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INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

HEARINGS

BEFORE THE

SELECT COMMITTEE ON ASSASSINATIONS

OF THE

U.S. HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

NOVEMBER 27, 28, 29, AND 30, 1978

VOLUME VII

Printed for the use of the Select Committee on Assassinations

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1979

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INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

MONDAY, NOVEMBER 27, 1978

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON ASSASSINATIONS,
Washington, D.C.

The select committee met, pursuant to adjournment, at 9:10 a.m., in room 345, Cannon House Office Building, the Hon. Louis Stokes (chairman of the select committee) presiding.

Present: Representatives Stokes, Devine, Preyer, McKinney, Fauntroy, Fithian, and Edgar.

Also present: G. Robert Blakey, chief counsel and staff director; Peter Beeson, staff counsel; and Elizabeth L. Berning, chief clerk.

Chairman STOKES. The committee will come to order.

The Chair recognizes Professor Blakey.

NARRATION BY PROF. G. ROBERT BLAKEY, CHIEF COUNSEL AND STAFF DIRECTOR

Mr. BLAKEY. Thank you, Mr. Chairman.

Over the past 3 days of hearings the committee has heard disturbing testimony on FBI programs that were aimed at discrediting Dr. King and undermining the progress of the civil rights movement that he directed. An examination of those FBI programs ultimately led to the stark question, Did the FBI kill Dr. King?

Today other implications of the FBI issue will be explored. They can be stated in a single, troubling question: Was the Bureau willing or able to conduct a thorough and far-reaching criminal investigation of the King assassination despite its long history of an adversary posture toward Dr. King?

The committee has completed a comprehensive, 2-year review of the FBI investigation. Voluminous files, assembled, as it was conducted both at FBI headquarters in Washington and in major field offices, were carefully studied; some two dozen officials of both the Bureau and the Department of Justice were interviewed; and testimony was taken in executive session from certain key individuals.

The results of the committee investigation have been compiled in a staff report,[1] copies of which have been given to each of the three witnesses who are scheduled to testify today or tomorrow. They are Cartha DeLoach, former assistant to FBI Director J. Edgar Hoover; Steven Pollack, former Assistant Attorney General for Civil Rights; and former Attorney General Ramsey Clark.

[1] The committee's staff report is included in full as an appendix to the hearings. *See* Vol. 14, HSCA—MLK Hearings.

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A copy of the staff report has also been released to the public, so I will only summarize at this time for the record its major findings:

In 1968 the FBI was divided into 10 internal divisions.

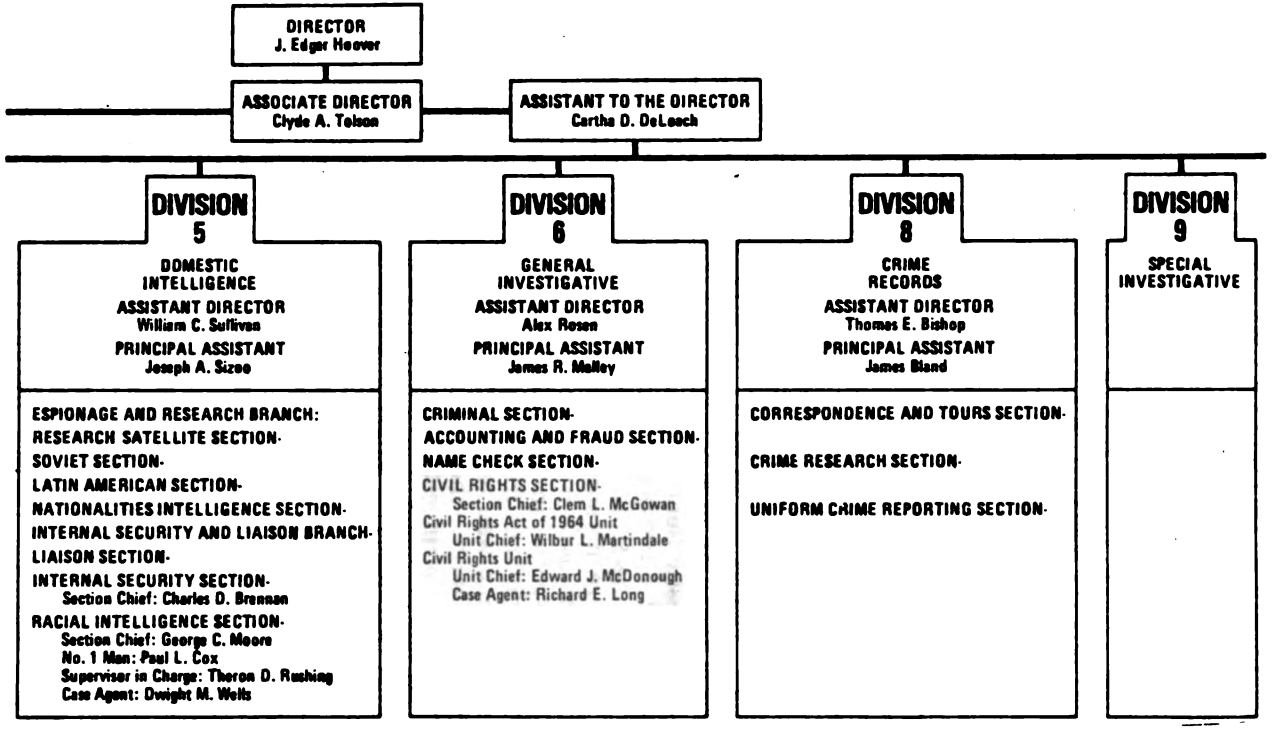
I would ask at this time, Mr. Chairman, that Martin Luther King exhibit F-435 be inserted into the record and appropriately displayed.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

