

fired not from the bathroom window but rather from the bushes and trees on the embankment. This evidence, developed by the defense, should be examined as cautiously and evaluated as carefully as the evidence and statements proffered by the prosecution. This evidence, as in the case of the prosecution's allegations, has not been subjected to the crucible of cross-examination.

Solomon Jones was the driver of the car which transported Dr. King in the Memphis area. The vehicle had been made available by a local funeral parlor. In a statement Jones gave to the Memphis police authorities who questioned him on February 3, 1969, ten months after the murder, Jones said, "On the day of the shooting, I was on the ground beside the car, which was parked on the west side of the motel; I was on the north side of the car." While Jones was quoted by the police in an unsigned statement as having said, "Everybody was running and the yard was full of police, I was unable to tell who, if anyone ran from the bushes" he had made earlier statements, some of them almost contemporaneous with the event, with a different emphasis. Jones told Renfro Hays, the defense investigator, and prior to that, news reporters at the scene, that he saw someone run from the bushes on the embankment immediately after the shot was fired. Jones said that the man had "something white" across his face. At one point Jones said that the man carried something in his hand.

On April 5, 1968, the morning following the murder, the Memphis *Commercial Appeal* quoted Jones as saying that just after the shot was fired he saw a man "with something white on his face" leave "a thicket across the street". Yet the police did not interview Jones until ten months had passed. Corroboration for the original observations made by Jones was furnished by Harold Carter. Carter lived at 422½ South Main. On April 4, 1968, he sat on a cardboard box on the embankment just in front of the clump of bushes and trees. If a shot was fired from that area he should have heard it. If a man fled from area he might have observed him.

Carter was interviewed by Hays on August 25, 1968. He said,

That afternoon I was sitting out on the vacant lot behind the rooming house with Dude Wheeler and another man who works on the river. We were sitting there on some cardboard next to some bushes watching the people over at the Lorraine Motel as there was a lot going on over there. Just before six o'clock Dude and the other fellows left but Dude was supposed to come back. Then two men standing on the ground by the Lorraine Motel started calling up asking for someone to get Dr. King to the door. A man, I guess he was King, came out the door and came to the

rail and started talking to these men on the ground. At the same time I heard some one walking behind me from the other side of the bushes. I thought it was Dude Wheeler coming back and I didn't even look around. Then there was a loud shot from the bushes right beside me. I looked around and saw the man running away, north—I did not see his face. He was about my size and he must have been young because he moved fast. He had on dark clothes with a high necked white sweater. He had a rifle or shotgun in his hand. When he got to the northwest corner of the lot he took the stock off his gun and threw it in some bushes and put the barrel under his jacket and stepped down on a barrel and down to the sidewalk. Everyone was running to the motel then. And he just walked on away from them.

Carter told Hays that he was not anxious to become involved in the case. For that reason he made no voluntary statement to the police. However, during the evening of April 4th police officers interrogated all of the residents of 422½ South Main. Carter said that when the police asked him what he had been doing at the time of the murder and what he observed, he answered them truthfully. The officers then took him to police headquarters where he was interviewed by detectives. Carter said he told the detectives about the origin of the shot and of the man who fled from the bushes. Carter said, "They called me a damn liar!" After the detectives had made it plain to Carter that his allegations were not acceptable, he was left alone for awhile.

When they talked to me again I told them I didn't know anything, I never got around to telling them where the gunstock was. I have nothing to hide about this, I never saw that man before or since that I know of. If the police had treated me like a human being I would have told them everything I knew.

Carter later signed a statement which was witnessed by Hays in which he said that he was reluctant to sign a statement about his observations "because I don't want to be thrown in jail like Charlie Stephens was."

On June 19, 1968, *The New York Times* published a review of some of the evidence by Martin Waldron, a veteran investigative reporter. The story ran under the headline "Evidence Hints a Conspiracy in Slaying of Dr. King."

Waldron began:

From the moment of the assassination of the Rev. Dr. Martin Luther King, Jr., on April 4 evidence has accumulated to suggest that he was the victim of a conspiracy. Several bits of evidence

indicate more than one person may have been involved in Dr. King's slaying. Others point to the possibility that the murder may have been a hired killing.

Waldron considered the official response to the evidence tending to establish conspiracy.

The Federal Bureau of Investigation has refused to comment. Attorney General Ramsey Clark has said several times that the FBI has not uncovered any evidence of a conspiracy.

Mr. Clark, said however, that the investigation did not end with the arrest of James Earl Ray in London on June 8. If others are involved, he said, the FBI will find them.

During the halcyon days of 1968, before the United States Senate had informed us that the FBI destroyed evidence, suborned perjury and committed perjury to prevent the Warren Commission from learning who killed President Kennedy, and operated as well a squad determined to destroy Dr. King, it was easier to believe that the FBI might be interested in finding the assassins. Mr. Clark's assurances were no doubt comforting to many. But to a few, including Ray, his two lawyers and his one investigator, the evidence that raised doubts for Waldron had raised serious questions for further exploration.

The first matter that Waldron addressed himself to as one which indicated "that may have been a conspiracy" was "a vivid description broadcast over the Memphis police radio network on the night of April 4 of an automobile chase that never took place."

The broadcast, made at the time Ray was fleeing from the city southward, attempted to establish the flight of the alleged assassin to the northeast.

Arthur Hanes, Sr., told me that he had listened to the official recording of the Memphis police radio broadcasts for the evening of April 4. He had taken handwritten verbatim notes of the broadcast which he gave to me. At 6:10 P.M. the radio broadcast the message "6:10—Information subject (or suspect) may be in late model Mustang going north on Main". Hanes said, "Now where did they get that information from. There is not a single witness who they can produce who claims that they saw anyone get into a white Mustang and leave the scene."

At 6:36 the police radio broadcast this message. "6:36—60 at Jackson and Hollywood. Mobile unit. East on Summers—from Highland exceeding speed limit. Blue 66 Pontiac going over 75 mph. Three white males in blue Pontiac. North on Jackson." And at 6:48 the radio broadcast this message. "White Mustang is shooting at Pontiac. Austin Peay.

Approaching the road going into Naval Base." While the police concentrated upon an apocryphal gun battle in one part of town, according to Ray he drove out of town in the opposite direction with the ubiquitous Raoul huddled in the back seat.

To this date, no adequate official explanation of the police radio broadcast has been offered. When I asked Frank Holloman, who had been the director of the police department on April 4, 1968, for an explanation he said, "Oh, it is nothing serious. It was just a teen-ager involved in a prank." That appears to be the official explanation. I asked Holloman if the teen-ager was arrested and prosecuted for obstruction of justice since quite possibly he had aided a murderer escape from the area. While Holloman paused for a moment, I asked if the teen-ager's radio license had been revoked. Holloman appeared troubled by the questions and then answered, "I don't recall if we ever found out who it was. If we didn't, then we couldn't arrest him." I agreed with Holloman's logic and asked how the police could learn the age of the suspect from the radio broadcast without learning his identity. Holloman pondered the question for a long moment and then said, "Well maybe we did locate him and that's how we got his age. I just don't know."

Had the case been tried while Hanes and Hanes represented Ray, the defense would have been prepared to explore this area of evidence that indicated the possibility of conspiracy. An examination of the broadcasts by the police over the two frequencies they employed revealed false or inexplicable references to the fleeing white Mustang at 6:10 P.M., 6:12 P.M., 6:35 P.M., 6:48 P.M., and 6:53 P.M., as well as a reference to an abandoned Mustang at 5:42 P.M. Approximately twenty minutes before the shot was fired a broadcast stated that "Tac 11 (Tactical Squad) has witness who saw white Olds pull away from Lorraine before police arrived."

The broadcast at 7:37 P.M. said "complete curfew in effect." Exactly ten minutes later the police reported "Tac units to start cruising from Lorraine. Homicide has completed investigation." There is very little evidence to dispute the police assertion that less than two hours after Dr. King had been murdered the police had finished their work. The unexamined clues, the unfollowed leads, the unexplored circumstances that led toward a conspiracy to kill Dr. King remain today unexamined, unfollowed, and unexplored by those with the authority to conduct a serious investigation.

Martin Waldron was concerned by evidence showing that Ray, using the alias Eric S. Galt, left "a trail of free spending" indicating that he had been financed by others. The Hanes law firm also focused upon that

matter. Ray explained that he was paid by Raoul and he quite specifically supplied the amounts paid, the dates and places of payment, the denominations of the bills and the services that he performed. The FBI, through news leaks attributed by *The New York Times* to "quoted FBI sources" responded that Ray had probably robbed a bank in Alton, Illinois, on July 13, 1967, and taken \$20,000. Waldron wrote that "other evidence indicates that Ray may have been living in Toronto at this time." In any event, Ray was never charged with the crime and the only evidence of his possible involvement in that crime was the statement of one woman in the bank who allegedly said that one of the two robbers resembled photographs of Ray. There exists no reasonable explanation of Ray's funding for the period of time preceding the murder of Dr. King, other than Ray's own explanations. While his explanations may not be accurate, they remain unchallenged by a viable prosecution alternative.

Waldron was also concerned that Ray used four aliases in Canada and in his trips about the United States and ultimately to Europe. The names Ray operated under were Ramon George Sneyd, Eric S. Galt, Paul Bridgman and John Willard. All four men exist. All four men live in Toronto. All four men are approximately the same height and weight as James Earl Ray and, like Ray, all four have dark hair. All four men give the appearance of being the same age as Ray. The evidence indicates that Ray used the name Galt in Birmingham, Atlanta and Los Angeles; the name Willard in Memphis; the name Sneyd in Toronto and London; the name Bridgman in Toronto.

The question that troubled Waldron and the defense attorneys is how did Ray, unknown in Canada, assemble documents from four men who resembled him physically and who did not even know each other. Did Ray have assistance in choosing the aliases? The prosecution failed to investigate this intriguing question and failed to comment upon it when presenting the case against Ray. Indeed neither the jurors nor the trial judge were informed of any of the distressing details which might have discommoded the case against Ray as the lone assassin. The unexplained false radio broadcasts, Ray's unexplained well-financed trips, the unexplored four remarkable aliases, the unrefuted evidence that indicated that the shot may have originated from a place other than the bathroom window, and the difficulty in knowing that by entering 422½ South Main one could arrange for a view of the motel balcony were neither commented upon by Ray's prosecutors when they presented the case against Ray to the court and jury nor alluded to by Ray's lawyer, the renowned Percy Foreman of Houston, Texas.

Indeed, why did Ray plead guilty when the state would have had the most difficult and perhaps an impossible task of establishing a *prima facie* case against him, and when such a strong affirmative defense was available to him? And why did Foreman, Ray's trial counsel, offer no resistance to an arrangement which sent his client to jail for ninety-nine years in a state where the death penalty had not been carried out for many years?

Chapter 25

THE PLEA

by Mark Lane

Those who assert that Ray alone killed King offer as proof Ray's plea of guilty. That plea, however, can not be dispositive of the many and serious questions raised by the evidence. When closely examined, the plea itself, in fact, tends to support the other evidence of a prearranged plan to murder Dr. King and to cover up the evidence of that conspiracy.

When Ray entered his plea before Judge Battle, he stated that there had been a conspiracy to murder Dr. King. He had consistently held to that position. Over the years he has told all of his attorneys that there had been a conspiracy. He made that statement to the Hanes defense team, to their successor, Percy Foreman, and to the lawyers who have since represented him. He explained the details of the conspiracy to his lawyers and to Huie before he entered the plea and he elaborated upon those details when he spoke with me later.

The curious circumstances surrounding the arrangement for the guilty plea hardly do credit to our oft-repeated claims of due process in difficult cases and raise yet additional questions. Was a deliberate effort made to induce Ray to plead guilty so that the full facts might be successfully concealed? An examination of the development of the various episodes that lead to the courtroom ritual in which the guilty plea was offered and accepted may provide the answer.

Ray was imprisoned in the Shelby County Jail in Memphis in maximum security until he pleaded guilty. During the months that he was jailed, bright lights were kept on him twenty-four hours each day. Closed circuit cameras monitored his every move. Guards were present in the cell with him while other guards watched him from the other side of the bars. Microphones in the cell picked up and magnified every sound that he made. Even his breathing was heard. Months later when Ray described the conditions in the cell during a civil suit against Foreman and Huie he testified. "As I stated, maximum security jail, lights on twenty-four

hours a day, steel plates over the windows, two television sets watching me all the time . . . no fresh air." Ray testified that his conversations with his attorneys were overheard by the guards. He said that the listening devices were so sophisticated that the guards "could hear a roach walk across the floor." Ray said that Foreman "often spoke very loudly when talking with him." I was always warning Mr. Foreman about talking so loud. A lot of times he would talk loud on purpose so they [the guards] could hear him. A lot of times he had them sign documents as witnesses." Ray said that he did not wish to speculate about which conversations the guards had overheard. "I think you would have to talk to the guards to find out what they heard and what they didn't hear." He did say that on one occasion "one of them told me he heard some of Mr. Foreman's conversations one time."

Two months after Ray had been confined under the extraordinary conditions imposed by the Memphis authorities, Arthur Hanes, Sr., filed a motion requesting an order directing the Shelby County Sheriff to "cease and desist from the use of television lights, cameras and microphones to constantly surveil the Defendant." The attorney said that "the presence of said illumination and surveillance has deprived Defendant of the opportunity to rest or sleep and has a tendency to cause Defendant to be nervous and disturbed and constitutes an electronic form of cruel and unusual punishment."

The Attorney General, Phil Canale, filed an answer stating that the television cameras were required "as a security measure to protect the defendant Ray as well as to keep the defendant Ray from effecting an escape."

During 1976, Leona Zanetti and Pamela Spack, two investigators with the Citizens Commission of Inquiry, interviewed Phil Canale. They asked him about the presence of microphones in Ray's cell. He replied:

Well, we had a big hearing on that down there when, ah, one of his lawyers filed something, some motion about the fact that he was, ah, his health was going bad, and surveillance and everything, and we had a hearing, and, ah, the doctor testified, the jailers testified, and, ah, we had a full blown hearing on it. As I recall it there was always some light in the cell there . . . I think Hanes also said that he had to lie on the floor to talk to Ray because the place was bugged. Well, there was never any indication of bugs, I never heard of any, anything that came out of the cell. I'm sure that I would have heard it if anything came out of there, you know. But yes, I think there was some illumination in there at all times.

However, that same year the United States Court of Appeals for the Sixth Circuit concluded that Ray's prison conversations had been monitored and that such electronic surveillance was "improper."

Eight years before, on November 22, 1968, Judge Battle had ruled that "the security complained of is for the benefit of the defendant" and that "the measures taken for the security and protection of the defendant are reasonable."

Two months after Hanes had applied to Judge Battle for some relief from the oppressive jail conditions, Michael Eugene, an English solicitor who had been appointed to represent Ray's rights in London, saw Ray. He was astonished by the deterioration in Ray's condition. He said that Ray looked sick, weak and nervous.

When James Earl Ray pleaded guilty, a reporter from the Chicago *Daily News* interviewed his brother, John Ray. John said that he had doubted that his brother would plead guilty but that the strain of being under constant observation in his cell by guards and closed circuit television must have affected him. "All the time he has spent up there in his cell may have affected his mind. He can't even go to the bathroom in private."

When I interviewed Jerry Ray, another brother, in December 1976, he said that Foreman's efforts to convince James to plead guilty were substantially aided by the defendant's condition.

He couldn't sleep. Those bright lights on all the time. Always being looked at. No air conditioning. No fresh air. Never any daylight. Never any night. I guess it was kind of like a concentration camp. You ended up doing things your ordinarily wouldn't do. James was sort of out of his mind at the time. He hadn't seen outside, even through a window, for four months. Never knew whether it was night or day. It was the kind of conditions that big shots in this country are always complaining about in other countries."

In *Spandau*, a remarkable prison book, Albert Speer, the convicted Nazi war criminal, discussed the conditions to which he was subjected as a military prisoner. Speer had been sentenced at Nuremberg to serve a twenty-year term. He explained that "the prison regulations are strict" because another convicted war criminal had just hanged himself. To prevent another death his cell was not entirely darkened. He wrote that at first "the cell is poorly illuminated at night by a light placed outside." Speer added "at night we live in twilight." Later in his imprisonment at Spandau all of the lights were extinguished before ten o'clock. Indeed the rules required, he wrote, "that all cells had to be dark at ten o'clock."

The experience at Spandau, the ultimate maximum security military prison, was not pleasant. Yet Speer, in describing the conditions there, wrote of his regular visits with other prisoners which occurred many hours each day, his work in the garden with the other prisoners, the walks in the courtyard, the window in his cell which permitted a view of the stars at night, and fresh air both night and day.

In my view all prisons that I have seen offer artificial and brutalizing experiences. Yet Speer, a major war criminal, was not subjected to the dehumanizing denial of sensory perception that the elaborately contrived circumstances imposed upon James Earl Ray. If the torture that Ray was subjected to was not designed to weaken his resistance and to drain his resolve it nevertheless should have been quite clear to counsel, the prosecutors and the court that such a result was predictable, indeed, very likely inevitable.

It appears that the most important decision that Ray made after his arrest was to discharge the Hanes defense team and retain Percy Foreman. I believe that the father and son team was adequately prepared to represent Ray at trial and that the evidence against him was minimal and insufficient to convict him. Once Foreman entered the case the inexorable march toward a deal—the guilty plea and a ninety-nine year sentence—was underway.

Arthur Hanes, Sr., remembers quite clearly his last day as attorney for Ray. "We learned of it on Sunday, November 10. We, Art, Junior, and I, went to the jail to see Ray at about 8:30 at night. The guard said the Sheriff wanted to see me. I went to the Sheriff's office and they showed me a Xerox copy of a handwritten note from Ray. It said 'Dear Mr. Hanes, I thank you for all you've done for me, however I've decided to change lawyers and obtain other counsel. Sincerely, Jim.' I said, 'Well, Percy Foreman was in his cell four or five hours today while you were driving here from Birmingham.'"

Hanes added, "Foreman had the original of my letter from Ray. How he was allowed to get in there and see my client about our case I never did find out for sure."

A substantial question also remains as to why Foreman visited Ray in his Memphis jail cell. On a January 2, 1976, CBS-TV broadcast, an interview of Foreman was conducted by a CBS reporter, Dan Rather. Rather asked Foreman how he got into the case. The following colloquy ensued:

Foreman: His brother, Jerry, had written me almost from the beginning, asking me to get in the case, and I refused—until I had a letter from James Earl Ray himself. And when he asked me to

come, I did go from Texas to Memphis, and talked with him, and I was employed.

Rather: You're aware that he now says that—James Earl Ray, that is—that he never asked you to get into the case?

Foreman: No, I wasn't aware of that. That's the first I ever heard of it. I have his letter.

Rather: If Mr. Foreman had his letter, he does not have it now. We asked to see it. We were told it had been lost.

When I asked Ray why Foreman had made that initial visit to him in November 1968, he said, "I really don't know. I was surprised to see him. Of course, I knew he was a famous lawyer. He told me that several times. He said he had tried a thousand murder cases, that almost no one ever went to jail and that just one was executed. He said that my case was the easiest one that he had seen."

Ray prepared a statement of his case in affidavit form from his cell in the Memphis Criminal Court on August 31, 1970. In that document, he explained his relationship with Foreman.

On or about November 10th, 1968, Mr. Percy Foreman, a Texas licensed attorney came to Shelby County Jail and asked to see me.

I agreed to see Mr. Foreman although I never contacted him directly or indirectly requesting any type of legal assistance.

After the amenities I saw that Mr. Foreman had the contracts I had signed with Mr. Hanes and Mr. Huie.

I asked his opinion of them. Mr. Foreman came right to the point, he said he had read the contracts and had concluded that the only thing Hanes and Huie were interested in was money. He said they were personal friends and if I stuck with them I would be barbecued.

I told Mr. Foreman I was concerned with certain aspects of the contracts, such as the inference of a trial date deadline, but that since I had signed the document there wasn't much I could do.

Mr. Foreman replied there was something I could do, that he could break the contracts if I hired him. Since I had been taken advantage of due to a lack of education in such matters.

I asked him what his position would be if I did engage him in relation to contracts with book writers and retaining a Tennessee licensed attorney.

He said there would be no stories written until after the trial

was over and that it was necessary that Tennessee licensed counsel be retained to advise and assist with Tennessee laws.

I also asked Mr. Foreman how he would finance the trial. He said let him worry about that. That when the trial was over he would make a deal with some book writer but that he wouldn't compromise the defense with pretrial deals.

He said that his fee would be \$150,000 for the trial and appeals, if necessary, and that as a retainer he would take the 1966 Mustang I had, which I signed over to him. Mr. Foreman also asked me to sign over to him a rifle the prosecution was holding as evidence. Although there was a question of ownership, I also signed this item over to him. I then wrote out a statement for Mr. Foreman dismissing Mr. Hanes and stating I would engage Tennessee counsel.

During November 1969, when Ray testified against Foreman in a civil suit, he said much the same thing.

Ray: Mr. Foreman came to jail. I will explain the surroundings. When Foreman came to the jail, evidently, my brother, somehow, had contacted him when they found out they were going to make an effort to keep me off the stand. So Mr. Foreman came to jail and it was a complete surprise to me. He asked if I would let him in to see me and I said to let him in. When Mr. Foreman came to talk with me he had these contracts in his hand. He had them all, all my previous contracts, so after just some general conversation Mr. Foreman mentioned these contracts and I asked him what he thought of the contracts and he told me that the only thing Mr. Hanes and Mr. Huie was interested in was money. He said he studied those contracts and if I stuck with them I would be barbecued. That's Mr. Foreman's lingo for the electric chair.

Q: What else did Mr. Foreman say about those contracts?

Ray: Well, he didn't . . . we didn't discuss them deeply. We didn't go into any legal reasons, anything legal. The only thing he said, he said Mr. Hanes and Mr. Huie had been friends a long time and that's why they got involved in these contracts. That's what he said.

Q: What did Mr. Foreman propose at that time?

Ray: Well, he told me if he had been on the case to start with or if he was on it now he would never . . . would never become involved with no contracts on books until after the trial was over

and he told me if he took the case we could forget about the books until the trial was over.

Q: Did you employ Mr. Foreman as your attorney?

Ray: Yes, I employed him . . . I got him.

Q: When?

Ray: At that time, going in that conversation, after he made those charges and I was just . . . it was just enough substance in what he said to make me believe it and, of course, what give me the impression he had plenty of money to finance the cause without compromising the case to book writers and I thought maybe it was a possibility Mr. Hanes didn't have that much money. I agreed to discharge Mr. Hanes.

Q: Just sort of get down to telling us what you said and what Mr. Foreman said in that conversation about the contracts, the contracts of employment as well as the book contracts. Did you employ Mr. Foreman?

Ray: Yeah. As far as Mr. Foreman, he said I would pay him \$150,000 straight fee and he would handle all the appeals until the trial was over, carry it all the way to the United States Supreme Court. I agreed to that and we made two or three other arrangements. One, that it would be necessary to hire a Tennessee counselor. I even stipulated this in the paper I wrote up relieving Mr. Hanes.

Q: What was the stipulation about hiring Tennessee counsel?

Ray: The paper is on record down there in Shelby County Court about the necessity of hiring Tennessee Counselors.

Q: Was any Tennessee counsel hired?

Ray: No, there never was any counsel hired.

While Ray has been consistent regarding his dealings with Foreman, the latter was vacillated. Foreman had originally stated that Ray's brothers, John and Jerry, asked him to enter the case. Later he said that Jerry alone had invited him. On November 11, 1968, he told Martin Waldron of the *New York Times* that Jerry and John had forwarded a request, evidently an oral one, from James. Later he told Dan Rather that he had received a letter from Ray. Ray's denial that he had sent a letter, together with Foreman's inability to produce it, tends to support Ray's version of the events.

The brothers, Jerry and John Ray, said that they met Foreman for the

first time on the day that Foreman also met James in his Memphis jail cell. Jerry told me that "the only time my dad ever saw Foreman was when Foreman was in St. Louis, he saw us all together. My mother is dead. My dad and John and me saw Foreman in St. Louis once. But John and me saw Foreman in Memphis. We would go over to Memphis to see James and we'd see Foreman. This is after he was the lawyer for James. I never did see him until the day he became James' lawyer."

I asked Jerry if Foreman talked about the defense for James.

Not much. He used to have us come over to his hotel room and he'd send down for a bottle of Scotch, he liked Scotch, and he'd drink and tell me about all these other cases he won. Then he'd say this would be the easiest case he ever had. He said my brother's case would be. He said they had no real evidence against James. He said, "They have no actual evidence." He said, "I've got guys out before where they had evidence against them but they don't have evidence against James."

On November 11, 1969, Foreman testified in an action brought against him by James Earl Ray. He said of John and Jerry Ray, "I had not met them officially or personally except over the telephone, in telephone conversations prior to the Sunday morning that I came." The morning he referred to, he explained, was the day that he met James Earl Ray in prison. Foreman then testified that he did not talk to Huie until "approximately a week later." Unexplained by that testimony is how Foreman was able to secure the contracts among Hanes, Huie, and Ray before meeting any of them.

Foreman has said that within an hour of reading about Ray's arrest in London he ordered his secretary to begin a file on the case so that he would be prepared in the event that someone asked him to enter the case. Foreman has often boasted that he has represented more than 1,000 persons accused of murder and that he has only lost one man to the executioner. Major newspapers and national magazines have repeated that allegation as fact.

Not as thoroughly publicized was Foreman's indictment by a federal grand jury in Dallas in July 1975, for conspiring to obstruct justice and for obstructing justice. Indicted with him were Nelson Bunker Hunt and W. Herbert Hunt, both sons of the millionaire H. L. Hunt. In essence the grand jury charged that the Hunts employed two men to conduct alleged wiretapping and that Foreman was given "a secret payment of \$100,000" in order "to guarantee the silence of prospective witnesses." The indictment charged that the Hunt brothers paid the \$100,000, which

constituted Foreman's fee, to prevent his two clients (the men employed by the Hunts) from telling the truth to the grand jury. The charge against Foreman was that, in 1970, he conspired to pay witnesses to go to jail rather than permit them to tell the full truth about the principals involved with them in the criminal conspiracy. Foreman allegedly participated in the crime to secure a large sum of money for himself and in order to protect the other members of the conspiracy. He never informed his clients that he was really serving another master. According to a story written by Martin Waldron in *The New York Times*, Senator Eastland took an interest in the case:

There have been widespread allegations that political pressure was brought in Washington to keep the Hunts from being prosecuted. Senator James O. Eastland of Mississippi, the chairman of the Senate Judiciary Committee, made several inquiries about the case to the Justice Department. Senator Eastland has vigorously denied reports that he was paid \$50,000 to do this.

As the case against the defendants began, Foreman stated that he was too ill to participate. After Senator Eastland had expressed a concern, those defendants on trial, including Nelson Bunker Hunt, were permitted to plead no contest to reduced charges and fined. Foreman's case has not yet come to trial, as of this writing, February 25, 1977.

In 1969, James Earl Ray had charged that Foreman, perhaps acting on behalf of an unknown principal, had maneuvered him into a position in which he was forced to remain silent about the principals involved in a criminal conspiracy. Ray went to jail, remained silent, and the principals were not revealed.

The next year, according to a federal grand jury, Foreman entered into a conspiracy on behalf of principals unknown to his clients. Not until Foreman's case is tried, or until civil cases raise and dispose of the outstanding questions, can we pass upon the validity of the indictment against him. The plea entered by his codefendants, however, does not weaken the viability of the grand jury's indictment nor does it threaten the viability of Ray's account of his relationship with Foreman.

After Foreman became Ray's attorney by dazzling him with his almost unblemished record of victories, and by assuring him that no book or magazine contracts would be entered into and all previous ones revoked, according to Ray, Foreman embarked upon a campaign for more book contracts. In his August 31, 1970, affidavit, Ray wrote:

During this early period of Mr. Foreman tenure he once suggested I confirm, in writing, some theories being propounded by

another novelist, one George McMillan who, in collaboration with a phrenologist, was writing another novel concerning the case.

Mr. Foreman said the pair would give us \$5000.00 to use for defense purposes. I rejected this suggestion.

Then later Mr. Foreman transported a check to the jail for \$5000.00 for me to endorse. He had received the check from the novelist William Bradford Huie and that would I let him have the money to give to Nashville attorney, John J. Hooker, Sr. as a retainer fee. I agreed to this.

Also during this period I suggested to Mr. Foreman that rather than printing more pre-trial stories we instigate some type legal action to prevent the publishing of stories, especially the more rancid type articles such as was appearing in *Life* magazine.

Mr. Foreman rejected this suggestion saying: "Why stir up a barrel of rattle snakes." Still, later, on or about Jan. 29th 1969, Mr. Foreman transported a contract to the jail and advised me to sign it. "See contract Ct. records."

Mr. Foreman saying it would take considerable funds to finance the suit and pay John J. Hooker, Sr.'s fee.

On or about February 3rd 1969, Mr. Foreman transported still another contract to the jail and advised me to sign it. He told me the law suit was progressing well, that he could prove I was innocent, and the trial would start in the near future.

I also signed this document being reassured because the document stipulated that Mr. Foreman would represent me at "trial or trials" pending in Shelby County, Tennessee: in exchange for me signing the document. "see contract Ct. records."

There was no mention of "cop-outs" in the contract and it seems "cop-outs" are not legally classified as trials in Tennessee.

