephoned former Sheriff William N. Morris Jr. about another matter and was "amazed, surprised and astounded" when Morris told him Ray planned to plead guilty.

Stanton said Foreman had not told him of the planned confession, but had

(Continued on Page 17)

Tennessee Courts denied Mr. Stephens application for $100.000 in reward money offered for information leading to a conviction in the MLK assault.

APPENDAGE # 1.

**** THE ATLANTA CONSTITUTION, Thur., Nov. 16, 1978 7-A

House Probe Can't Prove Sources Of Ray's Money

WASHINGTON (UPI) — House Assassinations Committee investigators reported Wednesday they have been unable to learn where James Earl Ray got $8,300 of the money he spent as a fugitive before and after Martin Luther King's murder.

They called this "negative evidence" and not proof of a conspiracy but said that — because of such background gaps — they cannot rule out the possibility Ray may have had financial help from unknown accomplices.

Nonetheless, chief committee counsel G. Robert Blakey and chief investigator Edward Evans told the panel it is their opinion Ray probably got most of his funds from a still-unsolved bank robbery in Alton, Ill., his hometown, on July 13, 1967.

That was three months after he escaped from a Missouri prison and nine months before King was slain in Memphis.

Two gunmen in stocking masks netted $27,000 in the Alton holdup, and the panel investigators said authorities suspected — but could not prove — Ray and one or more of his brothers pulled that job.

UNKNOWN FUNDS
James Earl Ray

'But what we have here is negative evidence. It is always possible tomorrow new evidence will develop . . . . If there has been a conspiracy, there is no evidence yet.'

ST. LOUIS POST-DISPATCH Fri., August 18, 1978 9A

Jerry Ray Visits Alton Bank To Deny He Robbed It In '67

By ROBERT J. WEHLING
Of the Post-Dispatch Staff

A brother of James Earl Ray popped into the Bank of Alton, Ill., today and told startled bank officers he had no part in robbing it 11 years ago.

Then Jerry Ray went to the Alton Police Department and repeated the denial for amused officers.

Both visits apparently stemmed from the appearance of James Earl Ray before a congressional committee in Washington. The committee is investigating the assassination of the Rev. Dr. Martin Luther King, for which James Earl Ray is serving a prison sentence.

In questioning, Rep. Floyd J. Fithian, D-Ind., strongly implied that James Earl Ray and brother Jerry could have robbed the Bank of Alton on July 13, 1967 and used the money to stalk King before the assassination 15 months later.

Standing before a local television camera and a newspaper reporter, Jerry, in a powder blue sport coat, told Bank of Alton Vice President Paul E. Utterback that he had no part in the robbery in which $27,230 was taken. Ray said he was enroute to the police station to waive any statute of limitations and to be charged with the 1967 armed holdup if police wanted.

At police headquarters, Jerry Ray told Police Chief Rudy Sowders, Assistant Chief John Light, Lt. Walter Conrad, and others, that he would take a lie detector test if they desired.

Police declined the offer.

"He was interviewed briefly by Lt. Conrad and was told he is not, and was not then, a suspect in the holdup," Sowders said.

Two masked men rifled two cash drawers in the 1967 holdup at the bank at 1520 Washington Avenue and escaped without harming anyone. It was the first bank robbery in Alton's history, and remains unsolved.

"Conrad asked him if he wanted to confess to the crime, and he said he could not confess to something he did not do," Sowders said. "Then we took his name and address and told him we'd call him if we needed him."

Conrad said Ray told him he is now 43, unemployed, and living with relatives in the Mehlville area of south St. Louis County. Then he left, accompanied by cameramen.

APPENDAGE # 2.

Philip B. Heymann
Assistant Attorney General
Criminal Division

August 25, 1978
ALH:RCC:jad

Alfred L. Hantman, Chief
General Crimes Section
Criminal Division

Select Committee on Assassinations - United States House of Representatives; John Ray; Perjury

This is in response to your request for our views as to whether John Ray should be prosecuted for perjury, 18 U.S.C. 1621, as a result of Mr. Ray's alleged false testimony to the House Select Committee on Assassinations. We have concluded that prosecution should be declined because (1) the allegedly false testimony was not material and (2) all surrounding circumstances show that prosecutorial discretion is best exercised by declining prosecution.

By letter to the Attorney General dated June 15, 1978 (Tab A), the Committee specifically referred John Ray's May 9, 1978 testimony [redacted]

Prior to formally referring this matter to the Department of Justice, Mr. Blakey met with United States Attorney Earl Silbert and a representative of the Criminal Division on May 24, 1978 concerning this allegedly false testimony. At that time Mr. Blakey advised that the primary reason that he wanted John Ray charged with perjury was to convince James Earl Ray to testify before the Committee concerning his knowledge of the assassination of Dr. Martin Luther King. [redacted]

On May 9, 1978, John Ray appeared before the Committee in Executive Session after having been granted immunity pursuant to 18 U.S.C. 6005. [redacted]

General Crimes
Cubbage (2)

APPENDAGE # 3

John Ray was convicted of the 1970 robbery of the Bank of St. Peters, Missouri. He received an 18 year sentence from which he was to be paroled in late June, 1978. His May 9, 1978 Executive Session testimony, however, contains [redacted]

[redacted]

Our recommendation to decline prosecution in this case is based on the following reasons:

(1) If John Ray were indicted for perjury, the charges would be of a "bootstrap" variety; i.e., the charge arises from sworn testimony recently elicited about events which occurred eight or more years ago. Since we can no longer prosecute John Ray for the bank robberies themselves because of the five year statute of limitations (see 18 U.S.C. 3282), we would be bootstraping ourselves by going after John Ray for perjury concerning those same bank robberies. 1/ Although logic indicates that a prosecution for perjury about crimes that occurred beyond the statute of limitations will lie, there is little law directly on the issue. Judge Wyzanski stated in dicta in United States v. Worcester, 190 F. Supp. 548, 569 (D. Mass. 1961), that a federal perjury prosecution may be based upon a willfully false statement about a matter not punishable by the federal criminal law. In Worcester, the defendants argued unsuccessfully that it was "fundamentally unfair to put them under oath as witnesses to testify to matters occurring many years ago, many of which [were] barred by the statute of limitations." Cf. United States v. Mayor, 204 F. Supp. 486, 492 (S.D. Cal. 1962), aff'd, 323 F.2d 519 (9th Cir. 1963), cert. den., 375 U.S. 993 (1964).