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FBI FUNCTIONAL ORGANIZATION CHART - 1968
INVESTIGATIVE BRANCH



MLK EXHIBIT F-435

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Mr. BLAKEY. It is an FBI organization chart.

Division Six, the General Investigative Division, headed by Assistant Director Alex Rosen, was responsible for Federal criminal investigations, including those of civil rights violations. In the assassination of Dr. King, Federal jurisdiction was predicated on the Federal Civil Rights Statute—18 U.S.C. Section 241—that covers conspiracies to interfere with someone's constitutional rights.

Within the General Investigative Division, day-to-day management of the case was handled by the civil rights section headed by Clem McGowan, and responsibility filtered down to the civil rights unit headed by Edward McDonough. Richard Long, a headquarters case agent, was assigned to the investigation.

As the case progressed, information on developments was passed up through the chain of command to the Assistant to Director DeLoach, Associate Director Clyde Tolson, and ultimately to Director Hoover. Major developments were summarized and sent along daily, if not more frequently.

Out in the field, the Memphis office, designated the "office of origin," initiated its investigation shortly after the assassination. While day-to-day direction of the case resided in Washington, Memphis had a pivotal role to play in the administration and coordination of the case. It was sent copies of most of the reports from 57 other domestic field offices; it initiated and coordinated leads; and it produced a prosecutive summary report after James Earl Ray's arrest in June 1968.

There were no specific guidelines in 1968 for an FBI investigation of an assassination, but the King murder was promptly classified as a "special investigation" and it was handled in a way that was quite distinct from that of the ordinary criminal case. A 24-hour deadline was set for the running down of leads. The special agents in charge—the SAC's—of field offices were held personally accountable for investigative errors. The staff of the Memphis Field Office was augmented by additional agents and administrative personnel. An inspector selected from the Headquarters staff, Joseph Sullivan, was sent into the field to help direct the effort.

The committee found that the FBI files indicate that the Bureau's investigation represented a broad and extensive effort to identify and apprehend Dr. King's assassin. In fact, it might be argued—at least from the files—that the antagonism that had been demonstrated by Director Hoover toward Dr. King and the Bureau's campaign to discredit him, had the effect of inspiring an intensified investigation. The apparent reason for this desire—ironically—to protect the Bureau and Mr. Hoover from charges that the FBI made anything short of a total effort in the case.

The files indicate, for example, that there were exhaustive interviews and record checks of every conceivable information source—banks, telephone companies, credit agencies, police departments, motor-vehicle bureaus, motels, hotels, dry cleaners, and dancing schools.

At the same time, extensive work was done on physical evidence, with some major breakthroughs coming from scientific analysis in the FBI's Washington laboratories. A pair of pliers was traced to a California hardware store, underwear to a dry cleaner in Los Angeles, the rifle found at the scene to a retail outlet in Birmingham.

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Then on April 19 a left thumbprint from the rifle was traced to James Earl Ray. It was the first major break in the case.