Foreman testified on November 11, 1969, that he did not "do business" regarding the publication of books until "about the 25th of January 1969," and that he did so then only because "Ray ordered me to do so." The testimony continues:

Foreman: I mentioned selling some pictures to *Life* Magazine and I made the contact with *Life* and *Life* sent a man to see me, the Senior Editor of *Life* that I am acquainted with and I relayed my conversation to Mr. Ray and Mr. Ray said, "Well, we have started with Mr. Huie and with *Look*. I don't see any reason to be

contacting or communicating with anyone else. Why don't you get in touch with Mr. Huie?"

Q: And that was the last week in January?

Foreman: It was about the 25th of January, my best judgment. I only say that because it was three or four days before the 29th of January and from the time around the 25th to the 27th of November until the 29th of January, I had no communication, conversation, written or otherwise, with Mr. Huie and didn't intend to have any.

Q: After your discussion with Mr. Ray when did you contact Mr. Huie?

Foreman: I would just have to estimate this but it was sometime between the 25th of January and the 29th of January, I would guess possibly the same day.

Q: And when did you agree upon a contract—there is one written out and dated, but did you agree on a contract at that time that was later put in written form?

Foreman: I never discussed any terms or contracts except the assignment from James Earl Ray to me dated January 29, of which I just presented you a copy and I would not have taken all of the rights of Ray as they had been reconveyed to him save at his request.

Foreman testified that although Huie was writing stories stating that Ray was guilty it was "absolutely not" damaging to the defense since Ray had agreed before January 29, 1969, to plead guilty. Ray has consistently denied that he agreed to plead guilty during January 1969. A contract signed by Foreman and Ray on February 3, 1969, tends to support Ray's contention. That contract obligates Foreman to represent Ray at a trial or at trials presently pending. In exchange for that agreement, Ray gave all of his rights to the Huie book, including possible motion picture rights, to Foreman. It seems unlikely that Foreman could have extracted those rights from Ray in consideration of Foreman's silent appearance at Ray's side while he entered the plea of guilty.

Foreman's sworn statement that he had not talked to Huie about his interest in the book prior to January 25, 1969, was challenged by Huie. In the book, *He Stew the Dreamer*, Huie wrote:

Early on Wednesday morning, November 27, 1968, I met Mr. Foreman at the statue of the Texas Ranger at the Dallas airport. We drove to Fort Worth, where he made a brief courtroom

appearance. Then we had lunch, and all together, we talked for several hours.

According to Huie, Foreman wanted Hanes out of the contract so that he "could have what Hanes had had." Huie said that Foreman told him, "So you get Hanes out and let me in, then, goddamn it, get to work and write us a good book and make us a good movie and make us some money."

Considerations as to how and why Foreman entered the case are important and interesting, but the attention of a serious inquiry must focus upon what he did after he became the attorney of record. I believe that the record reveals that Foreman was not prepared to go to trial. The implications of that statement are awesome, especially since during the period when he should have but failed to make a thorough examination of the facts, he was assuring Ray and his family that he was going to try the case and win it. Foreman's conduct constrains one to consider the nature of his commitment.

Young defense lawyers are often appalled when they learn that their client has a rather protracted yellow-sheet indicating a substantial criminal record. Experienced trial lawyers understand that such a record may be useful if it portrays a defendant very different from the one likely to have committed the crime in question. Ray had a not insubstantial record of petty thefts and robberies. Yet his *modus operandi* did not indicate that he would kill. A thorough examination of his record by the FBI revealed one fist-fight. He never fired a weapon at a human being. Percy Foreman might have made much of Ray's nonviolent background. Instead of probing that record, Foreman dismissed the subject stating that "all of a man's cells change every five years." Therefore, Foreman reasoned, past character attributes and previous experience and actions are irrelevant since each five years "a new man" with all new cells emerges like a moth from a chrysalis. Foreman's pseudoscientific analysis, offered quite seriously, might have been amusing had the circumstances been different.

This cavalier attitude characterized Foreman's approach to the evidence. When Judge Battle accepted Foreman as Ray's lawyer he made it plain that the case was to be tried in the near future. He ordered Foreman to prepare for trial quickly and indicated that he would be loathe to grant any additional delay.

Foreman knew that in order to be ready he would be required to secure and study the voluminous Hanes files, debrief Hanes, Sr., and Jr., quickly, interview Hays, their investigator, and send his own investigators into the field at once. Foreman evidently took none of those essential and basic steps.

Arthur Hanes, Sr., told me that on the Sunday that Foreman became counsel he spoke with Foreman about the files.

Hanes, Sr., also told me that upon being discharged by Ray he did want to be paid for the services that he had rendered. Subsequently, however, he said that he had offered all of his files and full cooperation to Foreman without charge.

Foreman called us on a Monday morning and said he was coming to Birmingham that afternoon. That was about three or four weeks after we were relieved of the case, about the end of November 1968. We said "fine." He told us his flight number and Art, Jr., met him at the airport and brought him to the office. We showed him what we had. Advised him he was welcome to everything he could see. We said, "you can have it all; you're the trial lawyer now." We tried to outline the case for him, to tell him what we knew. He didn't seem to be too interested. We offered him everything we had. He took nothing with him.

Arthur, Jr., interjected at that point, "He wasn't interested in the case. He wanted to drink some Scotch, eat some dinner, and talk about his famous cases. He also told us about how he made speeches all over the country."

I asked both lawyers how much time Foreman spent looking at the thousands of pages of documents, reports, photograph interviews, and trial briefs that comprised the Ray file in the Hanes office. Arthur, Sr., said "about ten minutes." He added, "then we took him to dinner. We called and made reservations for him because he said he wanted to go to Miami. We took him to the airport and put him on a plane to Miami. We offered him our files. He could have taken the originals. The whole thing. He was welcome to. If he had wanted photocopies we would have made them. He didn't want anything."

I asked Hanes, Sr., what he thought of Foreman's actions. He said, "My judgment is that the man never even considered trying the case. For as I can ascertain he never prepared and he never investigated. He never considered giving James Earl Ray a trial. For what reason, I don't know."

Renfro Hays said that he was never asked by Foreman to share the results of his investigation. Foreman, nevertheless, said that the Hays investigation was worthless.

Foreman's description of his investigation was made under oath. He testified, "I investigated the case and had the case investigated. As a

matter of fact I spent, I don't know how much money." He said that he questioned James Earl Ray about the crime "anywhere from thirty to seventy-five hours." The difference between thirty and seventy-five is considerable. If Foreman had questioned Ray two hours a day from the time he was retained until he pleaded Ray guilty he would not have had sufficient time to have amassed seventy-five hours of interrogation. Foreman was ill for a good portion of that time and in Memphis, where Ray was imprisoned, only rarely.

Ray told me that Foreman never asked him if he had fired the shot on April 4th, or if he had been in a conspiracy with others to kill Dr. King. Foreman confirmed Ray's assertion. Manuel Chait, a staff correspondent for the St. Louis *Post-Dispatch*, reported on March 11, 1969, following the guilty plea, that "after the sentencing Foreman, answering questions from reporters, said he never had asked Ray specifically whether he had been involved in a conspiracy." And Jerry Lipson, a staff writer for the *Chicago Daily News*, reported on that same day that "throughout his tenure as Ray's lawyer, the bear-sized Texan said, he never discussed the slaying directly. 'I never asked Ray that question,' he said, when asked if Ray had told him he had pulled the trigger." It is apparent to me that the most significant aspects of the case are: Was there a conspiracy to murder Dr. King? And did Ray pull the trigger? Yet the only two men who participated in the conferences, Foreman and Ray, both state that Foreman never inquired about either.

Ray told me that he recalled vividly one occasion when Foreman did touch upon the case in a conversation with him.

Foreman came to see me and he brought a batch of pictures with him. He had about ten or fifteen pictures. Most of them were pictures of Cubans or that's what they looked like to me. They were all white except one. Foreman said to me, "These are people that the FBI wants to get out of circulation." He said that the FBI said they were pro-communist or anti-communist and that the FBI wanted me to identify one or more of them. I told Foreman that I did not want to get involved in making a false ID. He said the FBI wanted an ID of one or more of them, that they wanted to get them out of circulation. I said I would not identify any of them. He looked at me and said that if I picked one out and said he shot Martin Luther King the FBI would arrest him and transport him to Memphis. I said, "No, I don't want to get involved in that type thing for various reasons." When it was clear that I was not going to make a false identification Foreman

said to me, "Is that your last word on the subject?" and I answered "yes." Then he left.

I asked Ray if any of the men looked familiar to him. He thought for a moment and I remembered again his style. He had said he would give me leads to follow and refute false charges that had been made against him but that he was not an informer and would not finger anyone. Then he said, "I recognized one picture. It was a man who may have been a Klan member. I never met him but I think I did see his picture in a newspaper. There was another picture that was familiar. It is hard to recognize a person and make a certain identification from a snapshot. But Foreman showed me a picture from the FBI of three men in Dallas. Just after Kennedy was killed. The three looked like they were under arrest. One of them looked like, and might have been, Raoul."

I have seen the photograph Ray referred to. In the photograph three men in Dealy Plaza, Dallas, appear to be under arrest, shortly after the assassination of President Kennedy. No available Dallas police department record makes reference to such an arrest and the names of the three men, apparently in police custody, have not been revealed by the local or federal police authorities. One of the men in that photograph, the smallest and the slightest of the three bears a striking resemblance to the artist's sketch of the presumed murderer of Dr. King. The sketch was utilized by the local and federal police in a search for the murderer. It was created by an artist employed by a Memphis newspaper in conjunction with witnesses who said they saw the man flee through the rooming house corridor and from the rooming house just after the shot was fired.

As we talked in the small library of the Brushy Mountain Penitentiary Ray recalled another occasion when Foreman had discussed a peripheral aspect of the case with him. The atmosphere was relaxed for the warden, Stonney Ray Lane (not related to either Ray or me), had been most hospitable in arranging for a comfortable room where Ray and I could talk without interruption or surveillance. Warden Lane had met me at the gate and had driven me to the maximum security section of the prison where Ray was confined. Will Rogers once said that he never met a man he didn't like. I never understood how that could be. In any event I never saw a prison that I did like. But Warden Lane proved a kind and considerate host and Ray and I talked on in relative calm and isolation.

Ray said, "One time Foreman came into the cell with a long list of places that had been robbed; banks, supermarkets, insurance companies. It was quite a long list with maybe fifty or sixty places on it. He said the list came from the FBI. I don't know if the FBI gave it to him or Huie got it from the FBI to give to him. He told me once, "Huie's got real good

connections with the FBI. Even better than mine. Huie can get things from the FBI in three or four hours that would take me three or four days to get."

Ray said that Foreman asked him to look over the list. "He wanted me to check off the places that I had robbed from the FBI list of unsolved crimes. Foreman said 'the FBI wants to be able to explain your source of money.' It was the craziest thing I ever seen. I told him 'I got the money from Raoul. He paid me for various jobs that I did.' Foreman said that the FBI wanted me to check off some of the places from the list. I just looked at him and said 'If I cop out to robbing a place I didn't rob someone is going to put me under oath and I won't be able to supply the details when they ask about them.' He said 'Yeah, that's right' and he finally put that long list away."

Ray recalled other subjects that the two men discussed as well.

Then at a later date when attorney Foreman visited me he had several duplicated typewritten sheets of paper with him, one clause in the sheets cleared the novelist, William Bradford Huie, and Look magazine, of damaging my prospects for a fair trial because of their pretrial publishing ventures, another clause; that if I stood trial I would receive the electric chair.

'I told Mr. Foreman that Mr. Huie and Look magazine were able, legally and finally, to look out for their own interest.'

Mr. Foreman's monologue was very strident that day in insisting that I sign the papers as I had to ask him several times to lower his voice to keep the guards, and open mike, from overhearing our conversation.

On November 11, 1969, when Foreman testified in a civil action brought against him in the United States District Court in Tennessee he was asked, "Who did your investigating work for you?" He answered, "OK, different people. I had a number of students from the university of Memphis and I had —." Since he never finished answering, the attorney inquired, "Could you give us some names please?" Foreman, however, had no names to offer. He said, "I don't know the names. My goddamighty man they were students. There were at least seven or eight of them." Foreman was then asked if he had "any investigators that were not students". He testified, "I don't use investigators except students. Where ever there is a college my investigators are always students and preferably serious students. I would not believe a private investigator, under oath, anywhere in America." Later Foreman was asked if he could remember the name of at least one of his investigators in the James Earl

Ray murder case. He replied, "I never knew the names of the student investigators." Foreman was asked how he could have known that his investigators were reliable since he knew nothing about them, not even their names. How did he know, he was asked, that they might not give any information they uncovered to the prosecution. Foreman said, "Yes, sir, that's why I hired them, because a man has to have character to stay four years in law school or medical school." He continued, "They have spent four years in college and it takes character to make that."

Before a few minutes had passed Foreman said that "there were about six or eight" from the school. He secured them through the services of a teacher, he thought, but he added, "I don't remember the names of a single teacher there. I am in a trial all the time. I don't try to remember anything like that." It soon became apparent that Foreman could not even remember the name of the school from which the "at least seven or eight" or "about six or eight" students whose names he did not know had been referred by a teacher or teachers he could not remember.

Foreman's cavalier attitude toward the investigation of a capital case is startling. A trained and skillful investigator can make the difference between a conviction and an acquittal. Neither senior students nor trained investigators can function on their own. The investigators must, of course, conduct their inquiries into the areas considered to be relevant and potentially rewarding by the trial counsel. Their work becomes valuable only at the point of production—in the court room. Had Foreman worked closely with the investigators, he would have been able to evaluate their work, know what discoveries they made, and certainly he would have remembered some of their names. It is not necessary to speculate about the anonymous investigators who apparently developed not a single lead. Foreman later said that he did all of his own investigating and never relied upon others. Hugh Stanton of the public defender's office in Memphis served as cocounsel with Foreman. During November 1976 investigators for the Citizens Commission of Inquiry asked if his colleague, Percy Foreman, used any investigators in the Ray case. He answered, "No, he did not to my knowledge." When Stanton was asked what Foreman did do for the investigation, he was unable to think of a single contribution. Eventually he answered, "Why don't you ask him that. I'm not going to sit here, honey, and tell you what somebody else did."

Several months after Foreman's investigation had been completed and his client imprisoned at a Tennessee penitentiary to serve a ninety-nine year sentence, Foreman, while testifying, was asked if he had ever talked to Charles Q. Stephens and his wife Grace. Charles Stephens was the only eyewitness against Ray and his wife might have been the most

important witness for Ray. Foreman did not know who they were; he asked if they were the owners of the rooming house. Foreman eventually admitted that he had not talked to either Mr. or Mrs. Stephens.

One of the lawyers who represented Ray after Foreman was discharged told me that Renfro Hays had been very anxious to assist Ray even while Foreman represented him. He said that Hays sent McCraw, the taxi driver, to see Foreman so that the new trial counsel might be informed that Stephens was drunk shortly before Dr. King was shot. Foreman acknowledged that he spoke with McCraw, whose name he could not remember. He said, "I talked to the cab driver that hauled him [Stephens] away from there." Actually McCraw told Foreman that he did not "haul him [Stephens] away" because Stephens was too drunk. Foreman had finally remembered a witness, although not by name, but he had forgotten the point of the witness' assertion. According to Foreman's successor, McCraw said that after he told Foreman that the states' only witness was too drunk at the crucial moment to be reliable Foreman said only, "Don't tell this to Stanton." Foreman had finally come across an important allegation for the defense and he was apparently determined not to share that evidence with his cocounsel.

The evidence reveals a sad and shameful story. Foreman, for reasons not now known, had not adequately prepared to try the murder case although he constantly assured his ill-educated client and his brothers that he was more than ready for the easiest of all conflicts.

According to Ray, Foreman began a campaign to convince him to plead guilty soon after Ray had entered into a binding contract with him. Ray said he recalled the arguments Foreman advanced quite clearly.

Mr. Foreman gave me the following reasons why a guilty plea was necessary:

(One) He said the media had already convicted me and cited the pretrial articles written in *Life* magazine and the *Reader's Digest*, with the help of government investigative agencies as examples.

He also cited various articles printed in the local press, particularly the story in the *Commercial Appeal* dated November 10th, 1968, just two days before trial date.

Further, Foreman cited the record of the Amicus Curiae Committee saying neither the committee or trial judge would attempt to halt publicity unless it reflected on the prosecution case.

(Two) Foreman suggested, speciously, that it would be in my financial interest to plead guilty.

(Three) That the prosecution had promised a witness considerable reward money for testifying against me, that this witness had already been given a raise in a welfare check he was receiving from the government, that the prosecution was also paying his food and wine bills.

Further, that two Memphis attorneys had signed a contract with this alleged witness for 50% of all revenue he received for his testimony. They in turn would look out for his interest.

Mr. Foreman also gave me the following reasons why the prosecution wanted, and would therefore let me plead guilty:

(One) That the Chamber of Commerce was pressuring the trial judge and the Attorney General's office to get a guilty plea as a long trial would have an adverse effect on business, boycotts and such.

Further, that the chamber wasn't unhappy about Dr. King being removed from the scene—hence the acceptance of a guilty plea.

(Two) That trial judge Battle was concerned about the effects a trial would have on the city's (Memphis) image, and that the judge had even dispatched his Amicus Curiae Committee Chairman, Mr. Lucian Burch, to persuade some SCLC members to accept a guilty plea.

Ray told me that he had listened very carefully to Foreman's arguments and that he replied that he had not shot King and that he, therefore, wanted to stand trial. "I also remembered that he told me that it was an easy case to win. I thought we would win but even if we might lose I wanted to stand trial. Hanes knew that and they were ready. Now I know that I had made a terrible mistake firing them." Ray said:

Later, after considering all that Mr. Foreman had told me I did I still wanted to stand trial.

I told Foreman I agreed that the media had had an adverse effect on the prospects of my receiving a fair trial but I didn't think the public any longer believed every fabrication they read or, saw on TV—therefore a possible fair jury verdict.

Mr. Foreman's reply was that if I plead guilty he could get me a pardon, after two or three years, through the office or Nashville attorney, John J. Hooker, Sr., as a relative of Mr. Hooker would then be Governor.

John J. Hooker, Sr., was a well-respected member of the Tennessee bar. His son was at the time a candidate for the office of Governor of

Tennessee. The political prognosticators predicted that Hooker could not lose. Foreman's association with Hooker, who later represented both Huie and Foreman when Ray brought a civil action against them, was related to Ray as the clincher in Ray's subsequent pardon application if he would but cooperate and plead guilty. Hooker, Jr., never did become governor; he was defeated. Yet his candidacy played an important part in ultimately convincing Ray to plead guilty.

On February 13, 1969, Foreman wrote a letter to Ray. In that letter Foreman said that there was a "little more than a 99 per cent chance" of a death penalty and a "100 percent chance of a guilty verdict." Ray began to wonder what had happened to "the easiest case" Foreman had ever encountered. Ray said that when he told Foreman he had not fired the shot, Foreman replied that the prosecution could rig the jury. According to Ray, Foreman said, "the court clerk had been on the job for eighteen or twenty years." Ray said, "I was considering trying to relieve Mr. Foreman and get another attorney who would let me have a jury trial, but Judge Battle said that I was going to trial with Mr. Foreman and that was it. In other words, I was caught between Judge Battle and Mr. Foreman."

Even under those circumstances Ray decided to risk a jury trial. Ray said that he continued to give leads to Foreman and that Foreman refused to explore them.

One time I told him that the police had made a statement that I was not within four miles of Dr. King when he was shot. So I told Mr. Foreman about that. Later he told me he called Mr. Holloman, the director of the police department but that Mr. Holloman would not let him have the statement. I said, "Why don't we get a discovery proceeding so we can force him to give us the statement" and Mr. Foreman said, "If we do that he might destroy the statement." I knew it wasn't logical but what could I do.

Ray said he felt trapped, caught between the judge who would not permit him to get another lawyer and his own attorney who insisted that he plead guilty. During this most difficult time, Ray was unable to sleep due to the constant bright illumination of his cell and unable to speak frankly to his attorney except in whispers due to the microphones in the cell which the trial judge had solemnly asserted were placed there for his own security.

Ray said that Foreman explained to him that if the state could prove that he had been involved in any criminal conduct, and that Dr. King died as a result of that conduct, that Ray could be convicted and executed as if he had fired the fatal shot. According to Ray, Foreman said that even if

Ray had now known that there was a conspiracy to kill Dr. King he could be convicted because he had been part of it. "He told me that if they could prove I was just an accomplice I would be just as guilty as the other party."

Foreman was apparently discussing the legal concept of felony murder. If several men agree to participate in the robbery of a store, and all agree that none of them is to be armed and that none will harm any other person, and in the midst of the robbery one of the robbers pulls out a gun and kills anyone, either the proprietor, a bystander, or a fellow robber, all of the survivors may be tried for first-degree murder under the concept of felony murder. The theory is based upon the agreement to commit a felony and the death of anyone during the commission of the felony. Foreman extended the concept, Ray said, to cover his case. Ray had purchased a rifle illegally, and transported it across state lines in order to participate in the illegal sale of arms abroad. If anyone died as a result of that effort, Ray was led to believe, he was legally guilty of the murder.

At last Ray began to believe that he might be legally guilty even if he had not known of the conspiracy to kill Dr. King and even if he had not fired the fatal shot, as long as there actually was a conspiracy. Ray knew that he had participated in a criminal conspiracy to smuggle guns out of the country. He believed that one of those guns may have killed Dr. King. Finally, Ray said, Foreman said, "If you force me to go to trial I will get that Negro judge Ben Hooks as cocounsel."

In an affidavit he filed with the Memphis Criminal Court, Ray said: Later, after considering all that Mr. Foreman had told me, I said I still wanted to stand trial.

I told Foreman I agreed that the media had had an adverse affect on the prospects of my receiving a fair trial but I didn't think the public any longer believed every fabric they read or saw on TV—therefore a possible fair jury verdict.

Mr. Foreman's reply was that if I plead guilty he could get me a pardon. After two or three years, through the office of Nashville attorney John J. Hooker, Sr., as a relative would then be Governor.

I knew from newspaper accounts that Mr. Hooks had resigned a judgeship to accept a position with SCLC.

Therefore I told Foreman that having Hooks as a counsel would be a clear conflict of interest, more so than the grounds attorney F. Lee Bailey refused the case on. Foreman's reply was that as chief counsel he had the right to pick cocounsel.

By this time Mr. Foreman had finally got the message over to me that if I forced him to trial he would destroy—deliberately—the case in the courtroom.

I didn't know he would fake the trial until I read the article he wrote for *Look* magazine, published April 1969.

It was also my belief that I would receive only one trial—that appellant etc. probably wouldn't be looking too close for technical error in case of conviction—therefore I didn't want the one trial faked.

On March 9, 1969, Foreman sent a letter to Ray which had the effect of assuring him that he would be given a potentially large sum of money if he did not alter his agreement to plead guilty to murder the following day and "if the plea is entered and the sentence [of 99 years] accepted and no embarrassing circumstances take place in the court room."

On March 10, 1969, James Earl Ray, accompanied by his lawyer, Percy Foreman, appeared before Judge Battle and pleaded guilty. Battle asked Ray if he was pleading guilty to murder in the first degree because he was "legally guilty of murder in the first degree as explained to you by your lawyers." Ray answered, "Yes, legally guilty, uh-huh. Foreman then addressed the court and jury.

Gentlemen of the Jury, I am Percy Foreman, permitted by his honor to appear, and it is an honor to appear, in this court for this case.

"I never expected, hoped or had any idea when I entered this case that I would be able to accomplish anything except perhaps save this man's life.

"All of us, all of you were as well-informed as I was about the facts of this case due to the fact that we have such an effective news media, both electronic and press and magazines. Took me a month to convince myself of that fact which the Attorney General of the United States and J. Edgar Hoover of the Federal Bureau of Investigation announced last July; that is, just what [Attorney] General Canale told you, that there was not a conspiracy.

At the first opportunity to speak Ray said:

Ray: Your honor, I would like to say something too, if I may.

The Court: All right.

Ray: I don't want to change anything that I have said. I don't want to add anything onto it, either. The only thing I have to say

is, I don't exactly accept the theories of Mr. Clark. In other words, I am not bound to accept the theories of Mr. Clark.

Foreman: Who is Mr. Clark?

Ray: Ramsey Clark.

Foreman: Oh.

Ray: And Mr. Hoover.

Foreman: Mr. who?

Ray: Mr. J. Edgar Hoover. The only thing, I say I am not—I agree to all these stipulations. I am not trying to change anything. I just want to add something onto it.

The Court: You don't agree with those theories?

Ray: I meant Mr. Canale, Mr. Foreman, Mr. Ramsey Clark. I mean on the conspiracy thing. I don't want to add something onto it which I haven't agreed to in the past.

Foreman: I think that what he is saying is that he doesn't think Ramsey Clark's right or J. Edgar Hoover is right.

I didn't argue them as evidence in this case. I simply stated that underwriting and backing up the opinions of [Attorney] General Canale, that they had made the same statement. You are not required to agree or withdraw or anything else.

The Court: You still—your answers to these questions that I asked you would be the same?

Ray: Yes, sir. The only thing is I didn't want to add anything onto them. That was all.

The Court: There is nothing in these answers to those questions I asked you, in other words, you change none of those?

Ray: No, sir. No sir.

The Court: In other words, you are pleading guilty and taking 99 years, and I think the main question here that I want to ask you is this:

Are you pleading guilty to murder in the first degree in this case because you killed Dr. Martin Luther King under such circumstances that would make you legally guilty of murder in the first degree under the law as explained to you by your lawyers?

Ray: Yes, sir, make me guilty on that.

The Court: Your answers are still yes?

Ray: Yes, sir.

The Court: All right, sir, that is all.

Ray had remained loyal to the only concept which he said might legally establish his guilt. There was a conspiracy and, because there was, he was *legally* guilty. The incurious attitude of the judge while the defendant stated in open court that others were involved in the murder remains inexplicable nine years later. After the plea was entered, Judge Battle sentenced Ray to 99 years in a state penitentiary. The judge then addressed the jury and the press. He said:

The question might arise in many minds, "Why accept any plea at all? Why not try him, try to give him the electric chair?"

Well, I have been a judge since 1959, and I myself have sentenced at least seven men to the electric chair, maybe a few more. My fellow judges in this County have sentenced several others to execution. There has been no execution of any prisoners from Shelby County in this state since I took the Bench in 1959. All the trends in this country are in the direction of doing away with capital punishment altogether.

Well, that certainly explained why the state was eager for the plea, but left in doubt those who wondered why Ray's attorneys had arranged a deal which secured the maximum sentence for Ray.

The Judge, who had refused to inquire about the conspiracy to kill Dr. King when Ray invited him to do so, then discussed the absence of a conspiracy.

It has been established by the prosecution that at this time they are not in possession of any evidence to indict anyone as a coconspirator in this case. Of course, this is not conclusive evidence that there was no conspiracy. It merely means as of this time there is not sufficient evidence available to make out a case of probable cause against anybody. However, if this defendant was a member of a conspiracy to kill the decedent, no member of such a conspiracy can ever live in peace or lie down to pleasant dreams, because in this state there is no statute of limitations in capital cases such as this. And while it is not always the case, my 35 years in these criminal courts have convinced me that in the great majority of cases, Hamlet was right when he said, "Murder, though it hath no tongue, will speak with most miraculous organ."

Judge Battle had kind words to offer about Percy Foreman for he had played a decisive role in arranging for the guilty plea.

The defendant is represented by able and eminent counsel. All his rights and all the safeguards surrounding him have been zealously and conscientiously observed and adhered to.

The Judge felt called upon to praise the system of justice that had brought about such an irrefutably fair result.

I cannot let this occasion pass without paying tribute to Tennessee, Southern, American and Western Free World Justice and security which was truly a team effort involving scores and even hundreds of persons.

Having defended Foreman, Tennessee, the South, and the Western Free World, Judge Battle closed with a modest eulogy for Memphis.

This court, nor no one else, knows what the future will bring, but I submit that up to now we have not done too badly here for a "decadent river town."

If I may be permitted to add a light touch to a solemn occasion, I would like to paraphrase the great and eloquent Winston Churchill, who, in defiant reply to an Axis threat that they were going to wring England's neck like a chicken, said, "Some chicken, some neck."

I would like to reply to our Memphis critic, "Some river, some town."

Is there anything else?

What else could there be?

Ray was transferred to a state penitentiary to begin serving his long sentence. As soon as he was removed from the oppressive and blinding atmosphere of the Memphis jail he wrote a letter to Judge Battle.

Dear Sir,

I wish to inform the honorable court that the famous Houston Attorney Percy Fourflusher is no longer representing me in any capacity. My reason for writing this letter is that I intend to file for a post-conviction hearing in the very near future and don't want him making any legal moves unless they're in Mr. Canale's behalf.

Sincerely,
James Earl Ray

He later submitted a sworn statement to the Memphis Criminal Court explaining what happened to him after he wrote the letter.

After I wrote the March 13th letter to Judge Battle indicating I would ask for a trial, corrections Commissioner Harry Avery strongly advised me not to seek a trial.

He said if I didn't I would be treated like any other prisoner and would be released from isolation at the end of the prescribed six weeks. But if I persisted in asking for a trial he couldn't promise anything—he said he was speaking for the highest authority.

Just one week after Judge Battle had sentenced Ray, he granted an interview to Bernard Gavzer of the *Washington Post*. In that interview, Battle said that he accepted the plea because "had there been a trial, there could have been the possibility, in such an emotionally charged case, of a hung jury." He added that Ray "could have perhaps been acquitted by a jury." So much for justice in this part of the Western Free World.