1/ See attached copy of former DAG Tyler's memorandum to former Director Kelley in which the bootstrap principle was used to decline prosecution of an FBI agent for obstruction of justice in connection with perjurious statements given during an FBI internal investigation into the destruction of a note from Lee Harvey Oswald that Mr. Oswald had left at the Dallas field office approximately a week before the Kennedy assassination (Tab E).

(2) Only one of the bank robberies, the robbery of the Bank of Alton, Illinois, on July 13, 1967, was committed during the period of James Earl Ray's fugitivity — from April 23, 1967 through June 8, 1968. There is no existing or anticipated testimony or other evidence to link John Ray or James Earl Ray to that robbery. It appears that the real issue concerning the remaining bank robberies is that of establishing the materiality of the testimony, a necessary element for a perjury prosecution. The traditional test of materiality of a false statement is whether the testimony has a natural effect or tendency to influence, impede or dissuade the investigating body. United States v. Parker, 244 F.2d 943 (7th Cir.), cert. den. 355 U.S. 836 (1957). [redacted] broad (see [redacted] purpose of [redacted] The bank robberies that occurred after James Earl Ray was arrested on June 8, 1968 could not have been a source of funds for James Earl Ray while he was a fugitive. Therefore, it could be argued that the broad authority of the Committee had been limited by the Committee's own statement in connection with the questions concerning the bank robberies. Even if it could be argued that the questions asked about the bank robberies that occurred after the Alton bank robbery went to credibility and were therefore material, it would seem that a relationship or similarity in the bank robberies would be necessary.

The Committee has taken the position that because of the [redacted] However, my review of the facts surrounding the bank robberies as set forth in a chart supplied by the Committee [redacted]

[redacted]

(3) Returning an indictment against John Ray in order to pressure his brother James Earl Ray into cooperating could and should be viewed as an abuse of process. It is one thing to use the criminal laws to pressure an individual into cooperating with the government. It is another thing to use the criminal laws against someone to pressure another individual into cooperating with the government. This is particularly true when the individuals involved are close family relatives such as brothers.

The facts of this case have been discussed with United States Attorney Earl Silbert who concurs in our recommendation. For your information, on two occasions, June 23, 1978 and August 24, 1978, representatives of the Criminal Division met with James Lesar, John Ray's attorney, in an unsuccessful effort to obtain Ray's truthful cooperation with the Committee. This approach of attempting to aid the Committee has been a paramount guideline in reviewing this entire matter.

[redacted]

7C

[redacted]urther, Mr. Keuch's June 13, 1978 letter to Parole Commissioner Robert Vincent was instrumental in having John Ray's parole retarded for approximately one month. (Tab J) A subsequent hearing resulted in several months delay in Ray's parole (Ray is scheduled to be paroled on September 18, 1978). The Committee has been advised that we stand ready to assist them in all matters of importance to the Committee wherever appropriate.

Attachments

GANNETT WESTCHESTER (NY), NOVEMBER, 30, 1978

King murder plot remains in doubt

WASHINGTON (AP) — The House Assassinations Committee says it can't prove whether James Earl Ray assassinated Dr. Martin Luther King Jr. for a St. Louis lawyer's alleged $50,000 bounty.

The accused assassin's brother, Jerry Ray, was called for questioning today on the alleged conspiracy.

Committee investigators said Wednesday they had exhaustively probed four possible links between Ray and the alleged $50,000 but could not prove any of the them.

Going even further, St. Louis Criminal Courts Judge Murray Randall testified he thinks the entire story of the $50,000 assassination offer is a fake.

Randall said he believes Russell George Byers, a client of Randall's before he became a judge, fabricated the story.

Byers, however, testified that he rejected a $50,000 offer from the now-dead lawyer, John Sutherland, to "either arrange or kill Martin Luther King."

Byers said Sutherland, wearing a confederate-style hat, made the offer in a house decorated with confederate flags and military hardware.

"He told me he belonged to a secret southern organization that could raise the money," Byers testified.

Byers said John Kauffmann, a St. Louis businessman who also is now dead, put him in touch with Sutherland.

He said the offer was made in late 1966 or early 1967, more than a year before King was assassinated in Memphis April 4, 1968.

Randall called Byers "one of the most dangerous criminals in the city" and said he thinks Byers planted the story with his "criminal partner," Richard O'Hara, to find out if O'Hara was an FBI informant.

But committee investigator Edward M. Evans told the panel he does not believe Byers would have planted a false story that would have drawn the FBI's attention.

"Mr. Byers was quite active in certain kinds of activity he would rather not have the FBI and local police looking at," Evans said.

11/30/78--WORLD/NATION NEWSPAPER.

APPENDAGE # 4.

LOUIS STOKES, OHIO, CHAIRMAN
RICHARDSON PREYER, N.C.
WALTER E. FAUNTROY, D.C.
YVONNE BRATHWAITE BURKE, CALIF.
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ROBERT W. EDGAR, PA.
SAMUEL L. DEVINE, OHIO
STEWART B. MC KINNEY, CONN.
CHARLES THONE, NEBR.
HAROLD S. SAWYER, MICH.

(202) 225-4624

Select Committee on Assassinations
U.S. House of Representatives
3369 HOUSE OFFICE BUILDING, ANNEX 8
WASHINGTON, D.C. 20515

November 10, 1978

Mark Lane, Esquire
1177 Central Avenue
Memphis, Tennessee 38104

Dear Mark:

In connection with the investigation of the House Select Committee on Assassinations into the death of Dr. Martin Luther King, Jr., as I informed you in my letter of October 17, 1978, the Committee scheduled a meeting on November 9, 1978 to consider whether to recall Mr. Ray to continue his testimony. At yesterday's meeting, the Committee carefully reviewed and analyzed the opening statement Mr. Ray presented to the Committee and his three days of public testimony. After analyzing Mr. Ray's testimony, the Committee decided that no useful purpose would be served in continuing to question Mr. Ray. Accordingly, Mr. Ray will not be called to appear before the Committee for any further testimony.