Following the identification of a suspect, a massive manhunt, focused on Ray, was begun. Ray's family was approached, both directly—by interviews—and indirectly—by surveillance. Inmate associates of Ray at Missouri State Penitentiary were questioned and as Ray's activities from his escape from MSP to the assassination became clearer, efforts were made to learn more about his sources of funds, as they might reveal evidence about his movements.

On May 10, after the FBI had learned of Ray's entrance in foreign countries, it launched a domestic passport review project. It had 36 agents assigned to it and the Royal Canadian Mounted Police were also asked for assistance. It was a worthwhile endeavor, for, on June 10, an RCMP officer turned up a Canadian passport in the name of Ramon George Sneyd that bore a photo of a man who looked remarkably like Ray. After making positive identification and learning that Sneyd left Canada on May 6, the FBI extended its search overseas.

On June 8 Ray was arrested by officers from Scotland Yard as he was about to board a flight for Belgium.

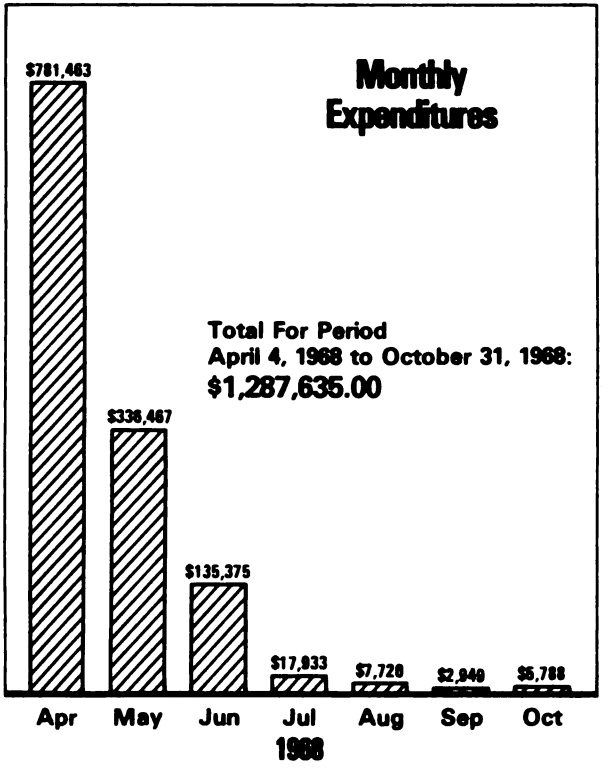
I would ask at this time, Mr. Chairman, that Martin Luther King exhibit F-500 be inserted into the record and appropriately displayed.

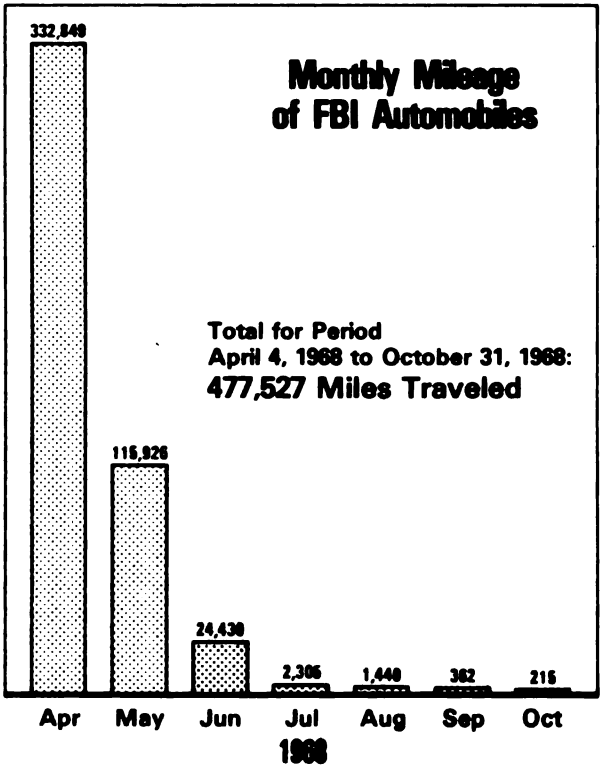
Chairman STOKES. Without objection, it will be entered into the record.

[The information follows:]

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FBI INVESTIGATION OF KING ASSASSINATION:





MLK Exhibit F-500

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Mr. BLAKEY. It shows the month-by-month cost of the Murkin investigation, as provided by the FBI.