On April 15, 1969, *Look* magazine, in an article by Percy Foreman, credentialled as "attorney for James Earl Ray," purported to prove that Ray acted alone in the murder of Dr. King. Foreman offered his theories, claiming that he had spoken with Ray for "40 hours" and concluding that Ray "didn't tell me any of this: it is what I believe he thinks." On October 10, 1976, Foreman was interviewed by Roger Aldi, an intelligent and informed newsman. For the first time Foreman was pressed to provide some details. A transcription of that part of the program follows.

Aldi: Mr. Foreman, from a defense perspective, from what I could gather, there is no way to trace the bullet that killed Dr. King to the rifle that James Earl Ray admittedly did purchase in Birmingham.

Foreman: It is true that the, uh, . . . there were no ballistics, that was an FBI report on that bullet. But that is not the only way to get convicted of murder.

Aldi: The state's only real witness to place James Earl Ray at the scene at the time of the murder apparently was dead drunk at the time.

Foreman: Well, you've been reading a bunch of things that have been collected by somebody with a Jewish name—I forget his name, uh, and all of this—what you're probably doing is rewriting the book.

When the program was broadcast, Aldi interjected the following comment at this point:

I don't know what book Mr. Foreman was referring to but his answers to other questions about evidence that might have proved James Earl Ray innocent were dismissed in a similar manner. And the situation did not get better when I asked him about what he reportedly told James Earl Ray before the decision to plead guilty.

Their dialogue continued:

Aldi: Did you ever tell James Earl Ray that the state would get some kind of blue ribbon jury, and it was a sure conviction?

Foreman: Now listen, Mr. Aldi—I'm tired of listening to this horse shit. I told your James Earl Ray exactly what it was my duty to tell him. And I pointed it out to him—sometime while I was on this case in Memphis there were at least five or six major cases tried with serious verdicts. And each one of them—I didn't tell him anything. I discussed with him whatever was in the papers about the other cases.

On January 14, 1970, James Earl Ray, in his lonely cell in a Tennessee penitentiary learned that Arthur Hanes, Sr., his first trial attorney in the case, had been quite ill. He wrote to him:

Dear Arthur,

I have read in the paper where you have been a little under the weather.

I trust those young nurses will have you back in condition before you receive this letter.

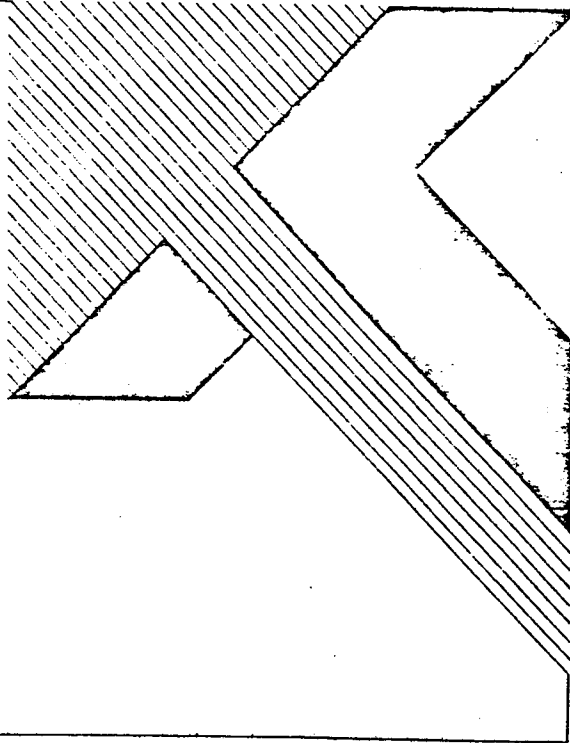
Sincerely,

James Earl Ray

P.S. At least you don't have Percy Foreman for a doctor.

PART SEVEN

KALEIDOSCOPE



Chapter Twenty-Six

‘THEY/HE SLEW THE DREAMER’

by Mark Lane

During the eight years that followed Ray's initial effort to secure a trial, after entering a plea of guilty before Judge Battle, a few books have been written purporting to tell the truth about the events of April 4, 1968. Perhaps the two most important books on the subject are *He Slew the Dreamer*, by William Bradford Huie and *The Making of an Assassin*, by George McMillan. One can, on occasion, tell a book by its cover. The titles of both books about James Earl Ray make it quite clear that the authors were convinced of his guilt. Huie said that after Ray was arrested, "I decided to try to persuade him to sell me information." He wrote to Ray that "if you want to deal with me, I will have a contract drawn for us to sign, and I will pay you a substantial sum of money". He told Ray in that introductory letter that "Americans yearn to know the whole truth about why and how" the murder of Dr. King was accomplished. In many letters to Huie, Ray described, in exquisite detail, his view of the conspiracy to murder Dr. King. Yet, although Huie's book was published in 1970, on December 25, 1976, *The New York Times*, in a front-page story headlined "Conspirator Hunted in Dr. King Slaying," published an article which said "In March 1969, when Mr. Ray pleaded guilty to killing Dr. King, he told the court that he did not agree with statements by the prosecution and by his own defense attorney that there was no conspiracy involved. However, Mr. Ray has never explained what he meant." Evidently, a problem had arisen somewhere between Ray's telling of the tale to Huie and its publication by Huie.

There is no doubt that Ray understood that his prospective biographer, Huie, had prejudged the case against him even before he had begun his inquiry. In the first letter sent by Huie to Ray, through his attorney Arthur Hanes, Sr., he wrote, "Obviously you were involved in

Dr. King's murder." Later, when Percy Foreman tried to insinuate George McMillan into the scene by arranging yet another publishing deal, this one between McMillan and Ray, the defendant, this time exercising sound discretion, declined. Foreman had brought McMillan to the jail cell, but Ray refused to see him.

Why did Ray enter into a business arrangement with Huie when he suspected, not without reason, from the outset that Huie's prejudice might overcome the facts? Ray explained in testimony offered by him in the Federal District Court in an action that he subsequently brought against Huie and others.

Well, the only reason I signed this contract there, well, I was under obligation to Mr. Hanes. He made three trips to London and I didn't have no money to pay him. I think I had \$150, something like that, so I, originally, suggested that Mr. Hanes try to raise the defense money or something, but he thought the book would be best and so I more or less had to go along with the recommendations of the attorneys and I signed the contract in order to raise money for the defense. Mr. Hanes didn't want to get involved in—in the pauper's—in other words, more or less Court appointed people to work on the defense. That's one reason I signed the contract.

Later Ray testified about the new book contract that involved both Huie and Foreman.

This here was a little different, the way I got involved with Mr. Foreman and the way I got involved with Mr. Hanes. After Mr. Hanes had been dismissed at the recommendation of Mr. Foreman, I—I—Mr. Foreman told me there couldn't be any contracts until after the trial was over. He also made the statement in open Court, I think, that he wasn't going to—Mr. Foreman made the statement he wasn't going to pan his profession to the press, or something of that nature, so I was under—I was under the impression there wouldn't be no contract when Mr. Foreman took the case until after the trial was over.

Q. After you were under that impression there would be no contracts with Mr. Foreman—are you talking about book contract or some other kind of contract?

A. No, book contract with Mr. Huie, he—we discussed this when he took over the case. That was one of the stipulations, that contract bookwriting wouldn't interfere with the trial. Mr. Foreman said he had enough—in other words, enough money

that he wouldn't get obligated with book rights to finance the case, in other words, Mr. Foreman financed the case on his own until the trial was over and then he could get his money.

Q. Then subsequent to that, about how long was it until you did sign the contracts with Mr. Foreman and Mr. Huie, or did you?

A. Yes, I did, but this—Mr. Foreman, he—these contracts came up in a more or less—another money matter—do you want—I would have to explain that to start with.

Q. Go ahead and explain it.

A. Like I said, Mr. Foreman made the public statement that he could finance the case himself until the trial was over and he would have me sign a contract for the book to pay him off and his fee was supposed to be \$150,000 and he would take care of all expenses and finance the jury trial and everything but after he had been on the case, I am not positive now, I will say two or three weeks, and he came to see me and he told me he was going to hire one of the best attorneys in Tennessee. He talked to several of them and he mentioned Mr. Hooker here, Senior, personally, and so he told me it was going to take quite a bit of money, so I thought maybe he was hinting around wanting more money for the contract. Of course, I know attorneys like money. I said, I told him to just take all that contract when this trial was over and go ahead and hire Mr. Hooker or whoever you want to as long as we can get the right kind of trial.

So, sure enough, a few days later he came up with a contract with Mr. Huie, and Mr. Foreman said he was—the contract would give, I think, Mr. Foreman sixty percent and Mr. Huie forty percent, so I signed it under those—believing that we were going to have all these high powered attorneys and everything. What we got was the Public Defender.

The contract among Huie, Ray, and Hanes stated, "for the purpose of establishing the truth" regarding "the assassination of Martin Luther King, Jr." and "the alleged participation of Ray therein." It was entered into during July 1968. Three months later Huie told the press that "Ray delivered to me a first installment of 10,000 words written in longhand, a month ago. Since then he has delivered 10,000 words more". Quite clearly Ray cannot be held accountable for the failure of communication upon which *The New York Times* commented.

When Huie testified on his own behalf in the federal action filed

against him by Ray he made a most intriguing disclosure. He testified that he originally planned to call the book "They Killed the Dreamer" and that later the title was changed to "He Killed the Dreamer." Huie was incorrect. He had originally entitled the book "They Slew the Dreamer" and then changed the title to "He Slew The Dreamer." Quite obviously there had been a change in concept from a book seeking to prove a conspiracy to one asserting that Ray acted alone.

When he testified as a defendant in November 1969, Huie sought to explain how and why the change had occurred. He was asked who had made the decision to change the title.

I did. You see, all publishing plans and interests in the King case, many people sitting in New York assumed from the beginning that Ray didn't make the decision to kill Dr. King, meaning conspiracy. Gallup Poll showed eighty-four percent of the people in the United States wanted to believe in conspiracy as regards murders of Jack Kennedy or Bobby Kennedy or Dr. King. All publishers and editors want is books about conspiracy. They want you to prove conspiracy and show conspiracy.

Actually the Gallup Poll did not measure what the American people "wanted to believe" regarding a conspiracy; it was intended to reflect what the people did believe.

Huie then volunteered a bit of testimony which was quite surprising, perhaps astonishing, to me.

As an aside, if I may, I was offered \$250,000, not returnable, by a group of publishers soon after the murder of Jack Kennedy to write the first of the books questioning the Warren Commission Report, what was to be the Warren Commission Report, the authoritative statement. I went to Texas with private detectives who worked with me before and we worked for two weeks and came back and talked to the Attorney General, Bobby Kennedy, and I convinced myself that Jack Kennedy was killed by Lee Harvey Oswald and that Oswald never met Jack Ruby, his own assassin, before in his life. Therefore, I couldn't write a book that would have been economically profitable, and, therefore, had to decline the money because I simply believed Oswald acted alone and Bobby Kennedy, the Attorney General, whose office had all the facts that had been released, believed it and therefore, I don't know why I should disbelieve it.

I went along on this business of a Ray conspiracy reluctantly,

so all of the projections as to what the Ray story might be worth was based on the assumption that they did kill the dreamer. That there was a "they" in the story, and early in the story, I, myself, reluctantly, went along on a conspiracy.

On occasion one comes across a joint venture in the publishing industry where a hardcover firm and a paperback company do a contract together for a book. However, in the highly competitive book publishing industry groups of publishers do not usually join together to publish a work. I remember the period prior to the publication of the Warren Report quite well. During that period almost every major publisher in the United States declined to publish my book based on the subject and it was not until after a conservative English firm in London agreed to publish *Rush to Judgment* that an American publisher did publish the book.

It is safe to say that major publishers in the USA were not anxious to publish books questioning the Warren Commission Report during 1964. The advance offered to me by an American publisher was \$5,000 for world rights to my book, not \$250,000. It is true that after 1966 when *Rush to Judgment* was published and became the number one best selling book in American that year, and the next year in paperback form, other manuscripts on the subject were more easily able to find publication. Yet, Huie's testimony was in relationship to a much earlier time; a period prior to the publication of the Warren Report itself. More troubling is the assertion that his two-week inquiry into the assassination of President Kennedy disposed of all of the troubling questions. Thirteen years later most Americans, including a majority of the members of the Congress, are still not satisfied.

Huie continued with his testimony.

I went along with the theory. There were several bits of evidence. The first thing I found that seemed to indicate to me that someone other than Ray made the decision to kill Dr. King, —I never had any doubt from the beginning that Ray was the murderer himself, but the question was in my mind whether Ray himself made the decision to kill. So I believed, for several weeks in August and September, oh, until early in November, until Ray took the step to postpone the trial. For instance, I believed that someone other than Ray had made the decision. That was a mistake. I made a horrible mistake because I went along with the conspiracy theory for a while. I could not find any evidence that other people were involved and Ray, who had failed to provide me or anyone any

believable evidence that anyone else was involved, so I had to change my plans and inform everybody, magazine publishers, book publishers and everybody, which I did, I think, possibly, around December 1st, that I couldn't travel on a conspiracy; that I could not identify any person; I couldn't sustain a proposition that someone other than James Earl Ray made the decision to kill Dr. Martin Luther King. I had to back off and I would never have written anything else about Ray except that I had already committed myself and already made a mistake and I had to try to correct it and it is something that is a very grave disappointment to me.

Huie's statement that "I never had any doubt from the beginning that Ray was the murderer" places in rigid context his approach to the evidence in the case. In this respect he shared with George McMillan (whose work we will explore fully in the next chapter) a prejudice that precluded the consideration of the delicate shading of testimony. Huie and McMillan operated from a commitment to preconceptions. The prosecuting authorities in Memphis, Huie, and McMillan continually observed that major portions of the evidence had to be rejected because they did not fit in with what had been presumed—the lone guilt of Oswald or the lone guilt of Ray. Thus, the official version of the events could hardly be distinguished from the epistle published by those claiming to possess independent judgment. Huie then explained why he decided that there had been no conspiracy.

The postponement—Ray's desire to postpone the trial was one of the things that caused me to decide, because I thought the decision to postpone the trial was very ill-advised from Ray's point of view.

Although Huie said that the desire to postpone the case was "one of the things" that brought about his decision that there had been a conspiracy he, at that time, offered no other consideration that led him to that conclusion. The determination to seek a continuance in this case, as in most pending matters, was made by trial counsel, not by the defendant. While such a decision may have been ill-advised, it is difficult to understand how such an application could logically have any bearing on the question of whether or not there had been a conspiracy to murder Dr. King. In the absence of some more substantial argument proffered by Huie his dramatic change is, in my opinion, unconvincing.

According to Huie's testimony, before he contracted to write *They or He Slew the Dreamer*, he entered into an agreement with *Look* magazine

through its Vice President and general counsel, John F. Hardy. "At that time we foresaw two articles," he testified. He added, "They paid me \$10,000 on what I was anticipating writing at that time."

Huie did write two articles for *Look* which were published in November 1968, three months after Ray's first installment of 10,000 words reached him and more than two months after the second installment was in his hands. Since Huie had solved the John F. Kennedy assassination in two weeks, even though ten months and 25,000 interviews by the FBI were required to assist the Warren Commission to its conclusion, two or three months to look into Ray's allegations would seem to be more than adequate for him. He evidently thought so. His first article was entitled, "The Story of James Earl Ray and the Conspiracy to Kill Martin Luther King." The second, "I Got Involved Gradually and I Didn't Know Anybody Was to be Murdered." In the November *Look* articles Huie makes it quite apparent that he believes that a conspiracy took the life of Dr. King and Ray was utilized, perhaps unwittingly, by that conspiracy.

In April, 1969, *Look* published a third article by Huie. This story, "Why James Earl Ray Murdered Dr. King" reflected Huie's new position. In his appearance in the Federal Court in Memphis Huie, when asked how much *Look* paid him for all the articles responded, "*Look* paid me \$62,871.85." A conclusion can be drawn from Huie's testimony that *Look* paid him \$5,000 for each of the first two articles in which Huie stated that there was a conspiracy and more than \$50,000 for the third and shortest article which he entitled "Why James Earl Ray Murdered Dr. King." It would appear, therefore, that Huie successfully rebutted his earlier testimony in which he claimed that publishers only desire and, therefore, pay handsomely for conspiracy stories.

It is, I suggest, truly instructive to make at least a cursory examination of Huie's three magazine articles before looking at the book which he later published.

In the first article, published on November 12, 1968, Huie described Ray's escape from the Missouri State Penitentiary at Jefferson City, his trip to Canada, and his fateful meeting with a blond Latin, approximately thirty-five years of age, to whom Ray referred only as Raoul.

Ray wrote to Huie that after arriving in Canada he did not plan to return to the United States. Huie asserted that Ray wrote that his decision to remain out of the country was "certain." Ray's efforts, according to Huie, were directed toward securing a passport and sufficient funds to leave Canada for Europe.

McMillan, and other supporters of the theory that Ray broke out of jail solely for the purpose of assassinating Dr. King, could not be

expected to believe Ray's assertion. Huie, however, wrote, "I believe it's true that he never intended to return to the United States."

According to Huie, Ray frequented the Neptune Tavern in Montreal where he "sort of let the word get around that he had had a little trouble down in the States, that he was looking for I.D. and capital, and just might be available for activities that didn't involve too much risk." This, said Huie, "resulted in a contract." The contract was with Raoul. According to Ray, he and Raoul met at least eight times during the next three weeks to explore Raoul's suggestion that identification papers and cash might be provided to Ray if he assisted in various efforts. Ray said that he had just about run out of funds at that point. He held up the manager of a house of prostitution and stole approximately \$800. Of that effort Ray said, "I hated to take a risk like that, but I figured that if I held up a whorehouse they probably wouldn't report it, and I guess they didn't."

While developing a relationship with Raoul, Ray met and cultivated a relationship with a Canadian woman whom he had hoped would assist him in securing a passport.

Between August 8 and August 21, 1967, Ray met with Raoul at least five more times.

Huie wrote that Raoul had offered a six point deal to Ray: One—They were to meet in Windsor on August 21, 1967, at the railroad station.

Two—Ray was to furtively transport packages for Raoul in a series of border crossings between the United States and Canada in his used car.

Three—Ray was then to travel to Alabama by surface transportation (train or bus) after selling the car.

Four—Ray would receive from Raoul living expenses and a sum to purchase an appropriate automobile.

Five—After Ray had undertaken and accomplished several more tasks Raoul would provide \$12,000 and a passport and other means of identification.

Six—Raoul required that Ray remain incurious about the projects and seek to secure no information that Raoul did not provide voluntarily.

According to Huie, Ray later explained the dilemma that had confronted him and informed Huie that he was in a quandary. He was more than reluctant to return to the United States and face the possibility of being returned to the penitentiary in Missouri. However, he had almost no money left and he had been unable to secure adequate identification. He said that he had agreed to meet Raoul in Windsor but was planning to ask the Canadian woman who lived in Ottawa if she would help him get a passport.

Later Ray told me the same thing. He said, "I had sworn to myself

never to come back to the U.S., to this snake pit." If the Canadian woman was willing to arrange for me to get a passport I never would have come back. If she said she would help me then I never would have met Raoul in Windsor. I never would have bought the rifle in Birmingham and I never would have been in Memphis on April 4th."

Huie sought to check out each of the allegations made by Ray. In almost every instance Huie went to the address indicated by Ray, found the relevant witnesses, and was satisfied that Ray had been truthful.

Huie met and interviewed the Canadian woman. He was evidently overcome with her beauty for he made repeated references to her appearance. He wrote that he was surprised that such a very attractive woman could have been interested in James Earl Ray. Later when I told Ray that I wanted to interview his Canadian friend he smiled and asked, "Is that because she's an important witness or because you believe Huie's description of her?" He added, "She isn't beautiful at all. She is a real nice person and just an average-looking middle-class woman." I said Huie had gone on at some length about her beauty and Ray answered "Well, she is beautiful compared to him."

Huie wrote that he met and interviewed the Canadian woman. Huie's published account of that interview is in all major respects identical with what Ray told me had transpired. Ray had driven to Ottawa to see her. As they drove around the capital city she pointed out where she worked and various other government buildings in the vicinity, including the nearby headquarters of the Royal Canadian Mounted Police. Thus did Ray discover that his Canadian friend was a government employee. He had almost decided to risk telling her the truth, or part of it, in an effort to enlist her in his plan to receive a passport. He was about to ask her if she would swear on an official government form that she had known him for two years. The proximity of the government buildings, the Mountie headquarters and his discovery that she worked for the government caused him a moment's panic. He decided not to ask for her help. The alternate plan, to meet Raoul, had suddenly become the only viable route.

The Canadian woman said that when Ray left her "He said he had to meet a man in Windsor." He wrote to her, planned to meet her when she took her vacation, but a brief stop in Memphis intervened and they never met again. The romantic-tragic parting between Ray and his Canadian friend was but a precursor to the monumental tragedy that was to follow.

It is apparent that Huie accepted as fact the major portions of Ray's lengthy statement, and that in addition he was satisfied that Ray's allegations, which were readily subject to verification, had been verified by his own inquiries. In most instances Huie gave the impression that he be-

lieved Ray and in some instances he stated that he did. The title of the article gave further credence to the belief that Huie believed that there had been a conspiracy to murder Dr. King. Yet it was not until the second *Look* article, which appeared two weeks later, that Huie publicly offered his conclusions.

Huie said that he had communicated with Ray for two months and had traveled throughout the United States and into Canada in an effort to verify Ray's allegations. He decided, he said, that the conspiracy to murder Dr. King began approximately eight months before King was shot. He concluded that "Ray was drawn unknowingly into this plot" during August 1967 in Montreal. He added that two weeks before the assassination Ray "did not know" that there was a plot to kill King or that the conspiracy was in any way aimed at King. Huie assured his readers that he knew more about the conspiracy to murder Dr. King than he was able to publish at that time. Some other evidence proving the conspiracy could, he stated, be released at the trial.

Huie wrote that the outline of the conspiracy to assassinate King began to become "visible" to him. He explained that if it was not clear to the readers it was only that he "could not reveal all that I have found to be true" about the conspiracy to murder Dr. King. What he discovered, said Huie, about "this plot" to murder Dr. King, he could reveal only after the trial.

There was no trial. Huie was, therefore, at liberty to share with America the additional, and no doubt sensational, details of the evidence that he had uncovered regarding the conspiracy against the United States of America.

However, in his third article published in *Look* in April 1969, Huie instead assured us that Ray acted alone or was involved in a "little conspiracy." Huie added that if there had been a little conspiracy, "I now believe that James Earl Ray was probably its leader not its tool or dupe." Huie never did enlighten us regarding the evidence he had previously uncovered, and the draconic conspiracy against our entire nation had been transformed into a small one if one existed at all. Huie certainly had the right, indeed the obligation, to inform us of his new insights and of the evidence that had led him to shun his previous conclusions. Yet he offered with his new conclusions no new evidence upon which they could be based. It appeared that Huie had simply changed his mind and was not prepared to share with his readers the reason for that dramatic metamorphosis.

Huie asserted that Ray killed Dr. King because he wanted "status among criminals and their guards." Since he knew he would spend many

years in prison. Huie also claimed that Ray killed Dr. King because he expected Alabama Governor George C. Wallace to be elected President on November 5, 1968 "and that President Wallace would promptly pardon the murderer of Dr. King." These two motives offered so firmly by Huie appear to be mutually exclusive. And these two important sentiments attributed to Ray by Huie appear in a form that sharply contrasts with the manner that Huie had adopted, and was so faithful to, in the first two articles. Huie did not quote Ray directly in the April article regarding his motivation, nor did he state that Ray had been his source. Yet Huie offered no other source for his startling conclusion. From a relatively careful author who quoted accurately and in context and who had conducted his own not inconsiderable research, most of which he was anxious to permit his readers to participate in, Huie had been transformed into an author who offered his own conjectures.

Huie concluded his curious article by stating that Ray "deliberately" placed his possessions, including a rifle with his fingerprints on it, and other items, including a transistor radio which he knew carried his prison identification number, on the sidewalk. He did this, said Huie, because he wanted to leave "his calling card" so that the FBI and all of America would know that he had killed Dr. King.

If Ray did want the FBI to know, why is it that thirteen days after the FBI laboratory in Washington, D.C., had received Ray's rifle and binoculars with his fingerprints on them and Ray's radio which "clearly bore his prison I.D. No. 00416" that the FBI was not looking for Ray? Why had the FBI not picked up Ray's calling card. Almost one hundred American cities were in flames as black communities throughout the country indicated an interest in the case. If ever there was a need for immediate and effective public action, the need was present and apparent on the days beginning with the evening of April 4. Yet on April 17 the FBI issued wanted posters charging Eric Galt with the crime. The fingerprints and the radio belonged to Ray not a man named Galt. One wonders if Huie ever contemplated the possibility that Ray had been given two weeks to leave the country by the FBI in the grand conspiracy which he had found, to be directed against the United States of America.

If Ray had wanted the glory, even at the cost of spending the rest of his life in jail, he seems to have abandoned that aspiration. By insisting that he is innocent he lays no claim to the glory of having murdered Dr. King and suffers nevertheless the prospects of a lifetime spent in a rural Tennessee penitentiary.

As the reviewer assesses the two November 1968 articles, the April 1969 article, and *He Slew the Dreamer*, he is confronted by a great debate waged between Huie and Huie over the responsibility for the death of Dr.

King. The earlier Huie offered facts, relevant interviews, and conclusions based upon the evidence he had presented. The subsequent Huie offered conclusions. In the first *Look* article, Ray was presented as a man who "was proud" that in all of his crimes he "had never hurt anybody." In *He Slew the Dreamer*, Ray was "an antisocial man capable of murder." The book was little more than an extension of Huie's April *Look* article, with a brief analysis of the sanitation workers' strike, and comment upon Huie's own commercial encounters with Ray and Percy Foreman.

Regarding the historic strike, Huie said that the city had been orderly: "Then agitators brought disorder." He added, "The mayor was winning this battle and the cheap laborers were losing when Dr. King came to help them."

Huie reported that on November 27, 1968, he had told Percy Foreman that he had made a mistake by getting involved in the Ray case. He said he told Foreman, "Now I wish that I had never gone into the case at all" and added:

And speaking of mistakes, I believe you've made one. This is not your sort of case. You let them get you to Memphis where the old fire horse couldn't resist another race to the fire. But a week after you begin trying to work with Ray you'll know that there is no defense, and you'll be as sick of the case as Hanes was. You did Art a favor by replacing him; you just haven't realized it yet.

Yet Hanes was neither anxious to leave the case nor sick of it; he was, in fact, anxious and eager to try the case and confident that he would win it. According to Huie:

Mr. Foreman liked my three-way contract with Ray. All he wanted was for Mr. Hanes to get out so he could have what Mr. Hanes had had. "I like the idea of owning 60 percent of one of your books," he said, "while you own only 40 percent. So you get Hanes out and let me in, then, goddamn it, get to work and write us a good book and make us a good movie and make us some money."

"I don't mind you having the money," I said. "But your client hasn't met his obligations. I want to know how, why and when he decided to kill Dr. King."

"He may be incapable of telling anybody that," Mr. Foreman said. "You know why he did it. I've seen him only briefly, and I already know why he did it."

With Ray's biographer and lawyer convincing each other before trial that Ray was the assassin even in the absence of proof that he was, Ray's chances for a fair trial were severely diminished.

After Huie had seen the fight he sought to convince both the defense lawyer and the trial judge of Ray's lone guilt. In his book Huie spoke of a conversation he had with Judge Battle which took place when it was presumed that the case was to be tried.

Huie said that he showed the judge the contract that he had entered into with Ray and then said:

I don't want any secrecy about this contract, Judge. I'm showing it to you, and I'll show it to any reporter who wants to see it. This contract is an effort to do what your court can't do: to find the truth about why Dr. King was murdered. When you try Ray your trial will be necessary but disappointing because you can establish only what is already known: that Ray came to Memphis and killed Dr. King. At great financial cost you will spend weeks hearing witnesses from five countries give testimonies which already has been published. And after your trial every thoughtful American, white and Negro, will feel cheated because you will not have answered the question that matters most: why?

Huie reported that "the judge broke in to agree with me." Judge Battle, according to Huie, said, "All we can get are a few facts and perhaps a conviction. But we can't get much truth."

According to Huie, Ray's biographer, defense lawyer, and trial judge had all reached a conclusion regarding the defendant's guilt before the trial began. And, according to Huie's account, he had played a part in the process which culminated in that result. Yet in three articles and in a book he was unable to offer any substantial basis for that conclusion.

Perhaps the most telling critique of Huie's work is to be found in his own book. There he stated that he decided that Ray had lied to him about an escape from prison. Huie said that he had deliberately published "false" material in the *Look* article to show Ray that he would publish "false" material in lesser crimes if he would help me establish the truth about the murder. "Huie never did explain why he thought Ray would be more inclined to tell the truth to a man who had not insisted upon it but who had, in fact, demonstrated his contempt for the truth by knowingly publishing a false statement. As we depart from Huie's odd work, are we not constrained in our analysis of his important role to ponder his peculiar approach to the truth and subject all of his writings on this matter to close scrutiny?"

An examination of Huie's most recent statements, oral and written, reveals that he now supports the position that Ray acted alone. During February 1977, Huie also stated that he had heard from an informant that Ray's rifle had not been used to kill King and that a man, whom he named,

had purchased the real murder weapon. According to Huie, that man, the informant said, was connected with organized crime.