The Committee desires, of course, in accordance with Committee Rule 3.6 to offer you and Mr. Ray the opportunity to explain or amplify the testimony given by Mr. Ray. The Committee, accordingly, will include in the record any statement submitted in writing by yourself or Mr. Ray which explains or amplifies the previous testimony of Mr. Ray.

Further, the Committee will consider for inclusion in its record any statement on any subject that it receives from Mr. Ray or yourself that is pertinent to the Committee's inquiry.

Sincerely,

G. Robert Blakey
Chief Counsel and Director

GRB:jwc
cc: Mr. James Earl Ray

APPENDAGE # 4--A.

Edmund L. Henshaw, Jr.
Clerk

W. Raymond Colley
Deputy Clerk

Office of the Clerk
U.S. House of Representatives
Washington, D.C. 20515

March 6, 1980

Mr. James E. Ray-65477
Brushy Mountain Penitentiary
Petros, Tennessee 37845

Dear Mr. Ray:

This responds to your recent request for access to "various transcripts" of the former House Select Committee on Assassinations.

While your request lacks information concerning the specific transcripts to which you refer, this office, for purposes of responding only, will regard your request as encompassing all transcripts made of committee proceedings or hearings conducted during the course of the Select Committee's investigation.

Under applicable rules and precedents of the House, the Clerk is charged with maintaining the custody and preservation of non-current House records. Rule XXXVI and XXXVII, Rules of the House of Representatives §§932 and 933, reprinted in Constitution, Jefferson's Manual, and Rules of the House of Representatives, H.R. Doc. No. 95-403, 95th Cong. 2d Sess. 627-628 (1979). It is incumbent upon the Clerk to maintain the records in accordance with applicable regulations and precedents of the House and he may not permit "any of them to be removed from the files without its [the House's] expressed consent." 3 Hinds' Precedents of the House of Representatives §2663 at 1113 (1907)(emphasis added). In this connection, the Clerk is authorized to permit access only to records of the House (1) which have been in existence for at least 50 years if the use of such records is not detrimental to the public interest; or (2) which have already been made public. See, for example, H.R. Res. 288, 83d Cong., 1st Sess. (1953).

In any event, since the records which you request have neither been made public as part of the report of the Select Committee's work nor by the House subsequent to filing of that report, the Clerk regards the materials you request as non-public and therefore, unavailable to any person or entity outside the legislative branch.

APPENDAGE# 5

Edmund L. Henshaw, Jr.
Clerk

Insofar as you rely on either Schwartz v. United States Department of Justice, 435 F.Supp. 1203 (D.D.C. 1977) aff'd. 575 F.2d 888 (D.C. Cir. 1979) or Brady v. Maryland, 373 U.S. 83 (1963), that reliance is totally misplaced. Schwartz merely stands for the proposition that "Congress is subject to the common law rule which guarantees the public a right to inspect and copy public records", 435 F.Supp. at 1204, (emphasis added), a proposition irrelevant to your request for non-public records. In the context of a subpoena directed to the Subcommittee on Intelligence of the House Armed Services Committee by a criminal defendant for prior testimony before that subcommittee of witnesses, it was specifically held that Brady does not apply to Subcommittee, since it was deemed to be "neither an investigative or prosecutorial arm of the Executive nor an agency of the Government in any way involved in the offense or related transactions." United States v. Ehrlichman, 389 F.Supp. 95, 97 (D.D.C. 1974), aff'd. on other grounds sub. nom., United States v. Liddy 542 F.2d 76, 83 (D.C. Cir. 1976). Clearly, then, if under the foregoing caselaw, a request premised on Brady was denied even in the context of a request by a defendant for his forthcoming criminal trial, Brady can not be asserted to support a generalized request for congressional material.

Based on the foregoing, we are unable to grant your request.

Sincerely,

Edmund L. Henshaw, Jr.

EDMUND L. HENSHAW, JR., Clerk
U.S. House of Representatives

By: W. Raymond Colley
W. Raymond Colley, Deputy Clerk

2 Around The World

NEWS FLASHES

LOCAL

$25,000 BOND FORFEIT PAID

The largest bond ever forfeited in Mobile Circuit Court was paid today by an Orlando, Fla., surety company with a check for $25,000 in the case of convicted marijuana hauler Carlos M. Hernandez who first made Mobile history when he was arrested June 16, 1969, with a trunkload of about 500 pounds of tightly packed marijuana bricks. Hernandez was convicted Oct. 28, 1971, and sentenced to 15 years in prison by Judge Hubert Robertson. He was free on a $25,000 appeal bond when his appeal was denied and he failed to turn himself in. The money will be paid to the county treasurer.

Drug dealer, bond jumper held in Spain

Carlos M. Hernandez, who jumped bond five years ago after being convicted here of illegal possession of 467 pounds of marijuana, has been apprehended in Spain, the Mobile County District Attorney's office learned Friday.

Chief Assistant District Attorney Don Valeska said the U.S. State Department informed him that Spanish authorities have arrested Hernandez on the Mobile office's warrant.

The Cuban national could be returned to Mobile to start serving his 15-year sentence in an Alabama penitentiary in about a week, Valeska said.

The chief prosecutor said that the pursuit of Hernandez should be a warning to other criminals in the Mobile area.

"If they deal in drugs in Mobile County, we'll chase them to Spain. They can't hide because we're going to get them," Valeska said.

Hernandez made history in Mobile in 1969 when he was caught with what was at that time the largest single stash of marijuana ever confiscated in Alabama.

He jumped bond in March, 1974, while his case was on appeal. He failed to show after the Alabama Supreme Court upheld his conviction.

