

conducting a criminal defense to determine if Foreman was ready, willing, and able to take the case to trial.

(31) Foreman has claimed that, from the time he entered the case until the time of Ray's guilty plea, he spent between 80 and 90 percent of his time working on Ray's case. (80) In the deposition that Foreman gave in *Ray v. Foreman*, Foreman estimated that he spent from 30 to 75 hours in interviews with Ray (81). He also related that he used approximately eight senior law students from Memphis State University as investigators. (82) Foreman was vague about what the students did for him, and could produce none of their work products. (83) Foreman was also vague about other aspects of his investigation of the facts. Apparently, he did speak to Huie regarding his investigation (84) and to Hanes concerning the investigation carried out by himself, his son, and the investigator they hired, Renfro Hayes (85). It also appears that Foreman did speak to some of the potential witnesses. (86)

(32) After reviewing the depositions of Foreman, Hanes, Hugh Stanton, Jr., and James Earl Ray, as well as committee interviews, it may be concluded that the independent investigation of Dr. King's death performed by Percy Foreman left much to be desired. Numerous witnesses were never contacted by Foreman or any of his representatives. Foreman has refused to give the numbers or identities of all the witnesses that he claimed to have interviewed. (87) Hugh Stanton, Jr., stated that the public defender's canvass of witnesses was incomplete at the time that the guilty plea was decided upon. (88) Additionally, Thomas Emerson Smith, one of Foreman's student investigators, has told the committee that neither he nor any of the other students who were chosen to work with Foreman ever conducted a single interview. In fact, according to Smith, the group was never asked by Foreman to carry out any type of investigation whatsoever. (89) It appears that Foreman spent a relatively small amount of time interviewing Ray; he also failed to avail himself fully of the knowledge of the case possessed by his predecessor, Arthur Hanes, Sr. The committee reviewed the hourly activity logs that were kept during James Earl Ray's stay in the Shelby County Jail. They reflected that Foreman spent somewhat less than 20 hours with Ray during the approximately 4 months that he represented him. (90) This figure is at variance with Foreman's own recollection that he spent between 85 and 70 hours interviewing Ray. (91) Ray's recollection of the time Foreman spent with him comports almost to the hour with the figure developed by the committee's review. (92) An explanation for the discrepancy between the committee's figure and Foreman's recollection might be found in the public hearing testimony of Dr. McCarthy DeMere. Dr. DeMere testified that at some point after Ray was brought to the Shelby County Jail security was relaxed somewhat. (93) As a result, Dr. DeMere stopped signing into the jail when he came to visit Ray. It is unclear from his testimony whether this sign-in procedure was separate and apart from the detailed log kept by Ray's guards, even though those logs did not bear any signature. If the two logs are, in fact, one in the same then it is conceivable that some of Foreman's visits with Ray did not appear.

(33) In an interview with the committee, Hanes mentioned that he made every effort to make his files available to Foreman, but Foreman

only used a small portion of his personal knowledge of the case.

(34) Even though Foreman was thorough or independent in the investigations conducted by Hanes, Sr., and Renfro Hayes, Sr., the Shelby County, Tennessee, public defender advised Ray to plead guilty and that the investigation might be considered substantial. (96) The investigation conducted by the public defender's office was the most complete and thorough of the investigations carried out by the public defender's office. (97) The investigators for the defense double-checked the information provided by Hanes, Sr., by Arthur Hanes, Sr., by Renfro Hayes, Sr., by Percy Foreman as well as the results of the investigation obtained. (98) The public defender's office filled between 10 and 12 files with information uncovered and considered by Hanes, Sr., and Jr., discussed in the public hearing. (99) It is not glaring enough to discuss the investigation assembled against Ray. (100) Contrary to what is stated, it may be concluded that the investigation based more upon Foreman's testimony than any other consideration about the quality of the investigation conducted by Hanes, the Stantons, and

#### *C. James Earl Ray's statements*

(35) Ray has continuously stated that the King case was investigated by

- (1) That Percy Foreman was not qualified to represent him. (105)
- (2) That the conditions in the Shelby County Jail and his treatment were such as to induce him to resist the prosecution. (106)
- (3) That Foreman and his associates forced the guilty plea. (107)
- (4) That Ray believed that he would be tried if he appealed. (108)

(36) The committee examined the records of the investigation and concluded that if there was any validity to the statements made by Ray in *Ray v. Rose* and *Ray v. F. F. B.*, it was appropriate, in the interest of justice, that individuals who were interviewed by the committee should be given a copy of Ray's stated reasons.