In April, $781,403 was spent; in May, $336,467. Because the figures for June are not broken down by days, it is impossible to determine precisely how much of this amount—$135,375—was spent before June 8. In part, these figures reflect a natural decrease in the expenses of any criminal investigation.

It is also clear, however, not only from this chart but from the FBI files themselves that after July a dramatic reduction occurred in the time and expense devoted to the investigation. Efforts were made in the Springfield, Ill., office to solve the Alton bank robbery, considered a possible source of Ray's funds; but largely with that exception, major investigative efforts were limited.

It might be appropriate, Mr. Chairman, to comment that these statistics, particularly as represented in this chart, are perhaps misleading, to the degree that they show such a sharp breakdown in expenditures. Nevertheless, their general direction is clear and is fully supported by the record.

By June 20, Mr. Hoover had apparently come to the conclusion that Ray was the assassin and he had acted alone, out of hatred for Blacks, Dr. King in particular. Summarizing a conversation with Attorney General Clark on that date, the Director wrote:

> I stated that in Ray's case we have not yet found a single angle that would indicate a conspiracy. I said the only significant thing is the money he had and which he spent freely in paying bills, and I thought that could have been obtained from a bank robbery.

Mr. Hoover went on to describe Ray:

> I said I think we are dealing with a man who is not an ordinary criminal in the usual sense but a man capable of doing any kind of sly act. * * * I said Sirhan Sirhan is a different individual, as he is a fanatic * * * and Ray is not a fanatic in that sense.
>
> I said, I think Ray is a racist and detested Negroes and Martin Luther King, and there is an indication that prior to the Memphis situation he had information about King speaking in other towns, and then picked out Memphis. I said I think he acted entirely alone but we are not closing our minds that others might be associated with him, and we have to run down every lead.

But as can be seen from the downward progression of expenditures in the chart, while the Bureau—at least theoretically—was willing to consider new evidence, it considered the case, in fact, largely closed with Ray's arrest.

In addition to showing an exhaustive manhunt, the FBI files do indicate that there were innumerable efforts to check individual conspiracy leads.

Early in the investigation the files on Dr. King were reviewed and about 50 previous death threats were assembled. On April 26 leads were sent to the field office with instructions that they and others indicating conspiracy "be thoroughly resolved, no matter how remote."

Nevertheless, candor requires the comment that the evidence indicates that the performance of the FBI, as well as the Justice Department, was flawed, not in pursuit of the fugitive but in the search for others who may have been involved in the assassination.

For example, there is reason to question the adequacy of the FBI's response to substantial evidence of contacts between Ray and his brothers, Jerry and John, at various times between his escape

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from prison and the assassination. That evidence includes such items as: (1) Statements of several witnesses pointing to meetings between Ray and a brother; (2) denials by Jerry and John of preassassination contact with James that are in conflict with information established independently; (3) Missouri State Penitentiary records indicating John visited James the day before he escaped; (4) information that Jerry, on two occasions, admitted knowledge of a conspiracy in the assassination; and (5) Ray's statement to a salesman in a gun store, just 6 days before the assassination, that he wished to exchange the rifle on advice from his brother.

Coupled with these indications of a possible family based association that pointed toward a criminal relationship were the indications that the mysterious Raoul might actually have been one or both of the brothers. Even so, the FBI never made a concerted effort to check out the possibility of a Ray family conspiracy in the assassination. Instead, it treated the brothers and other relatives almost solely as information sources as to James' whereabouts.

In fact, the Bureau became so preoccupied with the fugitive search that on May 13 Mr. Hoover recommended—with the concurrence of Mr. DeLoach, Mr. Rosen, and Mr. Tolson—the placing of electronic surveillance devices in the homes of John Ray, Carol Pepper—a sister—and John's place of business—the Grapevine Tavern in St. Louis.

This clearly illegal action was never endorsed by the Department of Justice but the request itself is disturbing enough. Not only does it show a lack of concern for the constitutional rights of the relative, it establishes the Bureau's lack of interest in a possible conspiracy involving the brothers. Had the taps picked up evidence of such a conspiracy, the illegality of the surveillance would almost surely have tainted the evidence in any subsequent conspiracy trial. Internal FBI memoranda, moreover, indicate that Mr. Hoover and his assistants were well aware of the problem but made the request in any event.

I would ask at this time, Mr. Chairman, that Martin Luther King exhibits F-501 and F-502 be inserted in the record and appropriately displayed.

Chairman STOKES. Without objection, they may be entered in the record at this point.