He again made history as his bonding company was forced to pay off his $25,000 bond.

HERNANDEZ CARRIED OUT--Carlos Miguel Hernandez, 27-year-old Cuban exile from Miami, Fla., is carried from Mobile Circuit Court Monday on a stretcher after repeated attacks of vomiting and nausea. He fell unconscious in the hallway ending his trial for possession of close to 500 pounds of marijuana. Judge Hubert Robertson declared a mistrial in the ca Mobile Police Detective Harry Simmo one of the witnesses in the case, stan by the door as attendants carry Hernand from the room. (Mobile Register Photo l Frank Chandler)

Mistrial Declared In Pot Trial Of Cuban Refugee Hernandez

APR 13 197

Mobile Circuit Judge Hubert Robertson declared a mistrial Monday in the case of Carlos Miguel Hernandez, 27, a Cuban refugee charged with possession and transporting nearly 500 pounds of high-grade marijuana, and the defendant was carried out on a stretcher.

Hernandez, now of Miami, Fla., was carried unconscious to a small room near the courtroom in mid-afternoon, and County Jail nurse Irene Fail said his pulse was weak and irregular and efforts to bring him to more partial consciousness were unsuccessful.

Hernandez then was taken to Mobile General Hospital where he was re-admitted.

The jury had been selected last Wednesday but when Hernandez appeared ill he was taken to Mobile Infirmary. Physicians testified the next day that tests had failed to disclose anything wrong except a high white blood count, possibly indicative of infection or some problem resulting from abdominal surgery which Hernandez underwent in Miami last August.

He was released from Mobile Infirmary Saturday, but his attorney charged in court that the Infirmary had "thrown him out" because he lacked money. State's attorneys said, however, that physicians had said they were unable to determine what should be done in the case and that Hernandez should continue to receive treatment from his Miami physician.

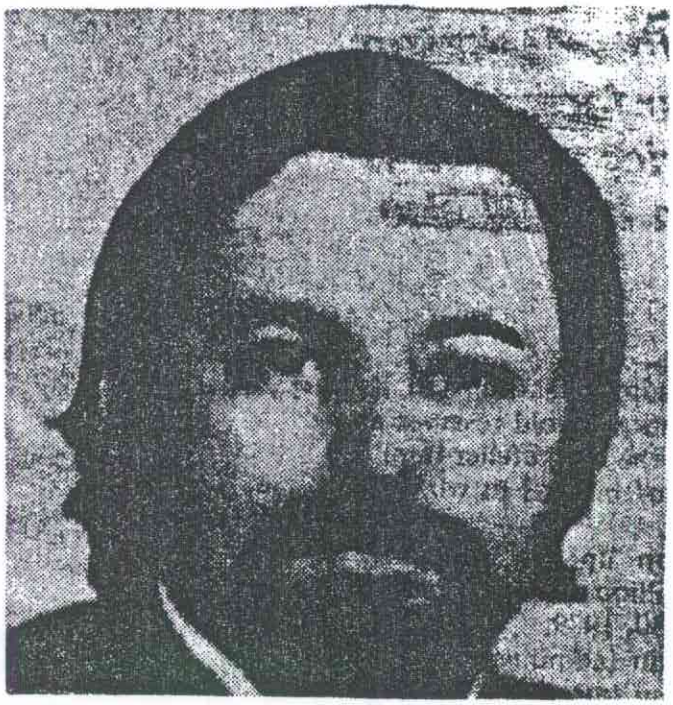
The defense attorney told the court Hernandez came to his home Saturday night because he was ill and that h had contacted Dr. Jepti Cobb, who sent Hernandez Mobile Generla Hospital.

Hernandez remained in th hospital until Monday, wh the court ordered him to a pear for trial. State's atto neys said Dr. Cobb told ther he did not consider Herna dez' illness of an emergenc nature.

Hernandez was sick in th courtroom hallway and th trial was interrupted thre times while the state's fir witness, Douglas Nabb, wa testifying, due to further il ness on the part of Hernande

Hernandez remained at lib erty under $15,000 bond, an Judge Robertson indicated new trial date would be set i Jul .

APPENDAGE # 6.



David Graiver

APPENDAGE # 7

CHILD, O'CONNOR, ELLIS AND PETTY
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E. MICHAEL ELLIS
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CHARLES H. CHILD
DAVID G. DAKE

June 13, 1980

Mr. Mark Lane
1177 Central Avenue
Memphis, Tennessee 38104

Dear Mr. Lane:

I am in receipt of your letter of May 12 and June 3. I am not sure that you have been told of the circumstances of my having a tape, but the tape belongs to a client of mine. I was given initial permission to tell Mrs. Ray of the existence of the tape. She also heard the tape.

In order for me to release a copy of the pertinent part of the tape, I must obtain express permission from my client. Upon receipt of your letter in May, I made a request of my client to permit me to make you a copy of the language that might prove helpful to you and your client.

As of this date, my clients have not made a final decision. There are some considerations that are giving my clients difficulty that have nothing to do with your case or your client. It is my feeling that their decision will be to not permit me to make a copy of the tape, but they will permit Mrs. Ray to come to my office and make her own tape from the original. That may seem like a very unusual distinction, but I assure you that there are valid reasons for the distinction. I might suggest that you ask Mrs. Ray to call me near the end of this week, and I feel that I will have the authorization at that time.

Sincerely yours,

CHILD, O'CONNOR, ELLIS & PETTY

Edward Michael Ellis

EME: cl

APPENDAGE # 8.

37845

COMMON SENSE

Diocese of Memphis

The Catholic Weekly

MAY, 28, 1978.

Priests Council asks a jury trial for Ray

The Priests' Council of the Diocese last week demanded a jury trial for James Earl Ray to "relieve the doubts in the minds of many people" about what role the convicted killer played in the assassination of the Rev. Dr. Martin Luther King Jr.

In a resolution passed by a 17-1 vote with three abstentions, the council asked Gov. Blanton and the Tennessee legislature to do all they can to answer Ray's request for a jury trial.

