

Mr. CANALE. Well, under Tennessee law he was entitled to look at the physical evidence. Of course, I have no way of knowing whether he did or not. I wasn't present when he did, if he did.

He was entitled to any statement against interest made by James Earl Ray, and there was none, except maybe if you want the statement when he was arrested at the airport in London, which was a short statement which he didn't admit anything in it.

So, I don't know really—I can't speak for what Mr. Foreman did do.

Mr. ADRINE. Mr. Canale, there was an individual by the name of Charles Quitman Stephens who was one of the individuals who could give some testimony about James Earl Ray. Specifically, he has said that he saw Ray leave the bathroom in Bessie Brewer's roominghouse from which the fatal shot was fired.

How would you characterize his importance to the case that you built against James Earl Ray?

Mr. CANALE. I think, Mr. Adrine, he didn't testify he saw him leave the bathroom. I think he saw him when he checked into the room, then saw him leaving the building after the shot was fired, walking down the hall.

Be that as it may, we felt that Mr. Stephens, since he was one of the really only eyewitnesses at the scene of the boarding house—of course, we had eyewitnesses down at the York Arms sporting goods store where Ray bought the binoculars the afternoon Dr. King was killed.

But, as far as the boarding house itself was concerned, he was the only and primary eyewitness. We felt that it was important, but it was not essential testimony in the prosecution of the case. But, we thought it was important.

Mr. ADRINE. So it is your testimony, sir, that if Charlie Stephens had not been available at the time of trial, that that would not have been a fatal defect to your case, is that correct?

Mr. CANALE. That is correct, yes, sir.

Mr. ADRINE. Now, sir, at some point Stephens was held by the Memphis Police Department as a material witness. Are you familiar with the circumstances that surrounded that occurrence?

Mr. CANALE. Yes, sir.

Mr. ADRINE. Could you relate those to the committee, please?

Mr. CANALE. Something came up—I forget what it was. Of course, we knew Mr. Stephens' reputation for hitting the bottle every once in a while. We did want him as a witness.

Also, we got apprehensive for some reason or other that some physical harm might befall Mr. Stephens by someone who might not want him to testify. I did have meetings with Mr. Stephens' attorney and with the Memphis Police Department about putting him in protective custody.

Mr. ADRINE. Was he placed in protective custody at the insistence of your office?

Mr. CANALE. I would say that my office was the moving factor in it, yes, sir.

Mr. ADRINE. Now, are you aware of the fact that Stephens' wife, Grace Walden Stephens, was picked up by the Memphis Police Department and thereafter confined in a mental institution?

H. S. C.