Huie followed his startling revelations with the publication of an article in the March/April 1977 issue of *Skeptic*, appropriately subtitled, "The Magazine of Opposing Views" in which he insisted that "Ray alone had murdered King" and that "any rational American" had to understand that. Huie libeled those who wished that the matter be investigated saying that those who called for such an inquiry were "publicity-seeking congressmen, bureaucrats and conspiracy racketeers" who wanted to waste taxpayers money. He attacked Dr. King as well stating that "his sexual track record" revealed that he had "exercised often with assorted maids, wives, and widows." He added that J. Edgar Hoover "may have been a homosexual." He concluded his article by asserting that those who doubted the FBI version of the murder were panders and that "forced to choose between a murderer and a panderer, I'll support the murderer every time."

Huie's vacillation regarding the central question of conspiracy was perhaps never more apparent than in his attempt to inform the members of the grand jury in Memphis of his thoughts. Attorney General Phil Canale and his two assistants questioned Huie, who was then under oath. In that brief appearance on February 7, 1969, Huie swore that "I started with the assumption that a Negro might have been involved in it [the plot to kill Dr. King]." He also said that "I have never had the slightest doubt that Ray and Ray alone killed Dr. King." Then he insisted that "I still think Ray was assisted [in the murder of Dr. King]." After assuring the grand jury that Ray acted alone in the murder, Huie concluded by stating that "It is my belief that this [the conspiracy to kill Dr. King] is a simple story involving maybe no more than two men and no more than four."

Chapter Twenty-Seven

MAKING OF AN ASSASSIN

by Mark Lane

As the members of Congress contemplated the future and the proposed budget of the Select Committee on Assassinations, which promised to conduct the first thorough investigation into the murders of Dr. King and President Kennedy, they were able to read a review of *The Making of an Assassin* by George McMillan which was featured in the *Washington Star* on December 12, 1976. McMillan has been foremost among journalist-writers defending the official findings of the investigations of both the Kennedy and King assassinations; he gives evidence of having access to sensitive information sources far beyond the reach of most senior reporters, and has access to prestigious forums of American journalism, including the Op-Ed page of *The New York Times*. The task of reviewing McMillan's book was not assigned to an ordinary book reviewer but rather to Jeremiah O'Leary, an "investigative" and intelligence reporter for the *Washington Star*, who, as it turns out, is not an ordinary reporter either. He wrote:

Reflecting on the tidal wave of assassination books that erupted after the murders of President John F. Kennedy, Dr. Martin Luther King and Sen. Robert F. Kennedy, it is a professional pleasure to encounter a volume that reflects a solid six years of original research instead of ivory tower thumbsucking.

It is especially timely that George McMillan is now in the book stores since a House Select Committee on Assassinations is about to embark on a full-scale investigation of the murders that shook the world in the 1960s. McMillan, unlike most of the assassination authors, did not rely almost wholly on the work of such entities as the Warren Commission, the FBI and various police departments.

O'Leary added that McMillan did not bother to analyze "the official reports." O'Leary was quite correct there. There appears to be little indication in McMillan's work that he explored the documents, read witness' reports, examined the transcripts of the various hearings, listened to the illuminating Memphis police radio broadcasts, examined the crucial FBI ballistics reports, or glanced at the FBI and Memphis police fingerprint records. Why this approach should be considered a virtue becomes clear only when we learn more about O'Leary. The review concludes,

The House Select Committee, among others, should take the reporting of George McMillan into account when it begins probing the murder of King. McMillan has done a good deal of the committee's work already when it comes to deciding whether the world knows all there is to know about Ray and why he set out to kill Dr. King and did so with nearly as much skill as the fictional "Jackal" of screen and novel. This is a most important book, and extremely timely, since the King assassination will soon be probed by a committee which does not have six years in which to reach a conclusion.

But first to McMillan and his book.

The reader who has come this far knows far more about the murder of Dr. King than does McMillan after his "solid six years of research," that is, if McMillan shared with his readers all he learned. A cursory examination of the index of *The Making of an Assassin* reveals that McMillan did not even mention Ed Redditt, the black detective who had been in charge of security for Dr. King in Memphis. The other police officer assigned to Dr. King, W. B. Richmond, is not mentioned either. The two black firemen so strangely detailed to another assignment on April 4, Floyd Newsom and N. E. Wallace are not mentioned either. Lest the reader be given the impression that McMillan ignored the black witnesses only, we hasten to point out that he is indeed an equal opportunity ommitter of relevant data. Neither Arthur Hanes, Sr., nor Arthur Hanes, Jr., the only two of Ray's lawyers who were familiar enough with the case and ready to try it are mentioned in the book. Nor is Renfro Hays, who was the only responsible investigator for the defense. Nor is Percy Foreman, who entered Ray's pleas to the charge and who brought McMillan to Ray in an effort to make a deal for the remaining rights of his story. Ray refused to see him. Ray testified on November 22, 1969 in a civil action he had instituted against Huie and his former lawyers. At that time he explained why he would not see McMillan: "Well, the first time I saw Mr. Foreman

in court after our court appearance dismissing Mr. Hanes, he brought in another writer. He wanted me to exchange information with George McMillan. I had heard his name and, of course, I had heard of this fellow's writing. I didn't want to get involved with any other writers and I thought we would just stick with Mr. Huie."

McMillan did not mention Ralph Abernathy or Andrew Young or Jesse Jackson, or many of the other eyewitnesses, J. Edgar Hoover, who had wanted to destroy Dr. King, who had waged an unequal and secret war against him, was not mentioned. There is no reference to Frank Holloman, the director of the Memphis Police and Fire Departments, either.

If McMillan's book, published in 1976, was the result of six years of effort, then the work began in 1970, after he spoke with Martin Waldron, a *New York Times* reporter. *The New York Times* reported this illuminating remark by McMillan on March 13, 1969: "I have always believed James Earl Ray did it alone," he said. "This guy is a loner. And I have never investigated any aspect of a conspiracy, which has left me free to work on his biography." Fair enough, McMillan did not wish the facts of the crime to interfere with his work. In any event, he knew that Ray did it alone before his research began, so why should he have concerned himself with the evidence? His book reveals him to be a man of his word. Nowhere in the work is there any indication that he betrayed his original prejudice. Under the circumstances, I think we are entitled to know why O'Leary admired this book so much and why he recommended that a serious study of the crime by a Select Committee should begin with a frivolous bit of fluff.

Approximately one year after Dr. King was murdered, Hoover told a friendly news source that it was Robert Kennedy who had requested that Dr. King's telephone be covered by FBI electronic devices, but that Kennedy "was persuaded by our people not to do it in view of the possible repercussions." And because Dr. King's constant traveling made a wiretap impractical. The friendly news source ran that false explanation of the episode, as Hoover requested. The Church committee examined the Hoover memorandum on the question and revealed the news source to be Jeremiah O'Leary.

On November 30, 1973, it was revealed that the CIA had forty full-time news reporters on the CIA payroll as undercover informants, some of them as full-time agents. Two months earlier William F. Colby, then the director of the CIA, ordered a review of the practice since legitimate reporters were concerned that agent-journalists seriously compromised the integrity of the American press in general and might cripple

the ability of reporters to function overseas. It seems clear that an agent-journalist is really an agent, not a journalist. When a conflict arises between writing the truth or concealing it in what may be conceived of as the best interests of the intelligence agency, the latter concept must prevail if the reporter is to continue his relationship with the agency. Indeed his intelligence relationship is designed for the purpose of resolving such conflicts in that fashion. Another function of the agent-journalist is to publish false information which the agency writes to have released. The agent-journalist concept contravenes and endangers the fundamental principles of the First Amendment, for the right of the people to a free press includes not only the right to publish a newspaper but the right of the people to information that is not covertly manipulated by a secret police agency.

In 1973, the American press was able to secure just two of the forty names in the CIA file of journalists. The *Washington Star* and the *Washington Post* reported that one of the two was Jeremiah O'Leary.

The Making of an Assassin, to put it charitably, does not focus on the events of April 4th. Indeed, McMillan devotes just seven pages to those events. The allegations which comprise those pages are presented as if they were fact, but upon reflection it is clear that we are being treated instead to the imaginings of a biased mind. Let us, for example, examine McMillan's restatement of the final moments.

He (Ray) was going to make his shot from the bathroom. He raised the small window as far as he could, and knocked out the rusty screen. It fell two stories to the ground.

He rested the rifle on the windowsill and aimed it.

To do so meant that he had to stand in the bathtub, lean one arm against the wall. There was something inglorious in that, and something fatefully typical of Ray and his crimes. He was going to carry out the most important single act of his life and he had to do it with his feet in the old, stained, rooming house tub.

He watched through his binoculars until King came out on the balcony, until he was sure it was King. He aimed carefully and, at 6:01 P.M., he fired a single shot which hit Martin Luther King in his right jaw, shattering that side of his face, and which went on into his body to lodge in his vertebrae. King fell back on the balcony, mortally wounded.

Since McMillan claims that Ray was alone at that fateful moment and since Ray has consistently denied that he fired the shot, or was in the bathroom when it was fired, is it not fair to ask McMillan for his source? Quite obviously, there is no source—there can be no source.

Further in his recitation of events McMillan states, "Without telling King, Memphis police had put a security guard around the Lorraine." There are but two serious errors in that sentence. Dr. King's supporters had asked for police protection and knew that Redditt had been there. Redditt was then removed by the police officials and that removal was made without notification to Dr. King and his supporters.

As we turn from McMillan's brief but flawed recitation of the crucial events to his chosen thesis, the life and times of James Earl Ray, we are challenged again to decide whether his allegations in this area are real or imagined.

A major source of material for McMillan's book is Jerry Ray, James Earl Ray's brother. Indeed, Jerry Ray is quoted so often and in regard to such decisive matters that one wonders if the book could have been written without his remarks. Jerry has stated that he is convinced his brother is innocent and that he knows nothing that would indicate that his brother might be guilty. How then could McMillan make use of such a man in a book dedicated to the proposition of Ray's sole guilt? McMillan explains, "I would not place any value at all on any of the stories he told me about his brother's innocence." Yet, if McMillan was convinced that Jerry Ray lied regularly; "of course he lied to me," he wrote, how could he rely upon him at all? Sociologists define as moral density the condition of those who can walk down a crowded street and, due to their rigid preconceptions, see only persons of their own class. Critics might observe that even authors may suffer from a strain of this tendency to select so capriciously.

According to McMillan's book, Jerry Ray had told him that he "agreed with Jimmy's ideas about King," that "Jimmy was going to Birmingham to take out citizenship papers in Alabama," that "he believed that if he killed King in Alabama, or killed him anywhere in the South, it would help if he showed he was a resident of Alabama;" that "Jimmy was getting caught up in the Wallace campaign;" that "he was talking as much that night in Chicago about getting Wallace in as he was about rubbing King out;" that "he had it in his head that it would help Wallace if King wasn't around." According to McMillan, Jerry and Jimmy spoke by telephone on the morning of April 4th. Without doubt, the most impressive words attributed to Jerry Ray by McMillan are those which reported Jimmy's last words to Jerry that morning. McMillan assures us that at that historic moment Jimmy had said, "Jerry, tomorrow it will be all over. I might not see you and Jack for a while. But don't worry about me. I'll be all right. Big Nigger has had it."

A serious evaluation of *The Making of an Assassin* requires, I believe, an interview with Jerry Ray. I spoke with him at some length. He denied making every serious quotation attributed to him by McMillan. His denials were not merely general but offered specific information to support his assertion that McMillan had invented the "quotations" which were attributed to him. He told me that it could not be said that he "agreed with Jimmy's ideas about King," since he had never discussed Dr. King with his brother. He said that not only did he say that "Jimmy was going to Birmingham to take out citizenship papers in Alabama," but that he did not even understand that sentence when he read McMillan's book since his brother was already a citizen: "How could he talk about citizenship papers? I don't understand that." He said that he never said that James was in the Wallace campaign; that he did not know if he ever worked for Wallace, and that the only indication that he had been in the campaign was that "I read that he was in one of those books but I never asked him about it." He also allowed that he was growing somewhat suspicious about books as reliable sources after his experiences with McMillan. He said that his brother had never mentioned Dr. King's name to him or in his presence and that he could not understand how Wallace's campaign for election might be improved by Dr. King's death.

Regarding the historic telephone call on the morning of April 4th, Jerry could also say that he was not the best source regarding James' calls that day since he did not speak with him by telephone or in person on April 4th and that he had not spoken with James for approximately three months before that day.

During several conversations with Jerry Ray I noticed that although his manner was informal in general, he referred to his brother almost invariably as James. Yet in McMillan's book, all of the reconstructed conversations attributed to Jerry find him referring to his brother as Jimmy.

If McMillan had merely exchanged Jimmy for James a few times in his text, no harm would have been done. I know that Jerry referred to his brother as James in talking to me because I tape recorded all of our conversations and subsequently listened to them and then reviewed the transcripts prepared from the tapes. I can not imagine any other responsible way to write a book based, at least in part, upon interviews. I wonder if McMillan had tape recorded his interviews with Jerry Ray as well. I began by asking Ray that question. He said that in his meetings with McMillan there never was a tape recorded visible. He said that McMillan may have had a hidden machine, but he doubted so, and that McMillan

may have tape recorded telephone calls. In fact, he said he suspected that McMillan did monitor telephone conversations. He added that he never discussed matters of substance with McMillan on the telephone.

Jerry Ray subsequently told me that he had just written to the House Select Committee on Assassinations and offered to testify before that body. He suggested that his sworn statement about what he contended were McMillan's fabrications be taken. He said that he agreed to take a lie detector test. He also told me that he had just been questioned by two men from the Department of Justice and asked about the statement attributed to him by McMillan. He said that he told them that McMillan had made up the quotations and that he was ready to accompany them to the FBI office and submit to a polygraph examination there.

It seemed inappropriate for me to publish Jerry Ray's allegations without securing and publishing in full the response of the author whose veracity and competence had been challenged. I called McMillan numerous times at the telephone listed for his address in Frogmore, South Carolina, which appeared on the last page of his book. No one answered. His publisher, Little, Brown, informed me that his "real address" could not be revealed. I then explained that a major source for the book Little, Brown had recently published had told me that McMillan had invented the statements attributed to him. I said that I was anxious to ask McMillan to comment upon Jerry Ray's charges and that I fully intended to publish his response. I was then given McMillan's telephone number in Cambridge, Massachusetts. On that day, December 20, 1976, I called him for the purpose of securing his denial that he had made up the Ray "quotations" and to discover whether he had any tape recordings or other proof to support his assertions. Our conversation was brief.

Lane: Hello. George McMillan?

McMillan: Yes.

Lane: This is Mark Lane. How are you today?

McMillan: Uh . . . (pause) . . . OK.

Lane: I'm doing a book about the murder of Dr. King. There will be a chapter in the book dealing with your book. I've talked with Jerry Ray who, obviously, is a very important source for you, and he denies telling you almost everything you quoted him as saying in the book. I wonder if you have any recordings of these interviews with him.

McMillan: Mr. Lane, I'd just rather not talk with you.

Lane: You'd rather not talk?

McMillan: Yep.

Lane: Well, will you tell me Mr. Ray is wrong when he denies that he made those statements to you?

McMillan: You must have not listened to me. I said I'd rather not talk.

Lane: You won't even deny that you made up what Mr. Ray says.

McMillan: You still must not have listened to me.

Lane: What did you say?

McMillan: I said, you must still have not listened to me.

Lane: Yes, I'm just asking if you will deny.

McMillan: I said I'd rather not talk.

Lane: You'd rather not talk. And you won't even deny Ray's charge that you made up those quotations.

McMillan: Uh.

Lane: I mean, it couldn't take you very long to say you didn't make them up.

McMillan: You want me to hang up, or do you want to hang up?

Lane: Well, I don't want to hang up and I don't want you to hang up. I just want you to answer the question as to whether or not Mr. Ray's charge . . .

McMillan (interrupting): I've already told you I don't want to talk with you.

Lane: You won't even answer that question.

McMillan: I told you, I don't want to talk to you.

Lane: You have said that, yes.

Lane: Very good. I'll send you a copy of the book.

McMillan: Thank you.

Lane: You're welcome.

McMillan did not deny Ray's charges. He did not claim to have any proof that his book was accurate. I was struck by the contrast between Jerry Ray's willingness to make his statement under oath, before a possibly hostile body, while being monitored by a polygraph and to answer all questions put to him and McMillan's refusal to deny the Ray charges or to suggest that he had proof relating to the integrity of his book.

I spoke with Jerry Ray again and told him of my conversation with McMillan. I said that McMillan had seemed very tense. Ray was in an

expansive mood and he said, "I wouldn't blame McMillan if he were mad at me." Ray then discussed his relationship with McMillan:

Ray: One time down in Atlanta, I was talking to him on the phone, and I had a couple people around me listening in. I told him that I really had something for him, that I had a couple of names that would make his book and would even help solve the case. I said that it was dangerous and I couldn't talk about it much around here. I'll give you a call. Later I called him, and he flew in from Cambridge and stayed at a hotel. I told him, "This is dangerous stuff I'm talking about. . . . I'm going to give you two names that will solve the case for you. . . . One name is Rudolph Stroheim, you check him out. . . ."

Lane: Rudolph Stroheim? You made that up?

Ray: Yeh, I made that up. I said, check him up in Germany.

Lane: Did you tell him East or West?

Ray: I think I said Hamburg.

Lane: Oh.

Ray: So I said, "Check Emmett Daniels of Fort Leonard Wood, Missouri." But before I gave him the names, I made him give me a thousand dollars. I said that this was a dangerous business but that I would give him the names for a thousand dollars.

Lane: Is there an Emmett Daniels?

Ray: No such guy.

Lane: Well, then you made the whole thing up.

Ray: I made the whole damn thing up. So when he got back to Cambridge, he hired some guys, and he paid some guy over in Germany to check that out. So they checked all the old Nazi files, all the files they could check, and there wasn't any Rudolph Stroheim. So they checked with Fort Leonard Wood, and there was no Emmett Daniels. Then he called me up. "Jerry," he said, "I've spent so much money checking this stuff out—all these phone calls, and paying these guys—and there's no Stroheim over there that could be connected with him, and no Emmett Daniels within Fort Leonard Wood." I laughed, and said, "Well George, thanks for the thousand, and you come up again in another month, and I'll have another story for you."

Stroheim was a wrestler in Atlanta, that's how I thought of his name. And Emmett Daniels—I thought of Emmett Kelly, the

clown, and I said to McMillan "you're a clown, and I just put Daniels on the back of it."

Then I laughed. Every time I took him for some money, he said, "Jerry, you shit on me. You shit on me again."

But he was so damn desperate with the book—I'd wait maybe eight or nine months and I'd give him a call again and say, "This time I'm on the level. . . . no more bullshit." It'd take him awhile, and then he'd be on the plane back up. Last time—he thought I was bankrolling James when he got out. So he said to me, "If you show me some bankbooks or something. . . . Why, I've only had one bank account in my whole life, and that was in Missouri. So I said, "you come up here, and I'll show you the damn bankbook where it shows so many thousand dollars that I withdrew—I'll give you that bankbook." I said, "I'll go over and get it." So he's on the plane up—when he came up, I had asked him up on a Saturday afternoon, and the banks were closed—I told him that the president was out and I couldn't get my bankbook. But I got my money anyway. When he got back, he found out there was no such thing.

Lane: How much did he pay you for that?

Ray: I only got five hundred that time.

Lane: Five hundred? Not bad.

Ray: Then the last time I took him was in St. Louis a year ago this month. I went down to see James, and did a lot of traveling, and when I got back, I was a little short of money, so I called George up.

Lane: He's your banker?

Ray: Georgie-pie—I called him Georgie-pie. And he's always wanting some pictures of my family then. You know, mother, my dad, and James when he was a little kid. We got pictures like that, but we would never give them to him. I told him, "My sister left, and I'm holding all these damn pictures. If you want to buy some pictures, come on up." It took a while, but he finally flew up.

Lane: He flew from Cambridge again?

Ray: He flew up from Cambridge again. . . .

Lane: To Chicago.

Ray: This was to St. Louis. I met him at the airport, and I had got

these damn pictures from an antique shop. I didn't get them, my sister got them.

Lane: They weren't of your family?

Ray: Not one of them was.

Lane: —Old, Yellow —

Ray: Yeh, these were old pictures, antique pictures. One was supposed to be my grandmother, and one was supposed to be Lucille when she was a baby, —we had one picture that looked something like James. This was taken back in the Forties, and it was on a boat, but I had cut the picture half up where you couldn't see the boat. So I sold him all these pictures.

Lane: How much did you get for them?

Ray: I got two and a half for them. He keeps going down all the time, as he keeps getting taken for all that money.

He still thought they were genuine, and he went back, and I asked him if he was going to use them, and he said he didn't know. So I said, "Well, if you don't, send them back, because I paid a dollar for them at that damn antique shop." He was hotter than hell that time. He said, "No more money, because my book is finished anyway." I said, "Well, put in some good words about me in your book, because I'm your friend." Actually, what it was, he was so damn desperate.

Partial corroboration for Jerry Ray's assertions may be found in a letter sent to John Ray, another brother, by George McMillan on September 14, 1973. In that letter McMillan said that Jerry Ray had told him [redacted] McMillan wrote that subsequently Jerry sent him a tape recording [redacted] McMillan then, according to his signed letter, discarded the material from Jerry [redacted] However, as his deadline for the book approached, McMillan said that he [redacted] and then [redacted] and finally decided to [redacted]

McMillan admitted that he was going to publish material that he had received from Jerry after his source, Jerry, told him the material was false.

McMillan pleaded with John to give him some information for his book as his deadline was fast approaching. He agreed to pay John for a statement adding the proviso that [redacted] explaining [redacted]

In June 1964, Richard Edward Snyder testified before the Warren Commission. He said that during 1959 he was employed at the American Embassy in Moscow as the consul and as the second secretary. He testified, "up until the time I left Moscow, Oswald was my baby." He also testified, "I know Priscilla Johnson talked to him." Snyder admitted under the questioning of Gerald R. Ford, then a member of Congress, that he had sent out a dispatch to Washington in 1959 about Oswald's presence in Moscow and his desire to renounce his American citizenship which carried the notation "Press informed." He testified that "Priscilla Johnson, I think, was one of the first to be aware of Oswald." Although McVickar, the only other officer in the consul section of the Embassy in Moscow, had sent Johnson to Oswald, Snyder testified "just how she became aware of him, and just where I became aware of her knowledge of him, I don't quite know. But this, I think, was quite early in the game." Snyder indicated that on December 1, 1959 he sent an airmail to the State Department with intelligence about Oswald. Regarding that information he testified "this was the statement of the correspondent." When asked to identify "the correspondent" he replied, "This was Priscilla Johnson."

When McVickar testified, he referred to his debriefing of Johnson about the Oswald interview; an event which took place just after she had completed debriefing Oswald. McVickar asked how the American Embassy had learned when Oswald was going to leave his hotel and that he might be given training in electronics. In both instances McVickar said that Priscilla Johnson was the source. McVickar then produced a memorandum that he had prepared after debriefing Johnson. In it he said, "I pointed out to Miss Johnson that there was a thin line somewhere between her duty as a correspondent and as an American." He later wrote, "She seemed to understand this point."

When Johnson testified before the Warren Commission, she identified the man who suggested she interview Oswald as "Mr. McVickar, the consul." She testified that she believed McVickar told her about Oswald on November 16, 1959, "and that on coming home from the Embassy, coming to the Metropol, I went straight to Oswald's room, and therefore that would have placed my original conversation with Oswald probably on the 16th, my writing the story and my second conversation with McVickar on the 17th, and my filing of the story on the 18th."

Not long after the assassination, Priscilla Johnson entered into an agreement with Harper and Row to coauthor with Marina Oswald, the widow of Lee Harvey Oswald, a book about Marina. It was reported that the advance was \$100,000. During that time Marina was being held in quasi-captivity and her contacts with the outside world were being moni-

tored by the federal police authorities. I made several efforts to interview Marina Oswald but her agent and her lawyer, both provided by the United States Secret Service, said that I could not meet with her because the government wanted no one with her who could influence her testimony (other than the FBI agents who met with her regularly); they were concerned that some outsider might "plant" some documentary evidence for her to come upon; and above all, Marina should not talk to anyone about the facts until her book was published.

Priscilla Johnson did, however, meet with Marina Oswald before Marina had completed her testimony, and oddly enough Marina came upon an important document that she had evidently not seen before she was with Priscilla Johnson.

On September 6, 1964, Marina Oswald, still in what the government referred to as "protective custody," testified before the Warren Commission at the U.S. Naval Air Station in Dallas, Texas. Very much a matter of concern was the allegation that Oswald had gone to Mexico City and visited both the Soviet and Cuban Embassies while there. Years later it was revealed that the CIA had misled the Warren Commission about events surrounding those visits and had destroyed certain relevant evidence that might have demonstrated that Oswald had not been there. In 1964, however, the ill-informed Warren Commission was examining evidence about Oswald's Mexican trip.

Senator Richard Russell, then a member of the Commission, reminded Marina that she had previously testified that Lee had told her in New Orleans that he said he was going to Mexico City. At that time Marina had no documentary evidence to support the allegation that Lee had actually gone to Mexico City. In September, however, Marina presented a ticket stub. She testified, "I found the stub of this ticket approximately two weeks ago when working with Priscilla Johnson on the book. Three weeks ago I found the stub among old magazines, Spanish magazines, and there was a television program also in Spanish and there was the stub of this ticket. But this was, you know, a piece of paper and I didn't know this was a ticket." She discovered that it was a ticket, she testified, when she showed it to Priscilla Johnson. Russell obviously did not believe the story. He asked why Lee would keep magazines in Spanish if, as Marina had previously testified, he could not read Spanish. Marina replied, "It was not a Spanish magazine." Russell asked how this document could possibly have escaped the extensive search of the FBI agents who were looking for such evidence and who had examined every scrap of paper. There was no responsive reply.

Priscilla Johnson's relationship with Marina Oswald for the purpose

of writing a book which will tell Marina's story has been offered as the prime reason why Marina will not talk about the facts, many of which she alone knows. However, thirteen years after the contract was entered into, the book has not yet been published. A Warren Commission document (C.D. 49 page 24) which was supplied to the Commission by the FBI states, "On November 23, 1963, Mr. Jack Lynch, United States Department of Defense (USDS), Security office, telephonically advised Special Agent in Charge (SAC) Allen Gillies. Oswald had been contacted in Moscow by three employees of the State Department, whom he identified as John McVickar, Priscilla Johnson, and Mrs. Stanley G. Brown. Lynch indicated each of the above persons had interviewed Oswald in Moscow."

The law firm engaged by George and Priscilla in October 1975 for the purpose of threatening Jerry Polico (the retraction demanded by the lawyers was not published and no legal action was taken) wrote to the editor of *New Times*, the magazine that published Polico's article stating, "As to the allegations of her being an undercover government employee throughout this period, there exists not even the slightest reasonable foundation for such an allegation. Mrs. McMillan has never seen the purported unpublished Warren Commission document listing her as a State Department employee."

The statement that Mrs. McMillan had not seen C.D. 49 is untrue. On May 11, 1975 I was a panelist, along with Priscilla J. McMillan and others, at the A. J. Liebling Counterconvention in New York City. Anthony Lukas was the moderator. The proceedings were preserved by a tape recorder and a transcript from that record reveals:

Lane: I wonder if I could just interject for a second, Tony. I think that Mrs. McMillan has played a really active part in this, being one of the few people to question Lee Harvey Oswald in Moscow, having access to Marina Oswald after some eleven years on a book which hasn't yet come out. And I know that you told me before I met you today for the first time that you were working for the North American Newspaper Alliance at the time you conducted that interview. I wonder if you've seen Commission Document 49, an FBI report which reads as follows: "on November 23rd, 1963, Mr. Jack Lynch, the United States Department of Defense, Security Office, telephonically advised Special Agent in Charge, Allen Gillies, Oswald had been contacted in Moscow by three employees of the State Department, whom he identified as John McVickar, Priscilla Johnson, and Mrs. Stanley G. Brown. Lynch indicated each of the above

persons had interviewed Oswald in Moscow." I wonder if you were at any time employed by the State Department, if you're familiar with this document, or if you've tried, if it's incorrect, if you've indicated to the Warren Commission that the United States Security Officer had made a mistake when he gave that information to the FBI.

McMillan: Well, no I'm not familiar with the uh doc . . . with the document. Uh, John McVickar was the vice-counsel who was present the first day Oswald went in to uh, put down his passport. And uh, he was, he did work for the State Department. Mrs. Brown was the wife of the Agricultural Attache, and she was sort of a receptionist in the consul's office, and I suppose she was authority in the State Department. But, uh, that was a mistake about me and I wouldn't bother to correct that mistake. I worked for the North American Newspaper Alliance and I didn't work for anyone else.

As soon as I read the document to Priscilla McMillan I passed it along to her so she could read it. Her lawyer's statement, made almost four months later, was based upon incorrect evidence given to him by his client or an error on his part.

When the Warren Report was issued during September 1964, two of its strongest supporters in the news media were Harrison Salisbury and Anthony Lewis, both of *The New York Times*. They wrote introductions to commercial publications of the report. Two months later, when the Commission published the twenty-six volumes of evidence, Lewis, who had had the volumes in his possession for just a few hours, wrote in a front page story for *The New York Times* saying all of the evidence they contained proved that Oswald was the lone assassin. Since it took me almost an entire year to read the volumes, I wondered how Lewis had been able to move through the material so quickly and then assure the readers of the *Times* that the evidence was consistent with the Commission's verdict, when it was not. Later Salisbury urged David Bellin, the Warren Commission lawyer most committed to the preconception of Oswald's lone guilt, to write a book attacking the critics of the Warren Report and defending its essential findings. *The New York Times* published that book and Salisbury wrote the introduction. The book was then reviewed in *The New York Times Book Review* on November 10, 1973, by the team of Priscilla Johnson and George McMillan. Although Bellin was the most vocal of the apologists for the Warren Report, the McMillans said of his book, "It is as if Lee Harvey Oswald had lived and

there had been a trial." It would have perhaps been more accurate to suggest that it was as if Lee Harvey Oswald had died and there had been a lynching.