Ray pleaded guilty in the fall of 1968 to the slaying more than 10 years ago of Dr. King as the black civil rights leader stood on the balcony of the Lorraine Motel in Memphis.

Want Justice

The Rev. Milton Guthrie, president of the priest's council, said the matter was taken up "simply because we priests are interested in seeing that justice is done and we don't think it was in this case."

For years many people have argued that Ray was only part of a large conspiracy to eliminate the Nobel Peace prize winner and the priests in their resolution alluded to that possibility in noting:

"... There are many strange, unusual and possibly conspiratorial circumstances associated with the assassination of Dr. King, on April 4, 1968."

In the resolution, it was claimed that under Tennessee law, Ray's application several years ago for a new trial before a jury should have been granted automatically.

Moral Persuasion

The priests asked the governor to use the "moral persuasion" of his office to "develop a climate where the judicial branch might more readily pursue a positive action to secure a trial for James Earl Ray."

The resolution, sent to the governor and members of the state legislature and Tennessee members of the Congress noted that Dr. King was "a religious leader who exercised prophetic ministry in this country, especially in the City of Memphis where he was assassinated."

A trial by jury, the priests maintained, "would shed some light on what happened and possibly demonstrate James Earl Ray's guilt or innocence."

Father Guthrie told the governor and the legislature to "petition the courts" to grant a new trial, maintained that it "is incumbent upon all of us to relieve the doubts in the minds of many people as well as insuring justice for all citizens."

He offered to meet personally with Gov. Blanton to discuss the matter further.

Not Convinced

"We took up this matter because we are not convinced that justice has been done in this matter," Father Guthrie said. "We want a trial by jury so that we can resolve the questions that are being raised all the time about this case."

(Continued on Page 2)

Priests demand Ray jury trial

(Continued from Page 1)

"These questions can be answered and the matter can be resolved once and for all," he said. "So we are asking that this be done and then we can all go on living our lives."

Asked why this issue was felt of such importance to the Catholic priests of the diocese, Father Guthrie said:

"Simply because we are interested in justice."

70 Priests

In a letter to the more than 70 priests of the diocese, all of whom are eligible to participate in council business, Father Guthrie noted that copies of the resolution "had been mailed out twice" for their consideration prior to the meeting at which it was introduced for a vote.

He said it also was discussed at two earlier meetings.

Despite that, only about 25 per cent of the membership showed up for the meeting at which the resolution was approved.

"We have taken up more important business than this at other meetings and advertised the business in advance and still only had about 16 or 18 priests show up," said one member.

"The council never really gets more than about 18 to 20 members at a regular meeting," he said, noting that this was considered "a fairly good attendance" when compared with other similar groups across the nation.

"Most councils elect small senates of about 10 or 15 priests and they attend the regular meetings and act on behalf of the general membership," he said. "So, we don't really do bad in attendance."

APPENDAGE # 9.

Rev. Ralph Abernathy, center, says he now is convinced after interviewing James Earl Ray that the slaying of Dr. Martin Luther King was the result of a conspiracy. Lawyers William Pepper, left, and Mark Lane believe so too.

KNOXVILLE NEWS-SENTINEL, OCT. 18, 1978.

King Successor Certain Ray Deserves New Trial

By WILLARD YARBROUGH
News-Sentinel Staff Writer

PETROS — The chairman of the Southern Christian Leadership Conference today began forming a "people's court" to convince a legal court that the assassination of Dr. Martin Luther King was the result of a conspiracy so he can obtain a new trial for James Earl Ray.

Rev. Ralph Abernathy, who succeeded Dr. King as head of SCLC after the Memphis assassination of the civil rights leader 10 years ago, made the announced plans for the people's committee at nightfall yesterday after questioning Ray for five hours behind Brushy Mountain State Prison walls here.

The black civil rights-religious leader of Atlanta said he is "thoroughly convinced" there was conspiracy involving high Government officials. He said if Ray was involved, he knew nothing of the conspiracy or was a "goat" in the assassination.

"I believe evidence we have gathered will convince the public and the courts that Ray deserves a new trial and that justice will prevail," Rev. Abernathy said.

Mark Lane, Memphis lawyer who has represented Ray since summer, said he has evidence that two, perhaps three, individuals known to him and others were involved in the plot. He refused to identify them, but said two are alive and their whereabouts are known, and that the third party is dead. He previously has accused the FBI of involvement in the King assassination.

Lane, an attorney for Abernathy, and a psychiatrist, also interviewed Ray. Lane said he has passed along names of the three "conspirators" to several persons, including representatives of the House Assassinations Committee and would make them public within two or three weeks. He said he has heard the committee will recall Ray to Washington Nov. 8.

Abernathy counsel William Pepper of New York told newsmen outside the prison that Ray had just undergone "the most intensive questioning he has yet received." He described it as "a stressful interview, (with Ray) answering all questions."

Lane said new insight was provided: "Ray answered questions he had never been asked before."

The psychiatrist, Dr. Howard Berens of Boston, said his examination of Ray convinced him that Ray is competent to stand trial.

Anna Sandhu Ray, 31-year-old Knoxville sketch artist who married Ray here last Friday, said she now is convinced that Ray will get a new trial and that "good will prevail over evil." She said she still fears for her life from an assassin from the conspirators or others and believes her husband innocent. In 1969, Ray confessed, but later denied, killing King.

Jerry Ray was closeted with his brother for more than an hour before the Abernathy party arrived from Knoxville where they had gathered the night before.

Both the brother and the bride were barred from the Abernathy-Ray interview, however, and waited with the press outside the guard gate. Two camera-carrying newsmen who sought to qualify as members of the main party also were barred. They were Jessica Bernstein of Newsweek and Ben Fernandez with Time magazine, both from New York.

Ray's Relatives

Anna Sandhu Ray and Jerry Ray discuss a House Assassinations Committee letter branding Jerry a "bad guy."

Jerry Ray showed a letter postmarked Oct.11 from a House Assassinations Committee official and said his brother received a similar letter. "The 'findings' from the Washington hearing were filled with errors," Jerry Ray said. "My letter said I had participated in two bank robberies in the Midwest, (one a $30,000 robbery) to provide escape money for Earl before the assassination. I turned myself in at one city, but police said I was no suspect. I didn't rob either bank."

He said the committee letters were more complimentary to James Earl Ray than to him. "They made me more of a bad guy than James Earl," Jerry Ray said.

Abernathy, in an emotional tone, praised Dr. King, yet did not condemn Ray.

"I will preside over a national committee of religious, civil rights, human rights and moral leaders to study the information we have gathered and to take it to the American people," he said. "Our committee will pronounce a moral judgment."

If the Assassinations Committee does not request a Ray retrial, he said, the people's committee of a half-dozen individuals will go to court to seek a new trial. He said he expects to name the committee members within a week.

Meanwhile, security guards and Bloodhounds scoured the mountain terrain for a minimum security inmate who fled a grass crew outside the walls an hour before the Abernathy party arrived. As night approached, Bloodhounds were returned to the prison as did many of the 15-member posse. The escapee, Ernest Gamble, was brought here a year ago upon conviction of a charge of concealing stolen property in Knox County. He was believed headed for Bald Knob, within sight of the prison compound across State Hwy. 52.

APPENDAGE # 10.

Chicago Sun-Times, Thursday, August 3, 1978

Ray talk asked by Jesse in King case

By Hugh Hough

The Rev. Jesse L. Jackson, who stood only a few feet from Dr. Martin Luther King Jr. when Dr. King was assassinated, said Wednesday he'll seek permission for a prison interview of James Earl Ray, the man serving a 99-year sentence for the murder.

REV. JESSE L. JACKSON

Mr. Jackson said a letter he recently received from Ray — a letter in which Ray professed his innocence and spoke of a conspiracy to murder Dr. King — prompted his decision to ask Tennessee Gov. Ray Blanton to aproved a face-to-face meeting.

Ray is an inmate at the Brushy Mountain Penitentiary in Petros, Tenn., an institution from which he staged a spectacular break last year.

RAY'S LETTER to Mr. Jackson, dated July 21, began:

"I did not kill Dr. Martin Luther King Jr.

"I believe the evidence that I can give you about how I was used, moved around the country, paid substantial sums of money, directed to buy a rifle and directed to report to Memphis on April 4, 1968, (the date of the assassination) will be helpful in establishing the fact that there was a conspiracy to murder Dr. King. . . .

Mr. Jackson, interviewed in his office at the headquarters of Operation PUSH, 930 E. 50th, said:

"I'd like to hear from his own mouth, beyond the letter, if he has something to say that we don't already know about Martin's death."

MR. JACKSON, national president of PUSH, disclosed in an ABC-TV interview Tuesday night that he was sending a telegram to President Carter in an effort to gain a trial for Ray.

Ray, 50, initially pleaded guilty to Dr. King's murder and received the 99-year sentence. But since that plea he often has contended that he is innocent and deserving of a trial.

Mr Jackson, in his wire to Carter, told of Ray's letter and observed that Ray "wants to have a public trial even if it means that he may be electrocuted if he is found guilty. He is that confident that his information is substantial."

Mr. Jackson also contended in the telegram that Ray is a political prisoner, adding, "His right to trial is a human right."

THROUGHOUT THE interview Mr. Jackson expressed the opinion that the Federal Bureau of Investigation had failed to disclose all it knows about Dr. King's assassination or, worse, had an actual role in it.

He said the late J. Edgar Hoover's personal animosity toward Dr. King was a matter of public record. Hoover was FBI director during Dr. King's era as a civil rights leader.

Mr. Jackson said, "All the circumstantial evidence points to these conclusions: The FBI knows more than it has told us. It could be reluctant to tell all because it was involved. Or it could be reluctant because of what it didn't do to prevent the assassination."

Asked why Ray couldn't publicly disclose details of the so-called conspiracy without a trial, Mr. Jackson said a court procedure would be necessary to subpena FBI documents pertinent to the case to prove a conspiracy.

IN HIS LETTER to Mr. Jackson, Ray said:

"At the trial, I am sure I will be able to prove that I am innocent and the secret FBI files which we will see at the trial will lead to the real murderers."

In his letter Ray also raised the question of recent Soviet trials of dissidents, saying, "Those trials in Moscow may be unfair and completely political, but at least the defendants there have a trial."

Mr. Jackson slad that President Carter, as a supporter of

Turn to Page 86

Continued from Page 3

the rights of Russian dissidents, had an obligation to assume a "moral posture" that would pave the way for a trial for Ray.

During the interview, Mr. Jackson at one point arose from his desk and recreated the assassination scene.

"I was standing at ground level talking to Martin, who was standing maybe 12 feet away on the balcony of that Memphis motel. We were about to leave for dinner at the home of the Rev. Billy Kyles (a Memphis civil rights leader). Martin made a joke about me having no tie on for dinner and I told him, 'Doc, a tie isn't a requisite for dinner, but an appetite is.' Then I heard a 'pop' of the gunfire and he staggered back on the balcony."

MR. JACKSON'S disclosure of his hopes to interview Ray followed another development in the 10-year-old assassination case. Last week, it was disclosed that a 46-year-old Missouri man had told the House Assassinations Committee that late in 1966 or early 1967 he turned down a $50,000 offer to arrange the death of Dr. King.

That story came from Russell G. Byers of St. Louis. He said the offer came from two Imperial (Mo.) men on behalf of a group of businessmen. The two men from Imperial are dead, but the House group is striving to corroborate the story.

The story is seen to have possible significance because, at the time of the alleged offer, Byers' brother-in-law was serving a murder sentence, in the Missouri State Penitentiary — an institution that then also housed James Earl Ray.

The House Assassinations Committee is expected to hear testimony by Ray later this year.

Mr. Jackson said that, considering the committee's subpena powers, it was possible it could elicit much of the same information that would come out at a trial if Ray offers the committee hard evidence of an assassination conspiracy.