During April, 1967, the CIA staged one of the major coups in its history. It arranged for the defection from the Soviet Union of Svetlana Alliluyeva, the daughter of Joseph Stalin. When Alliluyeva arrived in the United States, the Voice of America, the broadcasting service of the United States Information Agency, sent news of her arrival all over the world, including the Soviet Union, where it was broadcast in Russian. Radio Free Europe, a "private broadcast operation" funded by the CIA dispatched the word throughout Eastern Europe from its studios in Munich. During the great international brouhaha following her defection, Svetlana Alliluyeva spent her days in seclusion, at a site approved by American intelligence and the State Department, with George and Priscilla Johnson McMillan. The site was the home of Priscilla McMillan's parents. Priscilla McMillan was assigned by Evan Thomas—who had edited William Manchester's defense of the Warren Report for Harper and Row and who would also supervise the editing of the Alliluyeva book—to translate Svetlana Alliluyeva's work for Harper and Row, the same publishers that had been waiting so patiently for Priscilla to finish the Marina Oswald biography. Alliluyeva and Lee Harvey Oswald had perhaps shared but one moment in common; both had been interviewed in Moscow by Priscilla Johnson McMillan before leaving for the United States.

The New York Times, upon the arrival of Stalin's daughter, said that it would publish her forthcoming memoirs which Priscilla McMillan was then translating.

When George McMillan's *The Making of an Assassin* was published, *The New York Times Book Review* assigned Anthony Lewis to review it. Before examining the Lewis review it is important to understand what the McMillan book claims to be. McMillan never even examined the voluminous files on the case maintained by Arthur Hanes, Sr., and Arthur Hanes, Jr.—the only lawyers who conducted an investigation and were prepared to try the case. There is, in my view, no way to review the case against James Earl Ray and his possible defense without making a thorough search through those files. Hanes Jr., told me, "I was astonished that McMillan did not come to our office as you did and spend days, as you did, going over the more relevant witness' statements, public reports, etc."

McMillan can, I suggest, be excused from failing to examine the evidence (although I would not elevate that failure to a virtue as did

Jeremiah O'Leary) since he devoted almost none of his book to an assessment of the crime. He presented, instead, a biased biography of James Earl Ray and relied very substantially for that portrayal upon a man who now says that he falsified the record. Yet, even if McMillan were accurate where he has led us? He portrayed Ray as a racist, a man who had committed crimes, a man with a burning hatred of Dr. King and an obsession to do him harm. From this profile McMillan makes a quantum leap to the conclusion that Ray killed Dr. King and that he acted alone while doing so. McMillan's profile may describe Ray, although somewhat inexact, but it would describe Hoover as if it were custom made for him. Ray may or may not have hated King, but unlike Hoover he never sent a letter to him encouraging him to kill himself.

Yet, if we were to presume that Ray wanted to kill King and that as McMillan states, his obsession to do so was rather widely known, have we established as fact that he did so and that he acted alone? Viable alternatives to McMillan's theory may rest upon McMillan's allegations as if they were fact. If Ray wanted to kill King, is it not possible that he organized a group to assist him? Is it not possible that a group planning to kill King picked up Ray because of his known propensities in that area and involved him, knowingly, in their effort? And is it not possible that a group planning to kill King picked up Ray and utilized him as the decoy and fall guy as he has insisted? To establish that Ray hated King and wished to kill him, which I suggest is contrary to the known evidence, is not to establish that he did so or that he acted alone and that there was no conspiracy.

Yet Lewis, in his major piece in *The New York Times Book Review*, concluded that McMillan's book "is a powerful, a devastating book" and then asks, "Will this brilliant piece of hard reportorial work end the attempt to find a conspiracy in the murder of Martin Luther King, Jr.?" He laments, "of course not," and explains, "as long as there are people unwilling to accept the pain of such deaths [President Kennedy, Robert Kennedy, and Dr. King] without some more satisfying reason—a political reason—the search will go on. And, I have to add, as long as there are self appointed 'investigators' who make an industry of finding conspiracies. The day I sat down to write this review, a newspaper carried a story about the latest theory of a man who got into the business in 1963. (I omit his name because publicity is gratification in this ghoulish business). The headline said: **WAS DR. KING SET UP TO DIE?**" Yet it is Lewis who has ~~the answer~~ ^{to buttress} government dogma regarding the assassinations for thirteen years. His early and continuing advocacy of the conclusions of the Warren Report in *The New York Times*, ~~is~~

~~McMillan~~ his book reviews and book prefaces, together with his pangeyral remarks in place of a critical analysis of the McMillan book establish, I believe, an unblemished record of support for conventional and official doctrines regarding these assassinations that have been widely rejected.

The day I sat down to write this chapter the Gallup poll, published in the *Washington Post* on December 26, 1976, revealed that only 18 percent of the American people believed that James Earl Ray was the lone assassin of Dr. King and only 11 percent believed that Lee Harvey Oswald was the lone assassin of President Kennedy. Those statistics, in the face of the coordinated efforts of leaders of government, intelligence organizations, and their friendly media sources, stand as a monument to the good common sense of the people.

Unlike Anthony Lewis and George McMillan, James Earl Ray finds himself, on the issue of his lone guilt, among the majority of the American people.

Ray told me that "there are many statements in the McMillan book that are not true." Ray said,

McMillan makes me into a political activist for George Wallace. ~~It's hard to discover the origin of a false statement here because Huie, McMillan, Foreman and the FBI all seem to feed from the same trough. I was a fugitive, hiding out. I wasn't crazy enough to become active in a political campaign. I never even registered although once I considered registering under an assumed name to get a voter registration card because it is good identification. When you cross into Canada they always ask for a voter registration card. But I never did register or work in any political campaign under my right name or under an assumed name.~~

I asked Ray if he had any idea how McMillan or Huie had come upon the notion that he had been a political activist for Wallace. He said,

In December 1967, I took a woman to register to vote. She said she had a boy friend who was doing five years for marijuana. She registered and I think she did register for Wallace. That was the only time I was ever around any registration place. Later on she said to me that she wanted to get her boy friend out of jail; that she needed influential friends. I told her if she wanted help she should get into some organization that had influence. So she

changed her registration to Republican. That was the extent of my political work. With a few more workers like me to depend on Wallace wouldn't even have gotten on the ballot.

Ray also spoke with me about McMillian's assertion that James and Jerry Ray had rendezvoused in a Chicago hotel the day after James had escaped from jail and talked there about killing Dr. King.

First of all when Jerry and I met in Chicago there were only the two of us there. We both know that we never talked about King. We talked about my getting out of the country. I was a fugitive trying to escape. Since there were just the two of us there and we both have always denied this charge about talking about King what basis does McMillian have for his story. ~~_____~~ Ask him for some evidence for that charge—he won't have any, he can't; there isn't any.

I then asked Ray if his meeting took place in Chicago the day after he had escaped.

No that's wrong too. It took me a week to get to Chicago after I escaped from Jeff City, Missouri. I walked. It takes a long time to walk on railroad ties. It takes a long time to cover fifty miles because you'd be surprised at how many houses are setting right near railroad tracks. If there was a light in the house or if there were dogs there I'd circle around into the woods maybe for two or three miles. I slept during the day and walked at night. One time two railroad workmen came by on a handcar. I was under a trestle. It was April but it was cold so I had a little fire going. The fire attracted them I imagine. They came over and talked to me. I imagine the FBI might have heard about that and checked it out and interviewed the men since I told Huie about it.

Ray expressed his dissent from *The New York Times* review in a letter he mailed to Anthony Lewis on December 29, 1976. There too Ray pointed to errors in the McMillian book.

Mr. Anthony Lewis; Co
Columnist
New York Times

From Huie?
Lynn

re; Book review

Dear Goody Two-shoes:

Some time ago I received a copy of the review you did on your New York Times fellow, George McMillian's, published novel titled

"The making of an Assassin". And all of it's "brilliant revelations". It would appear that one of the most heretofore significant long suppressed (a Nixon conspiracy?) revelation's by McMillian was that yours truly, while in the Missouri big-house, used to rant and rave when Dr. King appeared on the tube shouting & sobbing, "somebody's gotta get him" "somebody's gotta get him". Now I didn't read ole Mac's novel (just the Time mag. article) but I guess he also has me devouring the proverbial carpet, ect. ect. Anthony, when Mac was spoon feeding you all these turkey droppings as revelations did he also tell you that TV'S were not permitted in the Missouri penitentiary during my entire sojourn therein?

In *The Making of an Assassin*, McMillian had written:

In 1963 and 1964, Martin Luther King was on TV almost every day, talking defiantly about how black people were going to get their right, insisting that they would accept with nonviolence all the terrible violence that white people were inflicting on them until the day of victory arrived, until they did overcome.

Ray watched it all avidly on the celblock TV at Jeff City. He reacted as if King's remarks were directed at him personally. He boiled when King came on the tube. He began to call him Martin "Lucifer" King and Martin Luther "Coon." It got so that the very sight of King would *galvanize* Ray. "Somebody's gotta get him," Ray would say, his face drawn with tension, his fists clenched. "Somebody's gotta get him."*
(Emphasis in original)

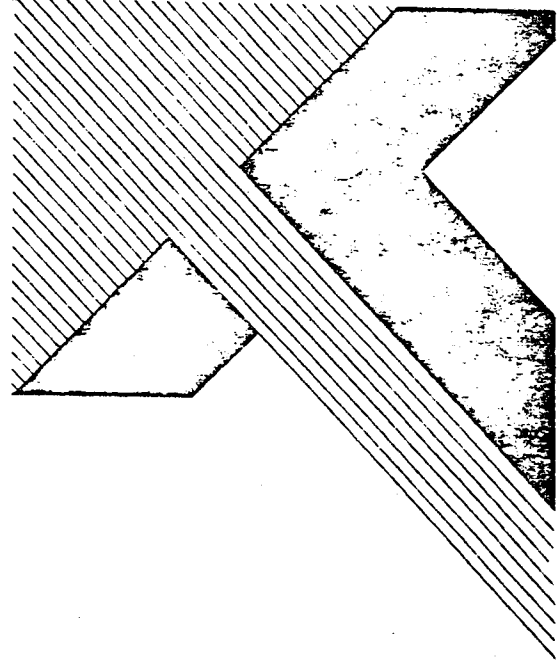
In this instance both McMillian's and Ray's allegations were susceptible to proof. In February 1977, I spoke with Bill Armontrout, the associate warden at the Missouri Penitentiary at Jefferson City. He told me that during 1963 and 1964 no television sets were available for any of the inmates. Television sets were placed in a TV room with limited access in 1966 and television sets were permitted in the cells and the cell-block for the first time in early 1970. Ray had escaped from that prison in 1967. Under those circumstances one wonders where McMillian, who had never spoken with James Earl Ray, but who did speak with Huie, who in turn

*Ray's letter to Lewis concluded:

"But having to assume legally that you do consider McMillian's novel the last word on the case I'll herein issue collectively to you and the above referred to literati an invitation to consider carrying your prissy asses before the select committee, and I shall do likewise with my midwest tobacco-road one, and we shall let under oath testimony determine the facts."

had never spoken with Ray, secured his information. The allegation that Ray "boiled" when King was there on the tube in 1963 and 1964, was graphic enough, as was the charge that the sight of King would "galvanize" (emphasis present in the original) him but since these events never took place either McMillan or his informants must be credited with a lively imagination.

PART
EIGHT
FOR A DAY
IN COURT



Chapter Twenty-Eight

THE APPEAL

by Mark Lane

Although Ray was evidently threatened by the authorities and advised by his former lawyer not to proceed with an appeal, he did write to Judge Battle, as we have seen.

Battle neither responded to the letter nor treated it as an application to withdraw the plea previously entered, to set aside the conviction, to vacate the sentence or, in the alternative, to set a date for a hearing at which time such a formal application might be made. Ray was without counsel and his letter could have been considered by Battle as an attempt at a formal application. Instead Battle left for a vacation in Florida. When he returned on March 31, 1969, he found another letter from Ray waiting for him. In that letter dated March 26th, Ray asked Battle to consider it to be a formal application "for a reversal of the 99-year sentence." Ray also asked the judge to appoint "an attorney or the public defender to assist me in the proceeding." Ray wrote, "I understand on one avenue of appeal, I have only 30 days in which to file."

Battle showed the letter to James Beasley, the Assistant Attorney General who had presented the case against Ray. Three lawyers, J. B. Stoner, Richard J. Ryan, and Robert H. Hill, Jr., had all indicated that they were interested in representing Ray. Battle asked Beasley to find out who Ray wanted to represent him. It was, improper, I believe for Battle to involve the attorney who prosecuted Ray in an aspect of Ray's defense efforts. This act emphasized yet again the close working relationship between the court and the prosecuting authorities even as Ray's appeal was being initiated. The legal canons of ethics proscribe such conduct. Battle could not ethically call upon the prosecutor to play a role in the determination of counsel for Ray. Beasley should not have responded. Beasley said he determined that Ray wanted all three lawyers to represent him. He then called Battle to inform him of the fact. But Battle's telephone remained unanswered.

Just before Beasley called Battle, Richard J. Ryan had called upon the judge in his chambers. Ryan told me that he had asked the judge to set a hearing for Ray's application for a new trial. Battle responded, he said, by stating that he had the matter "under advisement."

At approximately five o'clock Beasley visited Battle's chambers. He entered the room to find Judge Battle dead. He died, the medical examiner later reported, of a coronary insufficiency. He had fallen across his desk, his head on the last letter from James Earl Ray.

Ryan told me that with Battle's death he and the other lawyers for Ray were quite certain that their client was assured a new trial. Ryan said,

Ray's letter was an adequate application for a new trial. Just to be sure I perfected it by filing a formal application. We had thirty days to get it in and we filed it in a timely fashion. The law of Tennessee is really clear on this question. If a judge should die or go insane after an application for a new trial is filed and before he rules upon it the application is automatically granted. There has never been an exception in Tennessee since that statute was adopted by the legislature.

Judge Arthur J. Faquin emerged as Battle's successor Ryan said, He was working with Battle through the whole case. He just said at the hearing held at the end of May 1969, that Ray had pleaded guilty voluntarily and that was it. The laws of Tennessee just did not apply anymore. The reason is that there was a conspiracy to kill Dr. King, probably the FBI or CIA were in on it and they did not want this case being re-opened.

On January 9, 1970, Ray's application to the Supreme Court of Tennessee for a writ of certiorari was denied. The court, in a memorandum decision, denied the application with a vehemence rarely matched in appellate court opinions. The court pointed out that "the defendant was represented by privately retained able counsel." The court added that "The defendant upon the advice of his well-qualified and nationally known counsel pleaded guilty to murder in the first degree, the offense with which he was charged, a cold-blooded murder without an explained motive."

The court continued

In Tennessee, as in all other liberty loving civilized countries, ambush killers are not looked upon with much favor, to say the least. In a country where you do not shoot a sitting duck or a fowl unless in flight; where a rabbit or other game of the field is allowed its chance to run; and where one does not shoot down his

fellowman unless that man has committed an overt act that would justify the defendant in so doing, jurors are inclined to deal harshly with such defendants.

And the court concluded that Ray

... willingly, knowingly and intelligently and with the advice of competent counsel entered a plea of guilty to murder in the first degree by lying in wait, and this Court cannot sit idly by while deepening disorder, disrespect for constituted authority, and mounting violence and murder stalk the land and let waiting justice sleep.

Judge Faquin had ruled against Ray in contravention, I believe, of Section 17-117 of the Tennessee Code Annotated, the relevant statute. The Court of Criminal Appeals of Tennessee refused to grant the petition and finally the Supreme Court of Tennessee refused to hear the arguments. Ray then chose to make an appeal to the federal court system. During April 1970, the lawyers who had been representing Ray withdrew from the case.

Bernard Fensterwald, Jr., a Washington, D.C., lawyer who was a native of Tennessee became counsel for Ray. He was associated in December 1972 as Ray's attorney with Robert Livingston, a Memphis lawyer, and James Lesar, then recently admitted to the bar in Washington, D.C.

There were at least two potential bases for Ray's application to the Federal Court system for a new trial: the allegation that Ray had been coerced into making his guilty plea and the allegation that important new evidence had subsequently been uncovered. In my opinion, the first was the weaker of the two, being inherently more difficult to establish and sustain. Much more compelling, and far easier to sustain, it seems to me, would have been an allegation that hitherto undeveloped evidence strongly suggested that there had been a conspiracy to murder Dr. King. The mysterious transfer of Detective Ed Redditt and the equally mysterious transfers of fireman Floyd Newsum and N. E. Wallace would, alone, have raised serious questions which the prosecution would have had difficulty answering.

Ray's attorneys brought their action for a writ of *habeas corpus* to the United States District Court for the middle district of Tennessee in the form of a petition and a supporting Memorandum of Facts. This Memorandum of Facts, hyperbolically ~~authored~~ ^{authored} by A. Sham, A. Farce, and a Mockery, was signed by Fensterwald, Lesar and Livingston. Where it adopted an aggressive and rhetorical tone (it concluded with the poten

tially offensive charge that Ray's treatment by the courts "was, in effect, a legal lynching"), it was doubtless designed to make the federal court sit up and take notice of the case. What other effects that may have had on the court's attitude can only be surmised.

At one point the memorandum referred to the narration of a witness as "perjury," although, since the witness had not been testifying under oath, the definition was legally impossible. At another point, the memorandum charged that Judge Battle (then deceased) and others were "participants in these illicit meetings (which) have revealed, in part, this corruption of the judicial process."

But, as I have suggested, probably more important than what the memorandum did say was what it did not. By this time there existed a substantial number of leads that could, with further investigation, have developed new evidence that could have provided the basis for granting a new trial.

Harold Weisberg, the defense's investigator, had in 1971 written a book, *Frame-Up*, in which he referred only briefly to Detective Ed Redditt (whom Weisberg calls "Reddick"), dismissing him as a police spy and never inquiring into the matter of his removal from the scene shortly before Dr. King was shot. Similarly, he did not explore the importance of the observations of the other police officer on the scene, W. B. Richmond (whom Weisberg variously calls "Richardson" and "Richman"). He did not refer to either of the black firemen by name and summarized the twenty-five year high-level association of Memphis Fire and Police Departments Director, Frank Holloman, with the FBI merely by characterizing him as "a former FBI agent." No point in *Frame Up* did Weisberg, who later claimed that he was the only one who had ever been Ray's investigator, claim to have interviewed any of these men.

On the strength of this, one may speculate that Ray's defense team was either unaware of the significance of these leads or simply did not choose to develop them. What is apparent is that they did not use them.

Ray's application to the District Court was denied. The matter was appealed to the United States Court of Appeals for the Sixth Circuit. It was again denied. It was finally submitted to the United States Supreme Court on a writ of *certiorari*. That application, too, was denied.

When I met with Ray, at his request and interviewed him at the Brushy Mountain Penitentiary in Petros, Tennessee, Ray was receptive, cordial, and outgoing. I told him that I was writing this book and he said that he hoped, unlike the others, that I wanted to be accurate. He wrote to me several times, and requested me to visit him again.

which remanded the matter to District Court for an evidentiary hearing. After the

Chapter Twenty-Nine

THE BEGINNING

by Mark Lane

This book is, of course, not intended to present the case for James Earl Ray. It focuses upon the events which transpired in Memphis on April 4, 1968, and the events which led up to the fateful moment that day as well as the incidents that followed. In the course of telling that story it becomes clear that James Earl Ray has been poorly treated, that his basic rights have been denied and that should he be granted a trial more of the facts about the murder of Dr. King might be known.

James Earl Ray was charged with a heinous crime. He and the American people have been denied the opportunity to witness an open inquiry into that murder, in which the evidence is offered under oath and subjected to the cross-examination required by our adversary system. Some may contend that Ray waived his right to a trial. Under the circumstances which prevailed I do not believe that such a waiver may be valid. In any event, the American people have entered into no such waiver and our right to know has been obliterated by actions seemingly beyond our power.

In February 1975, I founded the Citizens Commission of Inquiry (CCI). The CCI was mandated, through citizens' lobbies, to urge the Congress to reopen the investigation of the assassination of John F. Kennedy; further research revealed the need to pursue also the investigation of the death of Dr. Martin Luther King, Jr.

Many prominent citizens joined the CCI as advisers and active participants on our Executive Committee; among them John Adams, of the United Methodist Church and the Southern Christian Leadership Conference, a veteran of Kent State and Wounded Knee; Richard Barnet and Marcus Raskin, Directors of the Institute for Policy Studies; Robert Borosage, Director of the Center for National Security Studies; Morton Halperin, a former Assistant Secretary of Defense; researchers and writers Mary Ferrell, Donald Freed, L. Fletcher Prouty, and George O'Toole, a former computer specialist with the Central Intelligence Agency, and an author of several articles and books, including *The Assassination Tapes*. We were also joined by scientists and scholars interested in truth in government such as Nobel prize-winner Linus Pauling, astronomer Steven Soter, and philosopher Josiah Thompson.

As Director of the CCI—and while teaching at the Columbus School of Law, of the Catholic University of America—I was able to recruit a work force of student interns to conduct research and to assist in the formation of chapters of the CCI. The intern program was expanded to other colleges and universities, including the University of Massachusetts, Antioch College, Boston University, and the University of Pennsylvania.

The CCI was funded entirely by lecture fees I earned while speaking at colleges and universities throughout the United States; because the CCI lobbied as part of its program it was unable to achieve tax-exempt status and therefore could not attract foundation or other large gifts.

One advantage of my speaking at more than 180 institutions since 1975 was that at many of the schools a community-wide CCI chapter was formed. Each chapter, with guidance from the national CCI, operated autonomously, educating the community and motivating citizens to influence their Congressional representative to support a new investigation. We already know that a majority of the American people did not believe the Warren Report and that the new information about Dr. King's death, and James Earl Ray's apparently induced guilty plea, had raised many additional questions. Now the old objections no longer had any meaning, and could not deter the determined citizenry — "What good would it do? It won't bring them back. Why stir it up? You can still have doubts about Lincoln's assassination, too." The people now insisted that their representatives, in whom the power had been vested, go to the enormous, complex, expensive, but worthwhile and necessary effort of determining the truth. The natural bent of most may be toward simplicity; but the Vietnam War and Watergate had shown that simplicity, while consonant with goodness and innocence, was not a match to the arabesque designs of the lie merchants. No sooner was one lie revealed than another took its place, and layer upon layer, like the epithelial folds of an onion, needed to be removed before the truth was approached.

CCI's first Congressional contact was Representative Henry B. Gonzalez of San Antonio, Texas, who had been in the Dallas motorcade on November 22, 1963, when President Kennedy was assassinated. Congressman Gonzalez had always harbored doubts about the adequacy of the findings of the Warren Commission. Later he stated that he was also not satisfied with the official explanations of the deaths of Dr. King and Senator Robert F. Kennedy, and the attempted assassination of Governor George Wallace. Congressman Gonzalez believed that these assassinations were the responsibility of Congress to investigate, and ultimately to stop:

After all, these assassinations changed the course of history, thwarted democratic process, eliminated options, baited domestic unrest, and caused great harm to the collective national psyche—the extent of which I strongly feel it is the Congress' responsibility to assess.

Gonzalez introduced House Resolution 204 in the United States House of Representatives on February 19, 1975, which called for a select committee of seven members of the House to study the assassinations of President Kennedy, Senator Robert Kennedy, Dr. King, and the attempted killing of Governor Wallace. The process of ultimately passing a

resolution calls for the collection of cosponsors (other Congress-people who indicate their support of the bill). When a resolution goes through the Rules Committee, the greater the number of cosponsors, the greater the chance of the resolution being reported out of the Rules Committee to the floor of the House. The bill is then read, some debate may ensue, and a vote then takes place. Of course, before the vote, the work of vote gathering has already been done.

At first, Gonzalez's proposal was met with little enthusiasm. Representatives Stuart McKinney, Republican of Connecticut, and Henry Reuss, Democrat of Wisconsin, were among the 64 cosponsors who submitted letters to the Rules Committee in support of H.R. 204, but the majority of the Rules Committee was opposed to it.

Representative Thomas Downing, Democrat of Virginia, however, became interested enough to introduce H.R. 498 in May 1975, which proposed a select committee "That would study and investigate the circumstances surrounding the death of the President. In a "Dear Colleague" letter, a common form of correspondence between members of the House, Representative Downing asked that those "interested in knowing the truth" list themselves as cosponsors.

Downing also said, in the same letter, "It has surprised many of you, I know, that I have taken this interest. Let me assure you that this is not an emotional concern with me. I have seen sufficient evidence to indicate that the Warren Commission left unanswered a number of questions which I feel bear directly on the assassination."

Downing's interest was a surprise to many of his colleagues because, in his almost two decades on the Hill, he had generally expressed conservative viewpoints, and had stuck generally to the maintenance of his own Congressional First District in Virginia.

But this was to be Downing's last term on the Hill; he had announced his retirement and his desire to spend more time with his family. This foray into a subject of national interest was to be his swan song.

There were, then, two resolutions before Congress, and while some Congressmen supported both, there was a clear division between Gonzalez's and Downing's. Although Downing's resolution seemed to be gaining in the number of sponsors over Gonzalez, there were members of the House who felt that Downing's resolution would not pass without the support of the black members of the House, and the black members would also be in favor of investigating Dr. King's murder.

At the behest of Mr. Downing, I presented before members of the House and their aides, many unanswered questions along with available evidence. The CCI conducted public seminars and conferences during the

summers so that informed citizens could better persuade their Representatives on this subject.

Representative Bella Abzug, Democrat of New York, Chairperson of the Government Information and Individual Rights Subcommittee, in an Oversight Hearing of the National Archives and Records Service connected with Freedom of Information Requests and Declassification, contributed toward the hopes of passage of Resolutions 204 or 498. Her committee, in an open hearing on November 11, 1975, questioned Dr. James Rhoads, Archivist of the United States and Acting Chairman of the Interagency Classification Review Committee. The Committee was able to determine that the "Warren Commission was *never specifically given the power* by the President under the Executive Order to originally classify its transcripts and memos. In effect, then, hundreds of Warren Commission documents were withheld from the public for years when there was no sound, legal basis for it."

Representative Don Edwards, Democrat of California, Chairman of the Sub-Committee on the Civil and Constitutional Rights of the Judiciary, and a former FBI agent, conducted hearings on the FBI's involvement in the destruction of a note delivered by Lee Harvey Oswald to the Dallas FBI office shortly before the Kennedy assassination. The hearings established that an FBI official ordered Special Agent James Hosty, an FBI agent, to destroy the letter and that Hosty was then ordered by an assistant director of the FBI not to disclose that episode to the Warren Commission.

The CCI participated in the efforts of this committee, including the preparation of questions to witnesses. My association with Don Edwards dated back to the confirmation hearings, before the Senate and the House, for the designation of Gerald R. Ford to be Vice-President of the United States. During Ford's examination before the Senate Rules Committee he was asked whether he had used any classified material in the writing of his book, *Portrait of the Assassin*. Ford had responded, under oath, that all of his sources were those freely available to the public and unclassified. Before Ford went before the House Committee on the Judiciary for examination, Don Edwards called me in St. Paul, Minnesota, where I was trying the Wounded Knee case, and asked me if Ford's assertion was true. I replied that it was not, and at Edward's request flew to Washington, went to the National Archives and requested the material on which Ford had based his first chapter, "The Commission Gets its First Shock." The Archivist, Marion Johnson, reported to me that the material, a transcript of a meeting of the Commission, was and always had been classified *Top Secret* and not available to the public. I gave this information to Don

Edwards, who then questioned Ford at the House confirmation hearing. Ford stated that he had made an "inadvertent error" in using the classified material for his book, for which he had received an advance of \$10,000. Edwards then commented that Mr. Ford's unauthorized disclosure of the information was against the law and is covered by the "same statutes used to prosecute Dr. Ellsberg for allegedly releasing the Pentagon Papers." Edwards asked Ford to comment on his "apparent violation of the law or on the truthfulness of your testimony to the Senate?"

Senator Richard Schweiker, Republican of Pennsylvania, took a leading role in the discoveries of the Senate Committee on Intelligence Activities, chaired by Senator Frank Church, Democrat of Idaho, when it held hearings on illegal activities of the intelligence agencies in April 1976. The fifth and final report of the Select Committee particularly dealt with the performance of the intelligence agencies regarding the investigation of the assassination of President Kennedy.

Senator Schweiker became vitally interested in the subject and explored it fervently on his own; he gained access to the most restricted materials in the Archives, and became one of the most knowledgeable member of Congress on the assassination. CCI staff members conferred with the Senator while he gathered his information.

The Committee's final report stated that it had:

developed evidence which impeaches the process by which the intelligence agencies arrived at their own conclusions about the assassination, and by which they provided information to the Warren Commission. This evidence indicates that the investigation of the assassination was deficient and that facts which might have substantially affected the course of the investigation were not provided the Warren Commission or those individuals within the FBI and the CIA, as well as other agencies of the Government, who were charged with investigating the assassination.