APPENDAGE # 11.

Knoxville News-Sentinel, Nov. 18, 1978

Abernathy Charges Memphis Police, FBI, in King Death

By TOM KING
News-Sentinel Staff Writer

The president emeritus and chairman of the Southern Christian Leadership Conference said here Friday night that tha FBI, the Government and the Memphis Police Department "conspired to cut down Martin Luther King Jr."

Abernathy

Rev. Ralph David Abernathy was in Knoxville as keynote speaker at radio station WJBE's 10-year anniversary banquet at the Ramada Inn on Kingston Pike.

Mr. Abernathy said before the banquet that he was greatly disappointed in the work and findings of the House Assassinations Committee investigating the slaying of the late civil rights leader.

"This committee is wasting the taxpayers' money. I am convinced that there was a conspiracy and that the Memphis police had to be involved," Mr. Abernathy said. "Whoever shot Martin Luther King was aided in his escape from Memphis by the police."

Mr. Abernathy, who has spurned a Thanksgiving eve invitation from President Carter, said if the House committee does not "get to the truth of the matter," he will form a citizens' committee "that will dig for the truth. I'm not saying James Earl Ray (convicted of killing Dr. King) is innocent. But if he was involved I don't think he acted alone. There were people in high places of our Government involved, and I know of affidavits signed and sworn that J. Edgar Hoover ordered Dr. King's assassination."

Mr. Abernathy called former President Richard Nixon and former Vice President Spiro Agnew "the two most notorious criminals in America." He said both belong in jails.

Mr. Abernathy told the crowd of about 300 that the power structure of America is geared to keeping the black man at certain levels.

"Don't ever believe that the white man intends to do the black man right," the civil rights leader said. "The power structure is against you and I tell you to try and become a part of the power structure of Knoxville."

Mr. Abernathy said all is not well with Knoxville, adding, "You made a mistake in inviting me to Knoxville. I will not be bought. I will not sell myself out. I've been jailed 42 times and I've been called everything but a child of God."

The civil rights leader urged President Carter to keep two promises — tax reform "to force the wealthy corporations of America like ITT, Lockheed and General Motors to shoulder their load," and to improve the quality of education for all people, regardless of race.

Mr. Abernathy said he would put nothing past the FBI. "I think the FBI would stoop to any level it needed to to destroy a man like Martin Luther King."

The civil rights leader said the more he talked with Ray at Brushy Mountain State Prison in October, the more he was convinced he was not the trigger man.

"I think he might have been involved, but I really don't think he knew what was really happening," he said. "When we were on the balcony of the Lorraine Motel when Dr. King was murdered, it was me, Andrew Young, Dr. King and, after he was shot, a fourth man appeared. I was told he could have been with the Community Relations Service out of Washington. I fear he was an infiltrator from the FBI."

Mr. Abernathy was presented a small key to Knoxville by Mayor Randy Tyree. The visitor remarked, "Knoxville has made history. I realize that times are hard and things are tough. I have gotten 300 or 400 keys from cities in the U.S. and abroad, but I have never received a key so tiny before. The mayor made it clear that I might wear it around my neck or on my wrist, but where the devil is the chain?"

Smith To Let Others ... dle Legislative Bill

Knoxville, Sentinel--March 30, 1979.

Tennessee Today

Group Urges Trial for Ray

MEMPHIS (UPI) — A group of nationally known religious and civic leaders, including associates of the late Dr. Martin Luther King Jr., hope to gain the state attorney general's assurance that he will not block efforts to obtain a trial for James Earl Ray.

Lawyer Mark Lane, who represents the convicted assassin, said yesterday the coalition hopes to meet with Tennessee Atty. Gen. William Leech in Nashville before April 4, the 11th anniversary of King's death in Memphis.

He said the group wants to convince Leech "not to oppose a motion for a trial.

"Only through a trial with 12 men and women in Memphis to hear evidence will we be able to find out who killed Mr. King," Lane said during a luncheon speech. "Only when that takes place will anyone be able to say Memphis has met its obligation."

Rev. Ralph Abernathy and Rev. James Lawson, who worked closely with King before he was assassinated, are among those in the coalition, Lane said.

Ray and Charles Galbreath, a former Court of Criminal Appeals judge who is also representing Ray, filed a petition for a trial Jan. 26, claiming Ray should be granted a trial for the slaying because of legal technicalities. That request is pending in Criminal Court at Memphis.

APPENDAGE # 12.

CHANGES REPORT

Bell Has Doubts In King Slaying

By NANCY LEWIS
Journal Washington Bureau

SEATTLE — Atty. Gen. Griffin Bell says he wonders whether there was a conspiracy in the assassination of Dr. Martin Luther King Jr.

In a Sunday interview Bell said he has ordered changed a Justice Department report which concluded there was no conspiracy because he didn't think that conclusion was justified.

The report that contained the conclusion was supposed to deal with the FBI's performance in the investigation of King's death, Bell said, and shouldn't have contained any conclusion on the question of conspiracy.

Furthermore, Bell made it clear he didn't think the information in the report supported the no-conspiracy view and said he personally still has questions about the matter.

The original rough draft of the Justice Department's report did contain the conclusion that James Earl Ray acted alone in the April 4, 1968, slaying of King.

This aspect of the report was made public after former Atty. Gen. Edward Levi provided three copies to congressional leaders.

Bell described the conclusion as a gratuitous one.

"If there was a conclusion reached . . . I'd say it was extraneous," Bell said. The report ought to be factual and not contain "gossip" about people, he said.

For this reason Bell said the final draft of the report will be restricted to assessing the FBI's performance in the investigation of King's slaying.

This has been questioned because of subsequent revelations that for several years up until the time of his death the FBI conducted a surveillance and harassment campaign against King.

Bell said the report was to focus on two main points: whether there was cause for surveillance and "if so, when did that terminate," as well as the actual assessment of the investigation.

The interview with Bell came after an appearance on the CBS program Face the Nation during which he explained "this report is couched in the terms of assessing the performance of the FBI and was not designed to reach a conclusion. If you read the report, you can lean to either side. You could say there is no evidence of a conspiracy, but you would wonder, you know, if there was," Bell said.