Once the Select Committee released its final report, however, its activities were concluded. Since that time the Senate has indicated no desire to explore the matter any further.

In the months following the formation of the CCI, I briefed scores of members of Congress, hundreds of congressional aides, including legislative assistants and administrative assistants, and I lectured at almost 200 colleges, law schools, and universities. Almost 150 autonomous chapters of the CCI had helped to generate hundreds of thousands of letters, telegrams, and signatures on petitions to members of Congress. One

hundred and thirty-seven members of Congress had sponsored either the Gonzalez resolution, the Downing resolution, or both. In March 1976, the resolutions were presented to the Rules Committee. The committee refused to refer the matter to the floor and the issue seemed inert for the 94th Congress.

We considered plans to begin again with the 95th Congress which would convene in January 1977.

Abby Mann had for sometime sought to write a screen play about the life of Dr. King. NBC television commissioned the work and Abby asked me to join him in Memphis to assist him in gathering some information about Dr. King's death.

Les Payne, a black newspaper reporter for *Newsday*, had written some unheralded stories about events in Memphis that had preceded the murder there. Donald Freed the West Coast chairman of the CCI, had introduced me to Payne and I was impressed with his knowledge of the case and with his obviously determined and incisive reporting. Freed arranged for Payne and Mann to talk by telephone. Since Payne had written about Ed Redditt's removal from the scene his information was, I thought, of great importance. I agreed to meet Abby Mann in Memphis and to seek confirmation for Payne's observations.

I arrived at the Holiday Inn Rivermont two hours before Abby did. When he called my room from the lobby I told him to join us at once—for my long series of interviews with Ed Redditt had already begun. I introduced Abby to Ed Redditt and our investigation was underway. All that Payne had written was established again, confirmed in tape recorded interviews by the witnesses he had talked to, and corroborated by many additional witnesses he had not.

Together, in three days in Memphis, Abby and I interviewed Floyd Newsom and N. E. Wallace, the two firemen who had been so precipitously transferred from Fire Station Two; Frank Holloman, the former FBI official and former director of the Memphis Fire and Police departments; Richard Ryan, a former lawyer for Ray; various officials of the fire and police departments; newspaper reporters; Reverend Samuel Billy Kylcs, who was to have been Dr. King's host at a dinner at his home on April 4th; and others.

We left Memphis with a growing feeling that little of the truth about Dr. King's murder had ever been published. Together we called upon Coretta King following a Sunday service at the Ebenezer Baptist Church in Atlanta at which Daddy King, Martin's father and minister emeritus, delivered a moving sermon. In a small vestry room we shared the results of our incipient inquiry with Mrs. King. We talked about the need for an

in-depth investigation by a Congressional committee armed with the power to subpoena witnesses and to examine all relevant documents and other physical evidence. Abby's commitment to a film about Dr. King's life and death took him to the cities and towns that Dr. King had visited and transformed—from Montgomery, Alabama, to Chicago, Illinois. My commitment to the facts about Dr. King's death took me within a few miles of the Canadian border to Constable, N.Y., where, with April Ferguson, the associate director of the CCI, we learned from Arthur Murtaugh about the destroy-King squad maintained by the FBI in Atlanta.

In August 1976, I called upon three black members of Congress, Andrew Young of Georgia, now the United States Ambassador to the United Nations; Yvonne Burke of California, at that time the chairperson of the Black Congressional Caucus; and Walter Fauntroy, the delegate to Congress from Washington, D.C. I told them what we had learned in Memphis. I played a tape recording of the interview with Murtaugh. I saw their growing anger transform itself into a desire for action. It was agreed that at the meeting of the Caucus that day a demand would be made for an investigation. The Caucus endorsed the demand unanimously and chose Fauntroy as its leader in the effort to create a Congressional inquiry.

As the presidential campaign was approaching its climax, a meeting was arranged with Coretta King, the leaders of the Caucus and the leaders of the Congress, Carl Albert, the Speaker, and Thomas P. (Tip) O'Neill, the heir apparent to that position in the 95th Congress. The leadership acceded to the requests, firmly put by the others present. At one point it had been suggested that "since we are in the closing days of the 94th Congress and there is so little time to act before the Congress expires why don't we wait for a few months until January?" Mrs. King, speaking, I am told, gently but without hesitation replied, "We have already waited more than eight years too long."

The leadership informed the Rules Committee that the resolution should be reported out. While CCI chapters helped to develop a mass campaign of support through meetings, radio and television programs, and a telephone network, Walter Fauntroy brilliantly maneuvered the newly-drafted resolution through the intricacies of the Congressional procedure. The new resolution, sponsored by Fauntroy, Gonzalez, and Downing, called for the establishment of a Select Committee on Assassinations to examine all of the facts surrounding the murders of President Kennedy and Dr. King.

The resolution cleared the Rules Committee on September 15, 1976, and reached the floor of Congress two days later. The people, some in the

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Congress, others at colleges, union halls, churches, and in the streets had done their work well. The resolution passed by a vote of 280-65. A Select Committee had been formed, and within days, funded. Richard A. Sprague was chosen to be its general counsel and staff director. The investigation was underway.

Sprague brought with him the credentials of a long-time successful prosecutor, a real-life Philadelphia lawyer whose relentless investigative techniques and determination led to the classic investigation and presentation to a jury of a conspiracy to murder the Yablonski family in Pennsylvania. His work up to that time had won him the almost unanimous accolades of the news media. Sprague had served as an assistant to Arlen Specter, the Philadelphia District Attorney. Specter had played an important role as a Warren Commission lawyer; he had helped to design the implausible single bullet theory which provided the basis for the Commission's implausible conclusion.

Before the Committee's mandate had expired with the closing days of the 94th Congress the attacks upon the Committee and upon Sprague began.

Ben Franklin of the Washington bureau of *The New York Times*, who had written admiringly of Sprague, was taken off the assignment to cover the Committee. David Burnham, who had dealt with corruption or alleged corruption in Philadelphia politics, was given the assignment instead.

With Burnham leading the attack, and George Lardner, Jr., of the *Washington Post* and Jeremiah O'Leary of the *Washington Star* aiding and abetting his stories, what appeared to be a campaign against the Committee and its counsel was well underway. This trio ignored the work of the Committee to publish and then comment upon stories about Richard Sprague, some of them ten and fifteen years old, that Burnham had resurrected from the ancient clippings in the morgues of Philadelphia newspapers.

Among the stories that they did not cover as the events transpired was the action of the Memphis authorities after the announcement that a committee of Congress would investigate the assassination. The mayor ordered the police to burn all of the files—180 boxes of them—that comprised the entire history of the domestic intelligence division of the Memphis police. Why was Redditt pulled off his assignment? On September 10, 1976, the answer to that and a hundred other questions may have gone up in smoke. Why had the police protection been reduced? Were FBI agents surveilling Dr. King on the evening of April 4th? Why had the black firemen been transferred? Despite the best efforts of the

American Civil Liberties Union to prevent the official destruction of the files, the court order that they secured was served one hour too late; the records were gone. The facts could very likely be established only through a painful and careful reconstruction of the events.

Yet in January of 1977 the re-establishment of the Congressional committee with the authority to undertake such a project suddenly was in doubt with the new Congress. A *New York Times* editorial denounced Sprague and questioning the wisdom of re-establishing the Committee was another blow to the hopes of the American people that at long last the facts might be uncovered and revealed. The stories of the three [redacted] had been effective. Why have the *New York Times*, the *Washington Post*, the *Washington Star*, and other major newspapers failed to meet and interview the relevant witnesses referred to earlier in these pages? Why have these publications instead focused upon the presumed errors of the Congressional investigators and published recurrent attacks, some of them containing dubious charges, against the committee's staff?

One of the black members of the Select Committee—Congressman Harold E. Ford of Memphis—charged that the FBI had hired former agents to lobby against the continuation of the investigation.

The stories, and the actions of the intelligence agencies, seriously eroded support for the investigation. In February 1977, the Rules Committee reported a compromise resolution to the floor. It placed the Select Committee on probation for two months; required that the committee adopt a modest budget; and stated that during the first week of April 1977, the Congress might decide to reestablish the Committee or perhaps forever end any hope of such an inquiry.

During the evening of February 1, 1977, on the eve of the vote, I spoke at Morse Auditorium at Boston University. Hours before I had telephoned Dick Gregory who I had located in a dentist's chair in Boston where he was about to undergo dental surgery. I told him that I thought we should engage in an all night vigil in support of the resolution that night. He suggested the house in Brookline, Massachusetts, where John F. Kennedy was born. At the conclusion of my remarks at Boston University, I announced that Greg and I were going to walk to the house where John Kennedy was born and stand there in a silent vigil until the dawn brought in a new day with the hope that we might soon learn about his death. Two hundred people, students, professors, and others walked with us for the better part of an hour through that frigid winter night. When we arrived, it was nineteen degrees below freezing. Various reporters dropped in through the night. One person delivered a message that Steve

Krause of the Boston office of the UPI wanted me to call him. I did so. I told him we were maintaining a silent prayerful vigil. He seemed receptive and almost supportive.

The next afternoon I arrived in Washington just in time to witness the debate on the resolution on the floor. The opening remarks against the resolution were spoken by Representative James Quillen of Tennessee. He said:

Just this morning, Mr. Speaker, one of the major wire services reported that the Justice Department after months of investigation has concluded that James Earl Ray acted alone in assassinating Martin Luther King, Jr. This conclusion is contained in a 148-page report prepared by the Director of the Department's Office of Professional Responsibility at the direction of the former Attorney General.

At that point a colloquy developed between Quillen and Yvonne Burke of California.

Mrs. Burke of California. Mr. Speaker, will the gentleman yield?

Mr. Quillen. I will be happy to yield to the gentleman from California.

Mrs. Burke of California. Mr. Speaker, has the gentleman seen that report?

Mr. Quillen. I have not seen the report, I saw the news report, and I have it in front of me.

Mrs. Burke of California. Mr. Speaker, I asked that question because I would like to share with the Members an experience that I had today.

I have been trying to see that report. I have been advised that the material in that report is too sensitive. As a member of the Committee on Appropriations and a member of the Subcommittee on State, Justice, Commerce and the Judiciary, the committee that has jurisdiction over the Attorney General's office and the Justice Department, I find it very irregular that I have not been able to see that report.

I also find it irregular that the Justice Department had 12 to 15 deputies originally assigned to this investigation, that those deputies came back with a report to Assistant Attorney General Pottinger concluding that there should be an independent inves-

tigation, but that as a result there was another person appointed, Michael Sheehan, and that person has now come up with a report that was on the former Attorney General's desk at least 2 weeks ago, although the Attorney General has been gone for some weeks. This morning, the report was leaked.

The Justice Department told me this morning that they know nothing about the leak.

Mr. Speaker, I would like to ask the gentleman from Tennessee (Mr. Quillen) if he will get a copy of the report so we can look at it and if he will give us some further information about the report.

Mr. Speaker, I thank the gentleman very much for yielding. Mr. Quillen. Mr. Speaker, if the gentleman cannot get a copy of the report herself, I cannot furnish her with a copy. I have not asked for the report. I have in front of me a copy of a wire service story which moved this morning by a very responsible news disseminating organization, the United Press International, and I understand the Associated Press had a story later in the day. The wire service story states that the report concludes that no one except James Earl Ray acted in the assassination of Martin Luther King, Jr.

Mrs. Burke of California. Mr. Speaker, will the gentleman yield further?

Mr. Quillen. I would be happy to yield to the gentleman from California.

Mrs. Burke of California. Mr. Speaker, I was advised by the Justice Department that they had nothing to do with this UPI report and they do not know where it came from.

Mr. Quillen. Mr. Speaker, I have not talked with the Justice Department. I have not asked for a copy of the report.

The closing remarks were made by Representative Robert E. Bauman of Maryland.

He said that the *Washington Post* called the Select Committee "perhaps the worst example of Congressional inquiry run amok". Bauman then made a charge that caused considerable concern on the floor. He said:

I am well aware that this matter arouses certain passions. Last night the Speaker was subject to a public demonstration in

Massachusetts warning that "They are watching Tip O'Neill, what you do in this matter," a statement from Mark Lane who has been a champion of such an investigation.

When I inquired later that day, I discovered that Bauman based his allegation against me upon a UPI story. During the vigil I had not mentioned Tip O'Neill; I had not led a demonstration against him, or stated, or implied that we were watching him.

I secured a copy of the UPI story that had misled Bauman. It carried a Nicholas Daniloff by-line and read:

The night before the House debate, comedian and activist Dick Gregory and author Mark Lane led a group of about 200 people in an all-night vigil outside John F. Kennedy's birthplace in Brookline, Mass.

"This vigil is to let Tip O'Neill know we're watching him," said Richard Feldman, a spokesman for the group.

On February 4th, I wrote to Congressman Bauman an acquainted him with the facts. On February 7th he asked for and received unanimous consent from the House to correct the permanent record. On that occasion he admitted his error and apologized for any inconvenience to me that he may have caused. I wondered who Richard Feldman was. Clearly he was not a "spokesman" for the "group" since there was no formal group. I called Daniloff and asked him who Feldman was. He answered, "Feldman, you get me; who is he?" I referred him to the UPI story that carried by-line. He read it and said, "I'll be damned. I did write the story but I never quoted Feldman whoever he is and I never put those words in there". I asked him who did quote Feldman and he said, "The only person who could have changed my story, and I can't imagine why she should, would be the overnight editor, Elizabeth Wharton." I called her and apprised her of the facts. She said, "That Feldman quote was not in there in Daniloff's story. He's right he did not put it in there. And neither did I. This is the first I've heard of that quote and I saw the story when Daniloff wrote it, I did not change it and so far as I know it went out without any quote from Feldman. This is very strange. All I can say Mr. Lane is that it could not have happened, but it did." It did. A phantom quote from a mystery person emerged in a UPI story from the Washington bureau in a fashion that remains an enigma to the Washington bureau of UPI and found its way onto the floor of Congress as a weapon against the investigation. The compromise resolution passed by the narrow margin of 237 to 165. The Committee was given a two month reprieve.

Nine years have passed since the death of Dr. King. The American people have not been given the details about the pathological hatred that Hoover's FBI betrayed toward Dr. King. Neither have we been told why the black witnesses were officially stripped from the scene overnight before the murder nor why the police officer in charge was removed on an implausible pretext just before the fatal shot was fired. The witness and security stripping was directed by a former high-ranking FBI official. Mystery surrounds the failure of the FBI to seek James Earl Ray until April 19th, fifteen days after the murder in spite of the presence of the fingerprints on the preserved murder rifle.

The bullet taken from Dr. King's body was examined by an FBI agent whose conclusions raise more questions than they answer. The bullet has not yet been adequately tested. It may not have been fired from Ray's rifle.

Ray's claim that he was induced into entering a guilty plea is supported by much of the known evidence. His claim that a man named Raoul moved him about has never been tested by a comprehensive investigation and remains a viable theory.

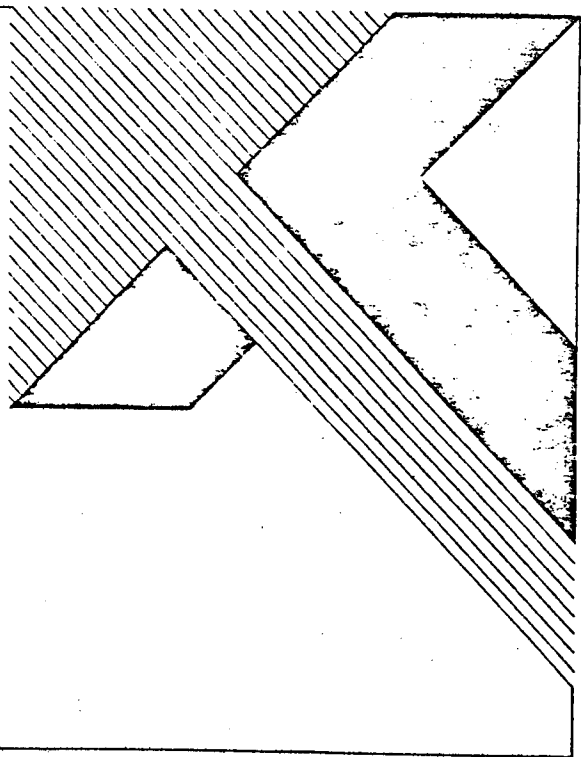
The cover-up of facts surrounding the murder, including the publication of news stories, help to authors of books and magazine articles, and direct lobbying against a Congressional investigation by intelligence and spy organizations requires that we ask what it is that is so feared by so few. And ask as well how powerful so few must be to influence and control so much.

The present available and known evidence leads inexorably to the conclusion, I believe, that persons employed by the Federal Bureau of Investigation in 1968 must be considered to be prime suspects in the murder of Dr. Martin Luther King, Jr. Even should the facts ultimately acquit the FBI Officials, to permit the FBI, under these circumstances, to conduct the only authorized investigation into the murder is, I believe, to profane our concept of justice and to betray our pretensions of decency. Indeed an investigation conducted by the Department of Justice which relied upon the original FBI investigation would enjoy limited credibility.

Let the Congress act.

Let the truth be known.

POSTSCRIPT



POSTSCRIPT

by Mark Lane

"Just this morning, Mr. Speaker, one of the major wire services reported that the Justice Department after months of investigation had concluded that James Earl Ray acted alone in assassinating Martin Luther King, Jr." So spoke Representative James Quillen in leading off the debate in opposition to the resolution to establish a Select Committee to investigate the assassinations of President Kennedy and Dr. King.

Quillen was quickly challenged by Yvonne Burke, a member of Congress from California and formerly the Chairwoman of the Congressional Black Caucus.

Mr. Speaker, I asked that question because I would like to share with the Members an experience that I had today.

I have been trying to see that report. I have been advised that the material in that report is too sensitive. As a member of the Committee on Appropriations and a member of the Subcommittee on State, Justice, Commerce and the Judiciary, the committee that has jurisdiction over the Attorney General's office and the Justice Department, I find it very irregular that I have not been able to see that report.

I also find it irregular that the Justice Department had 12 to 15 deputies originally assigned to this investigation, that those deputies came back with a report to Assistant Attorney General Pottinger concluding that there should be an independent investigation, but that as a result there was another person appointed, Michael Sheehan, and that person has now come up with a report that was on the former Attorney General's desk at least 2 weeks ago, although the Attorney General has been gone for some weeks. This morning, the report was leaked.

The Justice Department told me this morning that they know nothing about the leak.

The alleged conclusion of the report prepared under the direction of a former Attorney General, Edward Levi, had been leaked to a news service, after a new Attorney General had taken office and on the very day that the Congress was to consider the matter. Members of Congress were unable to secure the report. The shadow of a previous administration had been conjured up to blur the distinctions

Michael Shaheen, served as its investigator. Shaheen's work was incorporated into the final report issued by the Department of Justice.

The serious questions contemplated by the Justice Department inquiry were:

1. Why were only two police officers assigned to Dr. King on the evening of April 4, 1968?
2. Why was one of those officers, Redditt, removed so precipitously two hours before the murder?
3. Why were the only two black firemen removed from the scene of the murder the night before it occurred?
4. If Raoul did not provide Ray with funds as Ray claimed, where did Ray secure the many thousands of dollars that he expended from the time he escaped from the Missouri Penitentiary until his arrest in London?

Before the inquiry began it was necessary to determine who was to conduct it. A memorandum from Levi was published in the Justice Department's report on the King assassination. It referred to the earlier efforts made by Pottinger and reads, in part, as follows:

The review is not complete. Mr. Pottinger and all those who have commented upon his memorandum recommend that the review be completed. Mr. Pottinger also has made other recommendations upon which there is some difference of opinion. In my view, it is essential that the review be completed as soon as possible and in as thorough a manner as is required to answer the basic questions. In view of what has already been done, and the tentative conclusions reached, special emphasis should be given to the fourth question. In conducting this review you should call upon the Department to furnish to you the staff you need.

Levi had decided that the "thorough" investigation was to be conducted by his Department of Justice. Levi's delicate language regarding Pottinger's "recommendations" and the "difference of opinion" that existed tended to obfuscate the central question that Pottinger had raised.

On March 25, 1976, as Pottinger's survey of the records was nearing completion, he said that he would recommend that Levi appoint a committee made up of people outside the FBI, outside the Department of Justice, and outside the government to investigate the assassination of Dr. King. Pottinger said that new doubts and suspicions about possible FBI involvement in the murder required an independent inquiry. He said that for "reasons of credibility" the investigation should be conducted by persons independent of the Justice Department which has control over the FBI. Pottinger urged that the new committee look into such questions as whether there was any FBI complicity in the murder and whether the FBI violated any law in its harassment of Dr. King.

These were the "recommendations" that Pottinger had made. The "difference of opinion" that Levi referred to was his own categorical rejection of the Pottinger suggestion that anyone outside his department be entrusted to examine the evidence.

No 275?

The Department of Justice embarked upon its secret investigation by establishing two categories of evidence of the Department of Justice report. Appendix A contained irrelevant or easily obtainable and previously published data for the most part, including the titles of several books about the assassination, maps of Memphis, a floor plan of the second floor of the rooming house, and various FBI memoranda. It consisted of eighteen exhibits. However exhibits 12, 17, and 18 were designated as "classified" and were not published.

The documents referred to in the Department of Justice report which seemed to bear some relationship to the case were all placed in Appendix B. All of the documents in Appendix B were classified and none can be examined by the public. Appendix B became a *Catch-22* kind of depository for all governmental doubtful propositions, for the evidentiary basis for all FBI speculations, and for all Justice Department theories.

Its *modus operandi* determined, the Levi task force began its work.

Why were only two police officers, Redditt and Richmond, assigned to Dr. King on the afternoon of April 4, 1968? In fact, did the FBI agents witness the murder? The shameful record of FBI harassment of Dr. King established that he was subjected to electronic surveillance through telephone wiretaps and planted microphones in cities that he visited all over America, including Los Angeles, Washington D.C., and New York. He was followed and spied upon in cities throughout the country by an army of FBI agents. Does it seem likely that Dr. King was not subjected to any FBI surveillance at the time of his death and during the hours preceding his death? The report said only that the FBI "unequivocally assured the task force that there was no electronic surveillance of Dr. King in Memphis. It was explained [by the FBI] that Memphis was not in the mainstream of Dr. King's SCLC activities." The Justice Department task force relied entirely upon the suspect agency to resolve this important question. FBI records were apparently not examined. The FBI interview relied upon by the report was placed in Appendix B and is not available for examination. The explanation offered by the Bureau appears to be of little value since Dr. King's activities were subjected to continual electronic surveillance in many cities which were not in the mainstream of SCLC activities. In addition Dr. King's continuing commitment to the struggle of the sanitation workers, along with the efforts of his aides, Reverend Abernathy, Andy Young, Bernard Lee, and others, demonstrated yet again that Memphis was very much in the mainstream of SCLC activities. The report stated that "FBI agents did observe the sanitation workers' strike activities for intelligence purposes." Yet, nowhere in the report does the Department of Justice disclose if any of those agents observed Dr. King during the hours before his death or at the time of his death. The interviews relied upon by the report to establish the FBI position on this question were placed in Appendix B and cannot be seen.

Inspector G. P. Tines of the Memphis Police Department (MPD) told the task force that six or seven officers were assigned to place Dr. King under

surveillance and to provide security for him on April 3rd. The report of Tines was made part of Appendix B and is unavailable. According to the report, the security detail of four or five men operated in the area of the Lorraine Motel "until they were ordered to headquarters by Chief J. C. Macdonald at approximately 5:05 P.M." on April 3, 1968. According to the report, Tine said "he was not conferred with and has no idea why the security detail was removed from Dr. King after 5:05 P.M." While the report asserted that Macdonald had ordered the security detail to leave the area of the Lorraine Motel; also according to the report, "Former Chief Macdonald has no present recollection of the security detail." The interview with Macdonald was made part of Appendix B and cannot be seen. The report stated that "the security detail was not resumed on April 4, 1968." It relied for that conclusion upon the secret reports of two MPD Inspectors which were incorporated in a document in Appendix B.

On April 4, 1968, according to the report, Detective Ed Redditt and Patrolman W. B. Richmond were the only MPD officers in the vicinity of the Lorraine Motel. The Justice Department's investigation failed to determine if FBI agents were present at the time. It failed to investigate the possibility of FBI electronic surveillance at the time. The Justice Department was unable to discover why Redditt and Richmond were the only two police officers assigned to Dr. King on the evening of April 4, 1968. All of the evidence that the task force of the Justice Department examined regarding this aspect of the investigation was placed in Appendix B. None of it can be seen.

The second question considered by the Justice Department concerned the removal of Redditt from the scene two hours before the murder. The report stated:

At approximately 4:00 P.M., Redditt was ordered by telephone to leave the fire station and report to headquarters where he was advised that threats had been made on his life. He was, therefore, ordered to move his family into a motel under an assumed name by Frank Holloman, former Director of Police and Fire, Memphis, Tenn.

Redditt stated that he was not called to headquarters as the result of a telephone call but that Lt. Arkin arrived on the scene and drove with him to headquarters. The source for the version published in the report is an interview with Frank Holloman. That interview remains secret and assigned to Appendix B. According to the report:

Redditt was taken home in a squad car, but refused to move his family because of a sick relative. At about the time the squad car arrived in front of Redditt's residence, it was announced on the radio that Dr. King had been shot. After a couple of days, Redditt did not hear any more about the threat on his life.

An interview with Redditt was given as the source for that data. That interview also remains secret as part of Appendix B.

The matter was properly posed. The question before the task force was evident. Why was Redditt removed? The task force could not discover the answer. A secret report by Inspector Tines, filed in Appendix B, was given as the source for the story that a man named Philip R. Manuel, an investigator with Senator McClellan's investigating committee, had told the MPD that an informant in Mississippi said that the Mississippi Freedom Democratic Party [a liberal, nonviolent, interracial political movement within the Democratic Party] had made plans to kill a "Negro lieutenant" in Memphis and then later called to say that the "Negro lieutenant" was in Knoxville, not Memphis. This slender reed provided the only information the Justice Department could secure to form the basis for its conclusion regarding Redditt's removal. However, according to the report, "Philip R. Manuel neither has a present recollection of providing the information regarding the threat to the MPD, nor does he have a memorandum of the event."

The Manuel interview is, of course, secret and is, of course, in Appendix B. The reader may recall that Redditt told me, and very likely told the Justice Department as well, that he was introduced to the Secret Service agent by Holloman at MPD headquarters and that other law enforcement officials were present as well. Redditt's recollections appear to preclude the possibility that Manuel was the source of the information. Together with Manuel's own lack of independent support for the story, it appears to fall. The story attributed to Manuel regarding an unnamed "Negro lieutenant" in Memphis should not have led the Memphis police to Redditt in any event. Redditt was not a lieutenant. He was a detective with a rank of warrant officer. Following the publication of the Department of Justice's report I called Manuel and asked him if he had ever met Redditt. Manuel refused to discuss the matter with me stating only, "I have made complete statements to the Department of Justice and the House Select Committee on Assassinations." Since the Department of Justice's statements are unavailable, stored in Appendix B, I visited Richard Sprague, the General Counsel and staff director to the House Select Committee on Assassinations. He said, "Manuel's statement was that he refused to talk to us unless we served him with a subpoena. We don't have that power now, so we have no statement from him." On March 1, 1977, I called Ed Redditt. He described for me the Secret Service agent he had seen on April 4, 1968, at Police Headquarters. Redditt said, "He was approximately 5 feet 11 inches tall; weighed about 200 pounds; light complexion; hair that was not dark, probably light brown." Later that evening I secured the description of Philip Manuel from an associate of his. He was described as being "Approximately 5 feet 6 inches tall; 160 pounds in weight; an olive complexion and black hair." The Department of Justice's speculation that Manuel was the source for the story that led to Redditt's removal had apparently been refuted by the evidence. I wondered if the Department of Justice's investigators had confronted Redditt with Manuel or if they had even secured Redditt's description of the Secret Service agent from him. On March 3, 1977, I called Redditt and asked him about the Department of Justice's interview with him. He

said, "They never asked me to describe the Secret Service agent who supposedly brought the death threat from Washington. They never showed me a picture of Manuel. They never told me that they had located a man who they thought had conveyed the threat." The Department of Justice had failed to conduct the most elementary investigation to determine if Manuel could have been the person who conveyed the threat to the Memphis authorities. The Department of Justice had failed to ask Redditt if he could identify Manuel. The Department of Justice had failed to send Redditt a copy of its report; I read relevant portions to him. When Redditt learned that Manuel had called the Memphis Police Department on April 5, 1968, "and advised them that a threat was on the life of a 'Negro lieutenant' in Knoxville, rather than Memphis," he was amused. He observed, "Yet headquarters did not release me from my 'house arrest' at that time—on April 5. They kept me there after that, still saying that I was the subject to a death threat. If Manuel's story is a hoax, they evidently just won't tell the truth about why I was removed just before Dr. King was murdered." The report does not allege that Manuel called the Knoxville Police Department to inform them of the newly located threat or that the Memphis Police released Redditt from his protective custody status just after or as a result of the telephone call by Manuel to the Memphis Police Department in which he allegedly corrected his previous error.

Why were the only two black firemen assigned to Fire Station Two, which was located near the Lorraine Motel, removed from the scene of the murder the night before it occurred? Here again the investigation by the Department of Justice confirmed all of the findings of our investigation. The report reads:

As of April 3, 1968, Norvell E. Wallace and Floyd E. Newsum were the only black firemen assigned to Fire Station No. 2 of the Memphis Fire Department (MFD). Wallace was working the night shift on April 3rd and Newsum was scheduled to report for the day shift on April 4th. Both of these individuals actively supported the sanitation workers' strike, attending their rallies and making financial contributions.

In our interview of Wallace (Interview July 8, 1976 App. B.) he stated that at about 10:00 or 10:30 on the night of April 3rd his captain told him that a call had come in requesting that a man be detailed to Fire Station No. 33. He was immediately detailed to No. 33 although it was raining and he was preparing to go to bed. Wallace further stated that while Fire Station No. 33 was understaffed as a whole, there was no shortage of personnel for the pump truck on which he worked. Otherwise, he does not know why he was detailed.

Also, on the night of April 3rd Fireman Newsum, in a wholly personal capacity, attended a rally at the Mason Temple where Dr. King made his last speech. When he returned home (about 10:30 P.M.) there was a message for him to call Lt. J. Smith at the fire department. When he called, Lt. J. Smith ordered him to report to Fire Station No. 31 on the morning of April 4th rather than Fire Station No. 2. Newsum claims that Fire Station No. 31 was

overstrength at the time and his detail made his company short. Moreover, he says he never has received a satisfactory explanation why he was detailed. However, he did say that Lt. Barnett at one time told him he was detailed at the request of the police. (Interview of Floyd E. Newsum, July 8, 1976, App. B.)

Again the facts had posed the question. The Department of Justice could only report:

Interviews of past and present members of the MFD have failed to disclose the individual who initiated the order or the reason for detailing Wallace and Newsum.

The interviews of the past and present officers of the fire department are all secret. All have been made part of Appendix B. The investigation was able to establish that Wallace's Company at Fire Station Two "was operating at minimum strength after he was detailed; whereas Company No. 33 to which he was detailed operated at one over the minimum strength after the detail." Similarly, the records revealed that "Newsum's Company No. 55 at Fire Station 2 was operating at minimum strength after the detail but Company 31 to which he was detailed operated at one over minimum strength after the detail." The Department of Justice, failing to discover who initiated the order to remove Newsum and Wallace and failing to discover the reason for the order, was nevertheless willing to speculate:

Our investigation has not disclosed any evidence that the detail of Wallace and Newsum was in any way connected with the assassination of Dr. King.

The conclusion may be accurate since the investigation apparently uncovered no evidence regarding the cause for the transfer.

The report of the Department of Justice rejected out of hand Ray's claim that he had been financed by Raoul. The report concluded;

Indeed, the overwhelming evidence indicates that Ray was almost totally alone during the year after his escape from the Missouri State Prison.

The evidence which impressed the Justice Department lawyers as being "overwhelming" was not shared with the readers of the Report. It too was placed in Appendix B.

If Raoul did not provide Ray with funds, who did?

The facts disclosed that Ray had traveled extensively after he escaped from the Missouri Penitentiary. The Department of Justice conceded that "in addition to normal living expenses, Ray made several substantial purchases, e.g., cars, photo equipment, dance lessons."

The report stated that:

These expenditures suggested that he had financial assistance and hence possible co-conspirators. Therefore, the Bureau was particularly interested in determining his sources of income.

Hoover went to extreme lengths in an effort to determine if Ray had been involved in any robberies or burglaries anywhere within the United States. The report disclosed that.

On April 23, 1968, the Director advised all field divisions to consider Ray as a suspect in any unsolved bank robberies, burglaries or armed robberies occurring after April 23, 1967. The results were negative.

Six days later Hoover enlisted the entire law enforcement apparatus in the United States, federal, state and local, in another such effort.

On April 29, 1968, the Director in a teletype to all SAC's ordered that all law enforcement agencies which maintained unidentified latent fingerprints be contacted and requested that fingerprints of Ray be compared in order to determine his past whereabouts and possibly establish his source of funds. Again, negative results were obtained. The Director, on May 14, 1968, reminded all field divisions that Ray had spent a considerable amount of money from April 23, 1967, until April 4, 1968, and advised that a source for these monies had not been determined. The Director ordered that photographs of Ray be displayed to appropriate witnesses in unsolved bank robberies and bank burglaries. These efforts and all others to date, with one exception, have proved fruitless. The Bureau investigated the possibility that Ray participated in a bank robbery at Alton, Illinois, in 1967, but it was established that he was not a participant.

Hoover then involved the Canadian and Mexican police in an effort to explain Ray's income.

Reports from the Royal Canadian Mounted Police indicated no known robberies or burglaries which could be associated with Ray.

Unable to secure any evidence that Ray robbed or burglarized a single establishment in spite of its unprecedented efforts to do so the FBI fell back upon a guess:

It is the Bureau's opinion that Ray most likely committed on a periodic basis several robberies or burglaries during this period in order to support himself.

The Department of Justice concluded its report regarding Ray's "Sources of Funds" more enigmatically.

It wrote, "The sources for Ray's funds still remain a mystery today." Indeed, to the Department of Justice every relevant area regarding the murder of Dr. King still remains a mystery today. The report confirmed the accuracy of our investigation. It posed to the American people the questions that our investigation had posed to the Department of Justice. Yet it provided not a single relevant answer.

A substantial portion of the report was devoted to a section designated IIC and titled "The Story of James Earl Ray." The Department of Justice relied upon Huie's book, *He Slew the Dreamer*, for many of his findings about Ray. In just

the opening eight pages of Section IIC it has cited that book more than twenty times as the source of information about Ray. The report relied upon Huie's description of Ray's relationship with a Canadian woman who Ray considered asking for assistance in securing a passport. When Ray discovered that she was a government employee, he decided not to ask for her help. Huie had written in *He Slew the Dreamer* that when he interviewed the Canadian woman she told him that Ray was a racist. According to Huie, Ray had said to her that those people who "know niggers hate them." I asked Ray about that remark when I saw him in prison. He said that he had never made such a remark and that he doubted the Canadian woman told Huie that he had. The Canadian woman was reluctant to discuss this matter. I spoke with her attorney. He said, "We were going to sue Huie for attributing remarks to her that she did not make, but since Huie never mentioned her name in the book or articles I didn't think we had a legal case. If he had mentioned her name we would have sued because he made statements that were not true." The Department of Justice should have examined Huie's records in this matter thoroughly before relying upon him as the source. Huie's confusion of fact and fiction appears to have predated his work in the Ray case. In 1960, Huie brought an action in the United States District Court for a preliminary injunction against the National Broadcasting Company, Inc. (NBC), on his copyright on a story entitled "The Hero of Iwo-Jima." NBC had commissioned a television program entitled "The American" which Huie claimed was based upon his work. The court denied Huie's motion since in his book he claimed that the story was true, but before the court he demonstrated that episodes previously offered as fact were actually "the product of his imagination." Historical facts are not subject to copyright laws; works of fiction are. The court said that Huie was stopped to say that his book was fiction after having claimed in that book that it was true.

When the new Attorney General, Griffin Bell, released a report on February 18, 1977, he expressed reservations about its conclusions that Ray acted alone. His doubts encouraged members of the Congress to move on with their investigation into Dr. King's death. On Sunday, February 27, 1977, the *Washington Star* published a lengthy and strong defense of the report that in conclusion contained an attack upon the new Attorney General as well. The story that appeared on the front page of the editorial section of the newspaper was written by George McMillan, and had come full circle. The Department of Justice and Huie had provided information for McMillan's book. McMillan's book and Huie's book had been used by the Department of Justice's report. George McMillan then praised the report saying he liked it even better than the Warren Commission Report. On a personal note, McMillan added to his endorsement of the report that the critics of the official version had ignored him. He wrote, "The task force report takes on what has been a key point in the argument that the King assassination was a conspiracy: it is the myth that Ray was only a two-bit punk who had no motive and therefore must have been paid to kill King."

"I confess to having tried to lay this myth to rest myself. I spent six years on a biography of Ray — *The Making of an Assassin* — only to have my book treated among assassination buffs as if it did not exist." I trust that this book will help to remedy the situation of which McMillan complained. While McMillan was quite certain that the report concluded that Ray was not paid to kill Dr. King, the report itself was not so unequivocal on that point. In discussing motive, the report said: "Yet, Ray's apparent hatred for the civil rights movement, his possible yearning for recognition, and a desire for a potential quick profit may have, as a whole, provided sufficient impetus for him to act, and to act alone."

On the afternoon of March 3, 1977, I met at the Department of Justice in Washington, D.C. with four of the five members of the Task Force and Michael Shaheen, who had directed their work. I informed them of Redditt's description of the Secret Service agent whom he had seen in Memphis on April 4, 1968, and asked if that matched Manuel's description. The Task Force member who had interviewed Manuel said that he had never seen Manuel. He explained that, instead, he had talked briefly with Manuel by telephone. Manuel's physical attributes were relevant as was Redditt's description of the Secret Service agent, yet the Task Force members said that they had not inquired about the Secret Service agent when talking to Redditt and neither seen Manuel nor inquired about his physical description.

The Report reveals that Redditt was interviewed on July 8, 1976; Times, who related the Manuel story, was interviewed the following week. However, the telephone call to Manuel was not made until the end of September 1976. The Task Force member who had called Manuel asked me, "Why should I have conducted a long interview with Manuel? What could I have asked him after he said to me that he didn't remember the incident, had no memorandum about it, but was willing to accept the Memphis Police Department's account of it?" I said, "You might have asked him if he remembered calling the Knoxville Police Department to alert them to the threat. You might have asked him if he ever recalled telling any police department during his life that there was a contract out on one of its officers and if he thought it likely that he could forget such a dramatic moment. You might have asked him if he met Redditt on April 4th in the Police station. You might have asked him for his height, weight, and hair color so that you could check that information out against Redditt's description of the Secret Service agent."

At that point, the Task Force member interrupted to say, "We do not interrogate witnesses." Another Task Force member said, "You don't have to tell us what questions to ask."

One of the younger Task Force members asked me what more could be done to investigate the Manuel story. I suggested that the Knoxville Police Department should be called to see if a threat had been relayed to that office on April 5, 1968; that a thorough investigation of the incredible story that the threat originated with the Mississippi Freedom Democratic Party should be made; that the Memphis Police officials, including Holloman, should be asked why Redditt was confined

to his house for days after the Memphis Police Department had been informed, on April 5, that he was not the presumed target and why Redditt had never been told, until I called him in March 1977, that he had in fact not been the target for the alleged contract killing. I noticed that no one associated with the Task Force made any notes.

I asked the government lawyers if they had determined in their search of the FBI's secret files whether Redditt, Newsum, Wallace, or Richmond had ever been questioned by the FBI in the investigation. Shaheen said that the FBI had not questioned any of the four men and that the first time any of the four had been questioned by federal employees was in July 1976. Why had the Task Force of the Department of Justice failed to ask the relevant questions of the relevant witnesses?

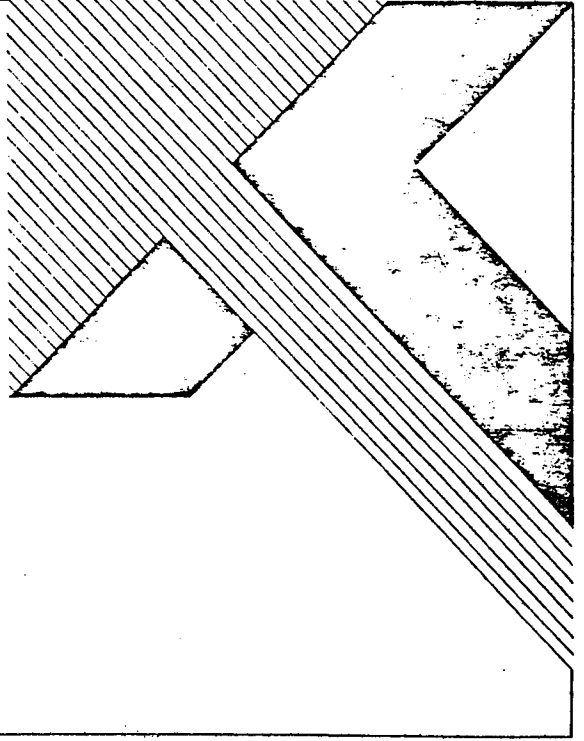
Carl T. Rowan, perhaps America's most influential black journalist, wrote, in the *New York Post* on February 19, 1977, "Very clearly the FBI is suspect." He added, "We may never know the truth—but we must search for it." Rowan underscored the necessity for an investigation independent of the FBI and those associated with it in the Department of Justice by disclosing a startling fact. He wrote, "While James Earl Ray was fleeing some FBI operatives were trying to sell me the spurious line that Russians had killed King because of some hitch in his relations with 'Soviet spies.'" Within four hours after Dr. King was murdered the FBI had taken possession of Ray's rifle and binoculars which bore his fingerprints. Yet subsequently FBI personnel were alleging that Russians had killed King.

The Department of Justice did not examine, in its *Report*, the failure of the FBI to seek Ray from the outset, in spite of the fingerprints which led inexorably to him. The *Report* did not explore or disclose the fact that the original circulars advertising his escape from the Missouri Penitentiary inexplicably bore not Ray's, but another man's, fingerprints. The *Report* did not disclose or explore the false stories circulated by the FBI regarding the suggested culprits, from Hoover's talk of "a jealous husband," to his employees' allegations about Russian spies.

Attorney General Bell reacted to the *Report*, which was prepared during a previous Administration, by stating that it did not adequately answer the apparent questions. He felt, he said, that the question of a conspiracy to murder Dr. King survived the *Report* and remained a viable one.

Indeed the report raised more questions than it answered. Only a serious, sober, and thorough investigation conducted by persons not afraid of what the evidence might reveal will suffice. And that investigation, to be effective, must not husband away its evidence beyond the perception of the people in a bin marked Appendix B.

APPENDIX



Appendix One

THE FUNERAL

by Dick Gregory

Martin Luther King had said time and time again that he would probably die fighting for civil rights. He felt that he was a likely target for the same type of violence that struck John F. Kennedy and others who tried to pave the way for freedom for all people. He had talked to his close friends about dying. He had mentioned to his wife Coretta that he, just like President Kennedy, was despised by many who were against integration, and that in a sick nation, violence was common. Martin Luther King died just the way he said he might: by an assassin's bullet; the way millions of Americans had hoped he wouldn't. He died in a town where he might not have been except for the garbage collectors' strike which was affecting blacks in Memphis in a way that soon to be recognized as one of the single most important accomplishments of the civil rights movement. Martin Luther King died alone. He was not a victim of a bombing or a fire affecting a group of people, but rather he was the center of attraction. Reverend Andrew Young had always predicted that if violence ever struck the inner circle of civil rights leaders, it would probably hit them all at once. He felt that the entire movement and its leadership would be wiped out at the same time. It surprised him that Dr. King died alone with his close friends standing watch.

For more than ten years now, King had been under the constant pressure that had built up during his entire career in the civil rights movement. It had not been easy for this man who had lived with threats for such a long time. Many of the threats had become a regular part of his life along with the hatred and the lies that he and his family had to contend with.

King was labeled a national security threat and J. Edgar Hoover called him "The most notorious liar in the world." The FBI subjected King to massive and complete surveillance, smear campaigns, and blackmail. They tapped his phones. The way the FBI used to operate in the South was like a black guy would call them and tell them that the Ku Klux Klan was threatening his family. Two agents would come out to his house, warm their hands on the cross burning on the front lawn, take the black guy's fingerprints, and then leave. The FBI is hung up on fingerprints. If they can't get any fingerprints they can't solve anything. If a cat could figure out a way to rob banks just by using his feet, the FBI would never

catch him! Black folks in America rate the FBI like they do the swine flu shots . . . "Use it at your own risk".

A secret FBI document dated March 4, 1968 issued this revealing directive:

Prevent the rise of a messiah who could unify, and electrify, the militant black nationalist movement. (Malcolm X) might have been such a messiah; he is a martyr of the movement today. (King could) be a real contender for this position should he abandon his supposed obedience to white liberal doctrines.

Maybe this accounts for what many have called his premonition of death. It was on the night of the Kennedy assassination that Mrs. Edith Scott Bagley in Atlanta recalls a statement made by King. She says he returned to his home all shook up, upset, and going to pieces. "This is the way I'm going," he said. He seemed to have even prepared his loved ones for the fate that would eventually come his way. They, too, lived in constant fear, and the pressure was building in all of them. Dr. King's younger brother, Reverend A. D. King, had taken the pulpit on the day of the funeral and cried out, "America, your day of death is coming."

It was hot and muggy the day of the funeral. Women were dressed in black with hats and gloves. Their bodies would soon feel the overwhelming heat and humidity of the warmer-than-usual spring day in Atlanta. Men, dressed in their best suits, knew that they would soon feel the urge to loosen their ties in order to find a bit of comfort from the heat. But the atmosphere on this day soon made everyone unaware of the heat, and very much aware of the large crowd that poured into the church and onto the streets. Martin Luther King was dead, and for the first time since before the announcement of his death, the public was looking at him as his body lay at rest in the church where he had preached so many times.

More than a hundred thousand mourners crowded outside the Ebenezer Baptist Church and onto the streets. They also lined the sidewalks on the route leading to the campus of Morehouse State College where another memorial service would be held. There were hundreds of familiar faces. Celebrities were the first to begin pouring in. They hoped to get a good seat inside the church so they could see and hear the services. But there were just more people than the church could accommodate. There was seating space for 750 persons. Loudspeakers were set up so that those in the basement and those outside could hear. Among the celebrities I was able to see were Sammy Davis, Jr., Diana Ross, Eartha Kitt, James Brown, Lena Horne, Aretha Franklin, Nancy Wilson, Wilt Chamberlain, Mr. and Mrs. Harry Belafonte, Berry Gordy, Thurgood Marshall, Richard Nixon, Hubert Humphrey, Whitney Young, Roy Wilkins, Floyd McKissick, James Farmer, James Foreman, John Lewis, Julian Bond, Floyd Patterson, and Jackie Kennedy. Johnson Publishing Company Paesident John H. Johnson and *Jet* Editor Bob Johnson were there. They had been a big force behind King's being built as a leader. For years *Jet* and *Ebony* had followed his cause, and now they would do tribute to the man who so often made their covers and filled their pages with news of the ongoing struggle for civil rights. As I

watched the expressions of the SCLC members I knew that they were going through a special type of pain. They had walked with King, marched with him, and watched a whole movement turn a nation around; and now he was gone. I wondered how these ministers would be affected by it. Many of them I knew personally, people like Hosea Williams, James Bevel, Ralph Abernathy, Bernard Lee, C. T. Vivian, Fred Shuttlesworth, T. Y. Walker, Jesse Jackson, Walter Fauntroy, and Andrew Young.

During the first week of February Dr. King told his congregation at the Ebenezer Baptist Church what kind of eulogy he wanted at his funeral. One could say that King preached his own funeral before his death when he delivered the following sermon:

Every now and then I guess we all think realistically about that day when we will be victimized with what is life's common denominator, that something we call death. We think about it and every now and then I think about my own death and I think about my own funeral. And I don't think about it in a morbid sense. And every now and then I ask myself what it is that I would want said, and I leave the word to you this morning. If any of you are around when I meet my day, I don't want a long funeral. And if you get somebody to deliver the eulogy, tell him not to talk too long. And tell him not to mention that I have a Nobel Peace Prize; that isn't important. Tell him not to mention that I have three hundred or four hundred other awards; that's not important. Tell him not to mention where I went to school. I'd like somebody to mention that day that Martin Luther King, Jr., tried to love somebody. I want you to say that day that I tried to be right and walk with them. I want you to be able to say that I did try to feed the hungry. I want you to be able to say that day that I did try in my life to visit those who were in prison. And I want you to say that I tried to love and serve humanity. Yes, if you want to say that I was a drum major, say that I was a drum major for righteousness. And all of the other shallow things will not matter. I won't have the fine and luxurious things of life to leave behind. But I just want to leave a committed life behind.

AS HE DIED TO MAKE MEN HOLY, LET US DIE TO MAKE MEN FREE

A free man is a man with no fears. Martin Luther King, in life, was about setting men free. Martin Luther King was killed in the process of setting men free. President Emeritus of Morehouse College, Dr. Benjamin Mays said in his eulogy of Martin Luther King:

Eulogy of Dr. Martin Luther King, Jr.
Atlanta, Georgia
April 9, 1968

By Benjamin E. Mays
President Emeritus
Morehouse College

To be honored by being requested to give the Eulogy at the funeral of Doctor Martin Luther King, Jr., is like asking one to eulogize his deceased son—so close and so dear was he to me. Our friendship goes back to his student days at Morehouse College. It is not an easy task; nevertheless, I accept it, with a heavy heart and with full knowledge of my inadequacy to do justice to this man. It was my desire that if I pre-deceased Doctor King, he would pay tribute to me on my final day. It was his wish that if he pre-deceased me, I deliver the homily at his funeral. Fate has decreed that I eulogize him. I wish it might have been otherwise, for after all, I am three score and ten and Martin Luther is dead at thirty-nine.

Although there are some who rejoice in his death, there are millions across the length and breadth of this world who are smitten with grief that this friend of mankind—all mankind—has been cut down in the flower of his youth. So, multitudes here and in foreign lands, queens, kings, heads of governments, the clergy of the world, and the common man everywhere, are praying that God will be with the family, the American people, and the President of the United States in this tragic hour. We hope that this universal concern will bring comfort to the family—for grief is like a heavy load; when shared it is easier to bear. We come today to help you carry the load.

We have assembled here from every section of this great nation and from other parts of the world to give thanks to God that He gave to America, at this moment in history, Martin Luther King, Jr. Truly God is no respecter of persons. How strange! God called the grandson of a slave on his father's side, and said to him: Martin Luther, speak to America about war and peace; about social justice and racial discrimination; about its obligation to the poor; and about nonviolence as a way of perfecting social change in a world of brutality and war.

Here was a man who believed, with all of his might, that the pursuit of violence, at any time, is ethically and morally wrong; that God and the moral weight of the universe are against it; that violence is self-defeating; and that only love and forgiveness can break the vicious circle of revenge. He believed that nonviolence would prove effective in the abolition of injustice in politics, economics, in education, and in race relations. He was convinced, also, that people could not be moved to abolish voluntarily the inhumanity of man to man by mere persuasion and pleading, but that they could be moved to do so by dramatizing the evil through massive nonviolent resistance. He believed that nonviolent direct action was necessary to supplement the nonviolent victories won in the federal courts. He believed that the nonviolent approach to solving social problems would ultimately prove to be redemptive.

Out of this conviction, history records the marches in Montgomery, Birmingham, Selma, Chicago, and other cities. He gave people an ethical and moral way to engage in activities designed to perfect social change without bloodshed and violence; and when violence did erupt it was that which is potential in any protest which aims to uproot deeply entrenched wrongs. No reasonable person would deny that the activities and the personality of Martin Luther King, Jr.,

contributed largely to the success of the student sit-in movements; in abolishing segregation in downtown establishments; and that his activities contributed mightily to the passage of the civil-rights legislation of 1964 and 1965.

Martin Luther King, Jr., believed in a united America; that the walls of separation brought on by legal and de facto segregation, and discrimination based on race and color, could be eradicated. As he said in his Washington Monument address: "I have a dream!"

He had faith in his country. He died striving to desegregate and integrate America to the end that this great nation of ours, born in revolution and blood, conceived in liberty and dedicated to the proposition that all men are created free and equal, will truly become the lighthouse of freedom where none will be denied and where his skin is black and none favored because his eyes are blue; where our nation will be militarily strong but perpetually at peace; economically secure but just; learned but wise; where the poorest—the garbage collectors—will have bread enough and to spare; where no one will be poorly housed, each educated up to his capacity; and where the richest will understand the meaning of empathy. This was his dream, and the end toward which he strove. As he and his followers so often sang: "We shall overcome someday; black and white together."

Let it be thoroughly understood that our deceased brother did not embrace nonviolence out of fear or cowardice. Moral courage was one of his noblest virtues. As Mahatma Gandhi challenged the British Empire without a sword and won, Martin Luther King, Jr., challenged the interracial wrongs of his country without a gun. And he had the faith to believe that he would win the battle for social justice. I make bold to assert that it took more courage for King to practice nonviolence than it took his assassin to fire that fatal shot. The assassin is a coward; he committed his foul act and fled. When Martin Luther disobeyed an unjust law, he accepted the consequences of his actions. He never ran away and he never begged for mercy. He returned to the Birmingham jail to serve his time.

Perhaps he was more courageous than soldiers who fight and die on the battlefield. There is an element of compulsion in their dying. But when Martin Luther faced death again and again, and finally embraced it, there was no external pressure. He was acting on an inner compulsion that drove him on. More courageous than those who advocate violence as a way out, for they carry weapons of destruction for defense. But Martin Luther faced the dogs, the police, jail, heavy criticism, and finally death; and he never carried a gun, not even a knife to defend himself. He had only his faith in a just God to rely on; and the belief that "thrice is he armed who has his quarrels just." The faith that Browning writes about when he says: "One who never turned his back, but marched breast forward; never doubted that clouds would break; never dreamed that night through worsted wrong would triumph; held we fall to rise, are baffled to fight better, sleep to wake."

Coupled with moral courage was Martin Luther King, Jr.'s capacity to love people. Though deeply committed to a program of freedom for Negroes, he had love and concern for all kinds of peoples. He drew no distinction between the

high and the low; none between the rich and the poor. He believed especially that he was sent to champion the cause of the man farthest down. He would probably say that, if death had to come, I am sure there was no greater cause to die for than fighting to get a just wage for garbage collectors. He was supra race, supra nation, supra denomination, supra class, and supra culture. He belonged to the world and to mankind. Now he belongs to posterity!

But there is a dichotomy in all this. This man was loved by some and hated by others. If any man knew the meaning of suffering, King knew. House bombed; living day by day for thirteen years under constant threats of death; maliciously accused of being a Communist; falsely accused of being insincere and seeking the limelight for his own glory; stabbed by a member of his own race; slugged in a hotel lobby; jailed over twenty times; occasionally deeply hurt because friends betrayed him—and yet this man had no bitterness in his heart, no rancor in his soul, no revenge in his mind; and he went up and down the length and breadth of this world preaching nonviolence and the redemptive power of love. He believed with all his heart, mind, and soul that the way to peace and brotherhood is through nonviolence, love, and suffering. He was severely criticized for his opposition to the war in Vietnam. It must be said, however, that one could hardly expect a prophet of Doctor King's commitments to advocate nonviolence at home and violence in Vietnam. Nonviolence to King was total commitment not only in solving the problems of race in the United States, but in solving the problems of the world.

Surely this man was called of God to do this work. If Amos and Micah were prophets in the eighth century, B.C., Martin Luther King, Jr., was a prophet of the twentieth century. If Isaiah was called of God to prophesy in his day, Martin Luther was called of God to prophesy in his time. If Hosea was sent to preach love and forgiveness centuries ago, Martin Luther was sent to expound the doctrine of nonviolence and forgiveness in the third quarter of the twentieth century. If Jesus was called to preach the Gospel to the poor, Martin Luther was called to give dignity to the common man. If a prophet is one who interprets in clear and intelligible language the will of God, Martin Luther King, Jr., fits that designation. If a prophet is one who does not seek popular causes to espouse, but rather the causes which he thinks are right, Martin Luther qualified on that score.

Not he was not ahead of his time. No man is ahead of his time. Every man is within his star, each in his time. Each man must respond to the call of God in his lifetime and not in somebody else's time. Jesus had to respond to the call of God in the first century, A.D., and not in the twentieth century. He had but one life to live. He couldn't wait, even though he died young. How long do you think Jesus would have had to wait for the constituted authorities to accept him? Twenty-five years? A hundred years? A thousand? He died at thirty-three. He couldn't wait. Paul, Galileo, Copernicus, Martin Luther, the Protestant reformer, Gandhi and Nehru, couldn't wait for another time. They had to act in their lifetime. No man is ahead of his time. Abraham, leaving his country in obedience to God's call; Jesus dying on a cross; Galileo on his knees recanting; Lincoln dying of an assassin's

Appendix Two

CONGRESSIONAL RECORD

bullet; Woodrow Wilson crusading for a League of Nations; Martin Luther King, Jr., dying fighting for justice for garbage collectors — none of these men were ahead of their time. With them the time was always ripe to do that which was right and that which needs to be done.

Too bad Martin Luther King, Jr., died so young. I feel that way, too. But, as I have said many times before, it isn't how long one lives, but how well. It's what one accomplishes for mankind that matters. Jesus died at thirty-six; Keats and Marlowe at twenty-nine; Shelly at thirty; Dumas before thirty-five; John Fitzgerald Kennedy at forty-six; William Rainey Harper at forty-nine; and Martin Luther King, Jr., at thirty-nine.

We all pray that the assassin will be apprehended and brought to justice. But, make no mistake, the American people are in part responsible for Martin Luther King, Jr.'s death. The Memphis officials must bear some of the guilt for Martin Luther's assassination. The strike should have been settled several weeks ago. The lowest paid in our society should not have to strike for a more just wage. A century after Emancipation, and after the enactment of the 13th, 14th and 15th Amendments, it should not have been necessary for Martin Luther King, Jr., to stage marches in Montgomery, Birmingham and Selma, and go to jail over twenty times trying to achieve for his people those rights which people of lighter hue get by virtue of their being born white. We, too, are guilty of murder. It is time for the American people to repent and make democracy equally applicable to all Americans.