He clearly indicated that he wonders.

Bell said he has several questions, among them whether convicted assassin Ray "had the mental capacity to do that traveling himself. (Ray used an extensive and complicated travel plan to escape the United States after King's murder.) That puzzles me. He'd been in the penetentiary most of his life" and had minimal schooling, Bell pointed out.

Bell said he has had material about Ray's IQ inserted into what will become the final report.

He indicated that report probably will be made public, saying, "I want everybody to be able to read the report to make up their own minds about it."

Asked specifically if there was a conspiracy, Bell said, "Nobody was assigned that question. If I want to assign it, I'll do it later."

Bell said he would wait to see what a pending House of Representatives investigation of the King and President John F. Kennedy assassinations will do on the matter before he acts further.

Bell is in Seattle to attend the mid-winter meeting of the American Bar Association. He was expected to ask the convening House of Delegates Monday to defer its planned recommendation that attorneys be allowed in the room when their clients testify before a grand jury.

Bell said he would like an opportunity to study the matter further but emphasized that he does not believe attorneys should be allowed before grand juries.

APPENDAGE # 13.

DANIEL

Feb. 1979

Continuing The King Inquiry

By Paul Scott

WASHINGTON—The possibility of a conspiracy in the death of Dr. Martin Luther King, as cited in the findings of the House Assassination Committee, raises urgent new questions about the continued suppression of key information gathered by the FBI's surveillance of the civil rights leader.

Scott

Authorized by the late Attorney General Robert Kennedy in 1963 and continued by his successors until King's assassination in April, 1968, the electronic surveillance has turned out to be one of the most controversial actions of the Kennedy and Johnson Administrations.

Involved in the suppression are the FBI tapes and several highly sensitive files of King and his contacts with leading communists including Stanley Levison, a New York attorney and currently an adviser of Ambassador Andrew Young, U.S. representative at the United Nations.

The FBI memorandums sent to Robert Kennedy in 1962 and 1963 and made public for the first time in the book "Robert Kennedy And His Times" by Arthur M. Schlesinger Jr., close friend and adviser to both Robert and his brother President John Kennedy, Levison is described as "a secret member of the Communist Party's national committee" and "a key figure in Soviet intelligence apparatus in the U.S."

The confidential memorandums, which confirm earlier reports of the FBI findings published in this column, were revealed by Schlesinger from Kennedy's private papers to justify his controversial decision to approve the FBI's wiretapping of King and show the pressure that the late FBI Director J. Edgar Hoover put on the Attorney General to do so. In making this point, he wrote:

"The Kennedys authorized the taps on King for defensive purposes. . . In order to protect King, to protect the civil rights bill, to protect themselves. . .Installing the taps shifted responsibility for King to Hoover; and the Kennedys were confident that King was clean and that the taps would yield nothing of interest."

Apparently they were wrong about the latter. Officials of the Southern Christian Leadership Conference (SCLC), King's civil rights organization and power base, thought the tapes would damage King's reputation and those of others around him if released to the public or used in future investigations.

In February of 1977 shortly after President Carter took office, the SCLC went into U. S. Federal Court here and had the tapes and a number of other files involving King's contacts and personal life sealed for 50 years.

HOOVER'S MEMORANDUMS—The behind the scenes battle over the King surveillance clearly indicates the importance of the tapes.

According to Schlesinger, "FBI Director Hoover bombarded Robert Kennedy with baleful memorandum about King's association with Levison and other suspected Communists for several months before Kennedy agreed to the wiretapping of King." The following Hoover memorandum of April, 1962, was described as typical of those sent Kennedy:

"This Bureau has recently received additional information showing the influence of Stanley David Levison, a secret member of the Communist party, upon Martin Luther King Jr. You will recall that I have furnished you during the past few months substantial information concerning the close relationships between King and Levison."

A few pages later in his book, Schlesinger makes the startling revelation that "Hoover informed Robert Kennedy that Stanley Levison was a secret member of the CPUSA National Committee charged with controlling King." He also noted:

"The Bureau came up with a second supposed Communist around King. This was one of his executive assistants, a young black named Hunter Pitts (Jack) O'Dell whom Hoover declared to be member of the national committee. In October, 1962, the FBI leaked incriminating material about O'Dell. Soon King placed him on temporary leave."

KING SECRETLY WARNED—While indicating that the Kennedys were skeptical of Hoover's reports, Schlesinger revealed that they caused President Kennedy to warn King and several of his friends about Levison. At one point, the President even told King about the FBI surveillance and the civil rights leader in turn warned Levison.

The reasons for these warnings to King, as reported by Schlesinger, was that "Once the Kennedys decided to go all out for civil rights legislatiion (which King was supporting in his demonstrations), Levison was no longer just a King problem. . . The Kennedys had committed themselves to King."

Pointing out that "Kennedy directed Burke Marshall (then a Justice Department official) to find out "what hard evidence the FBI had against Levison, Schlesinger reported:

"When Marshall now applied to the FBI for hard evidence, he was told that Levison was something far more baleful than a secret member of the CPUSA. The Bureau advised him in the most formal and emphatic manner and for the first time that Levison was in fact a key figure in the Soviet intelligence apparatus in the U.S. Marshall was further advised that disclosure of that information to King would endanger an FBI agent in place inside the KGB."

Levison, who took the Fifth Amendment when asked in 1962 by members of the Senate Internal Security Committee if he was a Soviet spy or had received funds from the Soviet Union, surfaced in 1976 to deny the charges in carefully arranged interviews.

FURTHER INVESTIGATION NEEDED—In light of Schlesinger's revelations and the House Committee's new finding of a possible conspiracy in King's death, former FBI agents who have heard and seen the suppressed tapes and files say they should be reviewed for possible leads.

With several of these tapes covering King's contacts shortly before his assassination, their reexamination could be a starting point if the Justice Department decides to reopen the inquiry.

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APPENDAGE # 14.-