If we love Martin Luther King, Jr., and respect him, as this crowd testifies, let us see to it that he did not die in vain; let us see to it that we do not dishonor his name by trying to solve our problems through rioting in the streets. Violence was foreign to his nature. He warned that continued riots could produce a Fascist state. But let us see to it also that the conditions that cause riots are promptly removed, as the President of the United States is trying to get us to do. Let black and white alike search their hearts; and if there be any prejudice in our hearts against any racial or ethnic group, let us exterminate it and let us pray, as Martin Luther King, Jr. would pray if he could: "Father, forgive them for they know not what they do." If we do this, Martin Luther King, Jr., will have died a redemptive death from which all mankind will benefit. Morehouse College will never be the same because Martin Luther came by here, and the nation and the world will be indebted to him for centuries to come. It is natural that we here at Morehouse would want to memorialize him to serve as an inspiration to all students who study in this center.

I close by saying to you what Martin Luther King, Jr. believed, that if physical death was the price he had to pay to rid America of prejudice and injustice, nothing could be more redemptive. To paraphrase the words of the immortal John Fitzgerald Kennedy, permit me to say that Martin Luther King, Jr.'s, unfinished work on earth must truly be our own.

SENATE—Friday, March 29, 1968

The Senate met at 9 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

Rev. Edward B. Lewis, D.D., minister, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer.

We come to Thee, Heavenly Father, with a very present need. We acknowledge that the bonds which hold the human family together have been broken. Our wisdom has been lacking, our hearts have become increasingly hard, our divisions between man and man, race and race, nation and nation are more apparent from day to day. None of us are free from fault. We have a deep hurt as we look at the world today.

Yet we must look up and see Thee longing to help us. This spring morning gives us new hope in Thy creation. From the dull earth of winter, we see nature reborn in splendor. We remember the words of Jesus, "Marvel not that I said unto you, 'You must be born again.' " Man's nature, O God, needs the touch of a new birth in Thee.

With a new birth in our hearts, our eyes are not dimmed by deep-seated prejudices that feed fear, our attitudes are not stirred by resentment. Our hope is in new opportunities of peace.

We pray for our worthy leaders. Give wisdom, patience, steadfastness, courage, and the gift of love. Here are our minds, our hearts, our lives. Make us anew. We pray in the name of our Lord and Master. Amen.

THE JOURNAL

Mr. LONG of Louisiana, Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, March 28, 1968, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MEMPHIS RIOTS AND THE COMING MARCH ON WASHINGTON

Mr. Byrd of West Virginia. Mr. President, we have been hearing for months now that Dr. Martin Luther King, Jr., has been planning a march on Washington and a "civil disobedience campaign" in the Nation's Capital in April.

Yesterday, Mr. President, the Nation was given a preview of what may be in store for this city by the outrageous and despicable riot that Martin Luther King helped to bring about in Memphis, Tenn.

If this self-seeking rabble-rouser is allowed to go through with his plans here, Washington may well be treated to the same kind of violence, destruction, looting, and bloodshed.

In Memphis, people were injured, stores were looted, property was destroyed, terror

Bitter experience has shown that our Government does not act until it is confronted directly and militantly.

With this as his deceitful theme, King intends to demand greater and more unrealistic governmental subsidies in a year when the Federal Government is already spending over \$25 billion annually to help the poor.

His plan for creating a crisis-packed situation, which he so often fomented, is to bring 100 initial demonstrations to the Nation's Capital on April 22 to pressure Congress and Federal executives for more adequate health care and education, increases in jobs and incomes, and numerous other actions. Larger masses of people will begin moving in on April 26, according to a news story written by Willard Clopton, which was published in the Washington Post, of March 28, 1968.

Never before in history has an administration, a Congress, or a Nation's citizenry as a whole devoted as much effort and action toward alleviating the problems of poverty and discrimination. Yet, in the midst of this, the pious Dr. King ominously declares:

We have a national emergency. The prospects of cities aflame is very real indeed, but I would also remind America of the continuing violence perpetrated daily by racism in our society.

If King goes through with his plans now, he will indeed create a crisis-packed situation in Washington, just as his presence created an explosive situation in Memphis.

There are very real dangers, Mr. President—as yesterday's rioting clearly showed—in the sort of irresponsible actions King indulged in in Memphis, and in what he is planning here. The warning signals should be raised, if, indeed, they have not already been. There are dangers from the leader himself, as he so thoroughly demonstrated by not being able to keep down violence in Memphis despite his vaunted policy of nonviolence. And there is certainly danger in the type of gathering he envisions here.

Mr. President, I call attention to one paragraph in an article written again by Willard Clopton, entitled "Riot Spurs Review of March Here," which was published in the Washington Post of this morning. The paragraph reads as follows:

One of the Campaign's organizers said of the Memphis eruption, "It looks like we were 'had' by the extremists . . . We weren't prepared."

He indicated that the SCLC's usual precautions against violence such as the posting of numerous marshals and monitors, were overlooked yesterday.

King intends to create a black hole of despair with people packed together with pigs and chickens in a "shanty town" lacking sanitation. Surely he must know that to change hearts it is not necessary to turn stomachs. It can be assumed that, however, if yesterday's flight by King from the disorder he had helped to generate was any indication of what he might do here, the "Messiah" himself will not share the squalor he plans and that instead he will be conducting a lay-in at a posh Washington hotel to dramatize some imaginary discrimination there.

In his typical fashion, King intends to build a powder keg village and then plead that no one play with matches nearby lest destruction occur. He lay's down the fuses around such a situation, however, with his semantic storehouse of volatile phrases such as "bloodless war," "direct action program," "crisis-packed situation," "dramatic confrontation," "attention-getting activities," "pressure," and "civil disobedience."

King's semantic gyrations have not fooled the American public, because violence has followed him like his shadow. Just as Shakespeare's Iago goaded Othello, the Moor, into committing outrage, King, the ever-correct phrasemaker, manages with saccharin words to produce sanguinary results.

The previous revolution is characterized by bloodshed. For the new civil disobedience is "civil disturbance." Riots, bombing, and violent protest typify the civil disobedience of today.

reigned in the streets, people were beaten by hoodlums, at least one Negro youth is known to have been killed, and massive rioting erupted during a march which was led by this man. It was a shameful and totally uncalled for outburst of lawlessness, undoubtedly encouraged to some considerable degree, at least, by his words and actions, and his presence. There is no reason for us to believe that the same destructive rioting and violence cannot, or that it will not, happen here if King attempts his so-called poor people's march, for what he plans in Washington appears to be something on a far greater scale than what he had indicated he planned to do in Memphis.

When the predictable rioting erupted in Tennessee, Martin Luther King fled the scene. He took to his heels and disappeared, leaving it to others to cope with the destructive forces he had helped to unleash.

He was due in Washington today, to conduct discussions in furtherance of the demonstration planned for this city. However, as a result of the tragic happening of yesterday, he canceled the conferences in Washington for today. Nonetheless, I do not believe that the implications of the ugly events of yesterday will be lost on local residents—despite the widespread sanction and support that has been offered to King by churches, the YMCA, and many other organizations in the Nation's Capital. I hope that well-meaning Negro leaders and individuals in the Negro community here will now take a new look at this man who gets other people into trouble and then takes off like a scared rabbit. If anybody is to be hurt or killed in the disorder which follows in the wake of his highly publicized marches and demonstrations, he apparently is going to be sure that it will be someone other than Martin Luther.

Mr. President, what occurred yesterday in Memphis was totally uncalled for—just as Martin Luther King's proposed march on Washington is totally uncalled for and totally unnecessary. He himself has been publicly quoted as saying that he thinks nothing constructive, so far as congressional action is concerned, can come out of his campaign here. Yet he says he is coming anyway. Why? To bring about another riot?

Mr. President, the main difference that I see now between what Martin Luther King plans here and what happened in Memphis yesterday is that the Memphis riot he precipitated might best be described as a hit-and-run riot, in view of his flight, while he was promised that his demonstration in the Federal City may last all summer.

Ostensibly, Martin Luther King went to Memphis to do the same sort of thing he has promised to do here—to "help poor people." He has billed his Washington march as a "poor people's crusade." In Memphis he went to lead striking garbage workers in a march to "help" them, but today, in the aftermath of Thursday's stupid and tragic occurrence, the Negroes he purportedly wanted to help are far worse off than they would have been if he had never gone there, for many are in jail and many are injured—and most certainly race relations have been dealt a severe setback across the Nation, as they have been in Memphis.

Is Washington now to be subjected to the same destruction and bloodshed?

Martin Luther King had no business in Memphis, he should never have gone there for the purpose of leading the protest march—just as he never should come here for the purpose of conducting a poor people's demonstration. There can be no doubt that he must be held directly responsible for much of what took place in Tennessee, and he will have to bear the onus for whatever takes place in Washington if he carries through on his threatened demonstration here.

King, himself, has talked of a crisis-packed situation in connection with his projected Washington demonstration and the erection of his proposed "shanty town," wherever it is to be located, whether among the Tidal Basin's cherry trees, on the Mall, in the District of Columbia Stadium, or elsewhere.

This man, who suffers from the delusion that in his eyes he has the divine right to detect what is wrong in our country, claims he wants to dramatize the plight of the poor. He has declared:

The marches in Milwaukee and Chicago last year were chaotic, and the Memphis march Thursday was disastrous. King has called for nonviolence here, but there are people allied with the poor people's campaign who call for the overthrow of the American Government by violence. Martin Luther King may have been a powerful man in the civil rights movement up to now, but it seems almost impossible to expect that he can control such large groups of militant activists as those he expects to join him in the demonstration here. Or, Mr. President, does he really expect to control them?

Both Stokely Carmichael and H. Rap Brown, if he can get out of jail, have agreed to march with Dr. King on the latter's terms—nonviolence—but how can we, or King, be sure of this? How can we be sure that another Memphis will not erupt? How can we be sure that King's lieutenants will not again have to say, "It looks like we were 'had' by the extremists. We were not prepared."

It is a well-known fact that riots begin when there is some uniting spark to excite a mob. All it would take in a situation like a Washington camp-in would be for some incident to turn the modern Coxy's Army King is raising into an angry, and ugly mob.

If Dr. King's plans to obstruct passage into the departments of the Government and buildings on Capitol Hill are carried out, it is certain that these actions will be met with a counterforce. There would be violence, and there is a great possibility that someone could be injured or killed.

Washington citizens and businessmen are concerned about their city. They do not want Washington to be torn apart by riots or discord.

Washington businessmen have been meeting with District officials and among themselves to draw up plans for the possible coming of the campaign. Hotel Association President Hudson Moses was quoted in the Washington Post on March 1 on what the city might lose as a result of the demonstration. He said:

Several of our members told me they have had group cancellations specifically because of the march. . . . It will cost this city millions of dollars in indirect loss of business and taxes.

Martin Luther King's main target, in Washington, Mr. President, is the Congress, because it has not passed all of the broad legislation that he seeks.

From the beginning, this Washington march and demonstration—if it really seeks the goals that King claims for it—has been poorly conceived and poorly planned. It must be obvious to anyone that people who have to be recruited and trained will not be coming to Washington of their own volition. This will be no spontaneous demonstration. Mr. President, no grassroots movement. This task force he wants to bring here, by King's own admission, must be recruited and "trained."

Some of the recruits, it is said, will come from cities that went up in flames last summer. One can only assume that they will be riot-hardened veterans. One can properly ask, I think: What sort of "training" are they now being given?

Why, Mr. President, do citizens, if their cause and their grievances are just, have to be trained? It seems to me that there is something very sinister here. I am aware, as I have indicated before in these remarks, that Dr. King has said that his tactics will be nonviolent. But when he sets the stage for violence, how long can his "trained" army and the malcontents, disrupters, militants, and hoodlums already here be expected to remain nonviolent in Washington's long, hot summer?

Mr. President, they may have learned their lessons well from King, who once said: **I do feel that there are two types of laws. One is a just law and one is an unjust law. I think we all have moral obligations to disobey unjust laws. I think that the distinction here is that when one breaks a law that conscience tells him is unjust, he must do it civilly, not uncivilly, and he must do it with a willingness to accept the penalty.**

King lovingly breaks the law like a box constrictor. He crushes the very life from it. His willingness to accept the penalty, which is supposed to set him apart from the common lawbreaker, can be judged by his irritation at a court decision which upheld a 5-day jail sentence for King recently. Faced with the prospect of accepting the penalty, King intoned that the decision would "encourage riots and violence in the sense that it all but said that Negroes cannot redress their grievances through peaceful means without facing the kind of decision that we face." Analyze this comment, if you will. Although King states the court decision did not declare that Negroes could not redress their grievances, he seems to say just the opposite and warns that the dire consequences are riots and violence. The English language is like putty in King's hands, but his incantations are loaded with hidden land mines.

Apparently the hoodlums in Memphis yesterday followed King's advice to break laws with which they did not agree. This has been a cardinal principle of his philosophy—a philosophy that leads naturally to the escalation of nonviolence into civil disobedience—which is only a euphemism for lawbreaking and criminality and which escalates next into civil unrest, civil disorder, and insurrection.

Mr. President, I have previously urged, in discussing this matter with the Justice Department, that the Federal Government seek a court order to enjoin Martin Luther King and his pulpless parsons from carrying out their planned poor people's campaign in the Nation's Capital. In the light of yesterday's bloody chapter of violence which erupted with the visit of Martin Luther King to Memphis, I again urge that the Federal Government take steps to prevent King from carrying out his planned harassment of Washington, D.C. An ounce of prevention is worth a pound of cure. It is time for our Federal Government—which in recent years has shown itself to be virtually spineless when it comes to standing up against the lawbreakers, the hoodlums, and the Marxist demonstrators—at least to let the Nation know, in no uncertain terms, that it will not allow this Nobel Peace Prize winner to create another Memphis in the city which serves as the seat of the Government of the United States.

Law-abiding citizens, both Negro and white, in Washington and elsewhere, deserve no less from a government, the first duty of which is to preserve law and order.

Appendix Four

THE RIGHT TO KNOW

by Mark Lane

Early in the morning on Saturday, February 5, 1977, I began a drive from my home in Washington, D.C. to Brushy Mountain Penitentiary in Petros, Tennessee to visit with James Earl Ray. I picked up a copy of the *Washington Post* at a gasoline station and read a story published under the headline "Critics of Warren Report Objects of CIA Campaign." Sometime before I had brought an action against the CIA under the Freedom of Information Act for all of the documents about the Warren Report. On Friday, February 5th, a CIA officer informed me that some 900 pages of material was available. A student volunteer at the CCI drove to CIA headquarters at Langley, Virginia, and picked up the package Friday afternoon. I had planned to read the material upon my return from Petros. The CIA had evidently released the same material to the media and the *Washington Post* had published an Associated Press story. The Post version of the AP story said:

The documents show that the CIA examined copies of almost all books about the November, 1963, assassination, including one by then-Congressman Gerald R. Ford. A CIA officer called Ford's book "a re-hash of the Oswald case" and criticized its "loose" writing.

On my next stop through Virginia I picked up a small local daily newspaper. There I read for the first time the complete version of the AP story, for the *Washington Post* story had excised all references to me. There were several in the AP dispatch, and most of the most dramatic and startling admissions about illegal CIA conduct contained in the documents. The CIA was not concerned that Ford's book was a "re-hash of the Oswald case" but in the March 1, 1965, memorandum prepared for Richard Helms, then the Director of the CIA, the anonymous CIA source (his name was deleted before the documents were released) made that observation about the book and then expressed concern that Ford had disclosed material about Oswald's relationships to the FBI. He concluded, "I felt, therefore, that the chapter, as written, could be used by the Leftist, [Mark Lane, et al.] to continue the campaign of which you are already aware." An examination of the newly-released CIA documents, the original AP story and the abbreviated and sanitized version of that story published by the

Appendix Three

PERCY FOREMAN LETTER to James Earl Ray

Dear James Earl:

You have heretofore assigned to me all of your royalties from magazine articles, book, motion picture or other revenue to be derived from the writings of Wm. Bradford Huie. These are my own property unconditionally.

However, you have heretofore authorized and requested me to negotiate a plea of guilty if the State of Tennessee through its District Attorney General and with the approval of the trial judge would waive the death penalty. You agreed to accept a sentence of 99 years.

It is contemplated that your case will be disposed of tomorrow, March 10, by the above plea and sentence. This will shorten the trial considerably. In consideration of the time it will save me, I am willing to make the following adjustment of my fee arrangement with you:

If the plea is entered and the sentence accepted and no embarrassing circumstances take place in the courtroom, I am willing to assign to any bank, trust company or individual selected by you all my receipts under the above assignment in excess of \$165,000.00. These funds over and above the first \$165,000.00 will be held by such bank, trust company or individual subject to your order.

I have either spent or obligated myself to spend in excess of \$14,000.00, and I think these expenses should be paid in addition to a \$150,000.00 fee. I am sure the expenses will exceed the \$15,000.00, but I am willing to rest on that figure.

Yours truly,

Percy Foreman

Reviewers and apologists for the Warren Commission offering themselves as freethinking iconoclasts have slavishly adopted the CIA's proposals and developed newspaper columns, major reviews and, on occasion, entire magazine articles around them. This has been so even though a wealth of newly-discovered significant evidence reveals that the Warren Commission did not secure the facts. The Select Committee on Intelligence of the United States Senate discovered that the CIA itself had withheld significant evidence from the Warren Commission. Conspiracies on a large scale, have of course, occurred within the United States. The Watergate episode and its cover-up involved a President, an Attorney General and many others. The evidence now available discloses that Oswald worked for the FBI and with the CIA; perhaps that does call into question the professionalism of those services as the CIA document might suggest.

For those reviewers and publications not perceptive enough to understand the CIA line, the agency was kind enough to furnish more assistance. Regarding one long magazine article defending the Warren Commission and attacking the critics the CIA boasted: "This was pulled together by [name deleted] in close conjunction with [name deleted]. We furnished most of the source material, proposed many of the themes and provided general 'Expertise' on the case."

In addition the CIA prepared a book review of *Rush to Judgment* on August 2, 1966, before the book was published. It began, "I reviewed the attached proof copy of the above book per your request." The name of the CIA official who requested the review was deleted. Another memorandum dated August 25, 1966, addressed to the "Director of Central Intelligence" carried this heading, "Subject: New Book: *Rush to Judgment* by Mark Lane." That seven page review was dispatched by the CIA to eleven different CIA departments including its "Department of Dirty Tricks."

Another CIA report dated January 4, 1967, stressed the income that I had reportedly earned from the book. Although William Manchester had earned more than ten times the amount I did for his defense of the Warren Report, the CIA, taking note of his income, indicated that he should be exempt from criticism and said that he should not "be classed with critics of the Commission." A CIA letter dated October 1, 1964, was sent to J. Lee Rankin, then the General Counsel of the Warren Commission. It too dealt with a critic, Joachim Joesten. A copy of the letter was sent by the CIA to the FBI, Department of State, and the Immigration and Naturalization Service. Attached to the letter was a document dated, "Berlin, 8 November, 1937." The letterhead read "Secret State Police (Gestapo), Gestapo Headquarters." It was addressed to "The Chief of the SS and of the German Police in the Ministry of Interior." The document said that Joesten "has seriously transgressed against his duty to remain faithful to his [the German] people and State by his anti-German conduct in foreign countries." It seems that Joesten had fled from Hitler's Germany to warn the people of America to arm against the Nazis. The Gestapo ordered that Joesten's "German citizenship be revoked and that his possessions be confiscated and declared as forfeited to the State."

The Gestapo also claimed that Joesten was a leftist, a charge not infrequently

Washington Post, provides an indication that even as the CIA's illegal and improper conduct was at long last being bared, the *Washington Post* continued editing and deleting disclosures related to the assassinations.

CIA document number 1035-960 proposed a plan of action against the Warren Commission critics. It reads,

Action. We do not recommend that discussion of the assassination question be initiated where it is not already taking place. Where discussion is active however addresses are requested:

To discuss the publicity problem with liaison and friendly elite contacts (especially politicians and editors), pointing out that the Warren Commission made as thorough an investigation as humanly possible, that the charges of the critics are without serious foundation, and that further speculative discussion only plays into the hands of the opposition. Point out also that parts of the conspiracy talk appear to be deliberately generated by Communist propagandists. Urge them to use their influence to discourage unfounded and irresponsible speculation.

To employ propaganda assets to answer and refute the attacks of the critics. Book reviews and feature articles are particularly appropriate for this purpose. The unclassified attachments to this guidance should provide useful background material for passage to assets. Our play should point out, as applicable, that the critics are (i) wedded to theories adopted before the evidence was in, (ii) politically interested, (iii) financially interested.

The irrelevant and insulting questions that had followed me for a decade had been formulated and promulgated at CIA headquarters.

The document suggests that "a useful strategy may be to single out Epstein's theory for attack." Edward J. Epstein had written a book that tentatively raised some questions about the Warren Report. The CIA document explained that "Mark Lane's book" is "more difficult to answer as a whole." The three-page document urged that "reviewers" of books critical of the Warren Commission "might be encouraged to add to their account the idea that, checking back with the Report itself, they found it far superior to the work of its critics." Absurd arguments that have been put forth in the last decade in support of the Warren Report can be traced to the CIA document.

The CIA suggested that "in private or media discussion" various arguments "should be useful." Among those the CIA offered as most effective are these:

a. "No significant new evidence has emerged which the commission did not consider."

b. "Critics usually overvalue particular items and ignore others."

c. "Conspiracy on the large scale often suggested would be impossible to conceal in the United States."

d. "Oswald would not have been any sensible person's choice for a conspirator. He was a 'loner', mixed-up, of questionable reliability and an unknown quantity to any professional intelligence service."

made by that police organization against democrats during that period. In its letter, the CIA parroted the Gestapo charge. Why the CIA felt compelled to share it and the Gestapo's joint conclusions about Joesten with the FBI, State Department, and Immigration and Naturalization Service is not clear. One can surmise, however, that it was not intended to substitute for a welcome wagon greeting. Why the CIA letter, signed by Richard Helms, the Deputy Director for Plans (known within the agency as the Dirty Tricks Department) was sent to the Warren Commission remains a matter of conjecture. Joesten, no doubt thought that he had left all of that behind when he fled from Nazi Germany. He never did envision that three decades later, three leading liberals, J. Lee Rankin, a pillar of the New York Bar, Norman Redlich, formerly general counsel for the Emergency Civil Liberties Committee and now dean of the School of Law at New York University, and Earl Warren, the Chief Justice of the United States might one day pore over Gestapo documents to evaluate his political reliability. After all, Joesten did nothing more than question the conclusions of the Warren Commission Report.

I do not know how the CIA may react to this book or what demonic plans it may devise to interfere with the right of the American people to hear another view. I do not know who it may enlist knowingly or unwittingly in its crusade for darkness and its commitment to silence. It seems a pity that we may be required to wait yet another decade before that information becomes available to us. I think, in the circumstances, we are obligated to act against illegal and improper conduct rather than wait to read of it in anger and in sadness.

You have, I believe, the right to read this, and other serious and challenging books without the intervention of the CIA, the FBI, or other secretive government agencies. Perhaps we will soon view this time as a period from our troubled past. Perhaps the federal police will be forever restrained from poisoning the common well of knowledge that nourishes us only when our access to it is free.

The deep concern for the truth of three members of the 94th Congress encouraged me to continue on with my work in investigating the death of Dr. King. I'm grateful to them—Yvonne Burke, Walter Fauntroy, and Andrew Young. Coretta King, Attorney General Griffin Bell, thousands of other Americans in cities and towns and at universities throughout the country, and scores of members of the 95th Congress have called for a thorough investigation of the circumstances of the murder. To all of them, my work is dedicated.

I am especially grateful to April Ferguson for her many suggestions and for her help in researching and editing.

Abby Mann and I were working in Memphis together when the pre-assassination scenario began to unfold. Abby's commitment to the truth and his love for Dr. King have influenced this work. Donald Freed has also helped to develop the facts of Memphis on April 4, 1968. His many helpful suggestions and leads are deeply appreciated. Les Payne's fine investigative reporting regarding those events and his published findings provided the basis for further inquiry.

Jerry Policoff and George O'Toole provided ideas, information, and encouragement. Morton Halperin, John Shattuck, and the American Civil Liberties Union helped to establish the right of the people to know. Our access to the material referred to in the Appendix was essentially the result of their efforts.

James Earl Ray and Jerry Ray spoke with me on many occasions and answered the many questions that I asked without compensation.

Arthur Hanes, Sr., and Arthur Hanes, Jr., both opened their massive files to me and graciously answered all of the many questions I put to them. Orzell Billingsley spent many hours with Dick Gregory and me in an effort to re-create the hard days in Birmingham and the events surrounding the Tatum case.

I am particularly indebted to Arthur Murtagh whose painfully frank disclosures about life in the Federal Bureau of Investigation provided an invaluable insight into the operations of that organization.

Students from Antioch College in Ohio, George Washington University and American University in Washington, D.C., and the University of Massachusetts served as interns with the Citizen's Committee of Inquiry and helped to research, type, and edit the manuscript. I am indebted to Lisa Freudlich, Helen Garrett, Jay Napolitan, O'Malley Pitcher, Adam Schneider, and Leona Zanetti.

Pamela Spuck and Leona Zanetti journeyed to Memphis, remained there for four weeks, and uncovered evidence of value.

There could have been no comprehensive investigation without the witnesses who still vividly recall the days of April in Memphis. To all of them especially, Ed Redditt, Floyd Newsum, N. E. Wallace, Reverend Billy Kyles,

Reverend Bernard Lee, and Reverend Ralph Abernathy we are, all of us, indebted.

And of course, I am grateful to my colleague and dear friend Dick Gregory.

Mark Lane
Washington, D.C.

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Whenever I begin research for a book, I inevitably reach back to previous experiences and people who have been helpful to me in the past. This book is no exception. It is, however, the first time I have coauthored a book. I am delighted that Mark Lane and I were able to merge our ideas with the facts to form what we feel will be the most accurate compilation of information surrounding the death of Martin Luther King, Jr.

Mark Lane's dedication to finding out the truth surrounding King's death makes it a pleasure to work with him. His years of extensive research have brought forth information which otherwise may have never been known. His diligence, his devotion, and his commitment to honest journalism made it possible for the two of us to put together this book.

In the beginning phases of my research, I depended on various people to assist me in sorting out the facts. I'd like to express special thanks to Charlene M. Mitchell, a television news reporter whose ability to gather information and patiently discern facts aided me greatly. I'd also like to thank my sister-in-law, Martha Smith, who sacrificed time away from her children, Elsie, Suzanne, and John, to so generously give of her time and energy to help me complete the final portions of my research. The organizing skills of Charlene and Martha made it possible for me to comfortably trust their journalistic judgments.

My sincere appreciation goes to my wife, Lillian. She always makes herself available to help me when time is running out. Her willingness to lend a helping hand in organizing material speeded the completion of this book.

Each time I put together a new work of any sort, I look to Jim Sanders for another perspective. A brilliant comedy writer whose unique ability to uncover humor helps me to see the whimsical elements of situations that would otherwise not appear funny.

Special thanks go to Bob Lipsyte and Jim McGraw whose past writings and conversations helped me tremendously in recollecting the joys and triumphs of the civil rights movement and my visits with Martin Luther King.

Three people who were extremely influential in my initial interest in researching King's death were Robert Byron Watson, his mother, Mrs. Lillian Watson, and their attorney, Hudson John Myers. The Watsons took many risks which caused their family a lot of unnecessary suffering, but through their honest efforts I was able to obtain information which no one else could have provided.

Another person who played an important part in making public much of the information which I had collected was Reginald Eaves, Commissioner of Public Safety in Atlanta, Georgia. I feel that it was because of him that the first official investigation began outside of the federal government.

Several people in the field of communications were helpful to me during the course of my research. I'd like to thank John H. Johnson, Publisher of *Ebony*

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and *Jet*; Bob Johnson, Editor of *Jet* Magazine; Basil O. Phillippe, of the Johnson Publishing Company; Wesley South, of WVON-Radio in Chicago; Vernon Jarrett, of the *Chicago Tribune*; and Geraldo Rivera, of ABC-TV. These people helped to expose information which much of the news media tended to avoid. Through their reporting, millions of Americans became aware of the confusing and conflicting government reports surrounding King's death.

I'd also like to thank Al Duckett, Barbara Reynolds, George O'Hare, and George Curry for their willingness to help, and their constant availability throughout the course of my research.

I owe a special "thank you" to Reverend Ronald Carter, Director of the Martin Luther King Center at Boston University. He, along with his assistant, Verna Hart, supplied a wealth of information which was extremely helpful in the completion of my work. I'd also like to thank The Martin Luther King Center for Social Change in Atlanta, Georgia, for helping to make available to the public so much valuable information concerning the Martin Luther King era.

I also wish to thank E. Randall Osborn, Mercele E. Randolph, Earlene Carter, and Dyeatra Carter, whom I always felt free to call on whenever I needed extra help in finding information.

I owe special thanks to Reverend Ralph Abernathy and his wife, Juanita, C. T. Vivian, Hosea Williams, James Orange, Bernard Lee, James Bevel, and other members of the SCLC who provided insight into King's life, his career, and his death.

I'd also like to say thank you to Mike Watley, Alvin Banks, Richard Rodgers, and Dr. Alvenia Fulton. They provided patience and understanding during busy periods when I needed extra time to complete my work.

There are three very special people whose sincere interest and dedication made it possible for this work to be completed. I owe special thanks to Ralph Mann, Marge Weidenbacher, and Erica Spellman of International Creative Management in New York City.

Finally, I'd like to express my love and warm thanks to my wife Lillian and my children; Michelle, Lynne, Pamela, Paula, Stephanie, Gregory, Miss, Christian, Ayanna, and Yohance. Their understanding of my many days away from home, and their patience during times when I was preoccupied with work made it possible for me to work at a comfortable pace, and with ease.

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Dick Gregory