[The information follows:]

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MLK Exhibit F-501

F-501

UNITED STATES GOVERNMENT

Memorandum

JUNE

TO : Mr. DeLoach

DATE: May 8, 1968

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. McGowan
1 - Mr. Long
1 - Mr. Conrad
1 - Mr. Gale

SUBJECT: MURKIN

PURPOSE: To recommend the installation of a technical surveillance (TESUR) on the telephones of Albert and Carol Pepper, St. Louis, Missouri, and the telephone listed to the Grapevine Tavern in St. Louis, Missouri, owned by Carol Pepper, subject's sister, and operated by John Larry Ray, subject's brother, and the installation of a microphone surveillance at the residences of Carol Pepper, and John Larry Ray, and at the Grapevine Tavern. These installations could assist in the early apprehension of the subject, which could possibly be instrumental in reducing the stresses and tension placed on our national security subsequent to the death of Martin Luther King, Jr.

BACKGROUND: We are presently conducting exhaustive and extensive investigation to determine the present whereabouts of the subject James Earl Ray, who is one of the TEN MOST WANTED FUGITIVES. Although many hundreds of interviews have been conducted and leads run out, we have not been able to locate the subject nor have we located any person who can furnish us any information as to the subject's present whereabouts. It has been determined that Carol Pepper, the sister of the subject, and John Larry Ray, the brother of the subject, are the closest relatives to him. Carol is married to Albert Pepper and they reside at 2025 Belleview, St. Louis, Missouri, telephone number 645-2948. John Larry Ray resides at 1900 A Cherokee, St. Louis, Missouri, no telephone listed. Carol presently owns the Grapevine Tavern, 1982 Arsenal, St. Louis, Missouri, telephone number PR 6-9417. This tavern is operated by John Larry Ray.

John Larry Ray has expressed a cooperative attitude; however, it is felt that he is not giving us complete and accurate information. Carol Pepper refuses to submit to interview and is not cooperative. It is felt that if the subject telephones or personally contacts any of the relatives, it will most likely be Carol Pepper or brother John Larry Ray.

Enclosure

REC 11 44-38861-376

REL:mgg

CONTINUED - OVER

MAY 31 1968

RECD - DUCEK EX-102

11 MAY 22 1968

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Memorandum to Mr. DeLoach
RE: MURKIN

RECOMMENDATION: That a technical surveillance be installed on the telephones of Albert and Carol Pepper and the Grapevine Tavern and a microphone surveillance be installed at the residences of Albert and Carol Pepper and John Larry Ray and at the Grapevine Tavern.

Attached for approval is a memorandum to the Attorney General requesting authority for this coverage.

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MLK EXHIBIT F-502

MLK F-502

F-502

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Mohr

DATE: May 10, 1968

FROM : J. J. Casper

SUBJECT: MURKIN

As shown in attached memorandum of May 9, 1968, from Mr. Rosen to Mr. DeLoach, consideration is given to microphone installations on certain properties of Albert and Carol Pepper. The proposal raises a question concerning the legality of any action taken against the subject of this case on the basis of information obtained from the microphones.

We believe these microphones can be installed and used without prejudicing the case against the subject. In a very recent decision of the United States District Court for the Southern District of New York, a listening device was installed on the premises of one Levine. Later, a subject named Granello, an associate of Levine, came up for trial and claimed that the listening device installed on Levine's premises, which was installed by trespass, was illegal as to him, Granello. It was not contended that any information obtained from the Levine microphone was used as evidence against Granello at trial either directly or as a lead. The court held that since Granello had no interest in the Levine premises, the monitor was not illegal as to him and he could not obtain a new trial or dismissal of the indictment. U.S. v. Granello, 280 F. Supp. 482 (1968).

Applied to instant case, this rule of law could work out in different ways. Assuming that the subject of this case is not on the premises to be surveilled by the means suggested, and has no possessory or other right in those premises, any information disclosed by the surveillance in some way, such as conversation among the Peppers, could be used to learn the whereabouts of the subject for purposes of arrest. The problem becomes somewhat more complicated, however, if the subject of this case made a telephone call to those premises and that telephone call were recorded and used as the basis for his apprehension. He then could claim that the surveillance violated his right of privacy in the telephone communication he made to that place, citing the Katz decision in the Supreme Court.

REC 11 44-38861-376

Enclosure

1 - Mr. DeLoach
1 - Mr. Conrad
1 - Mr. Gale
1 - Mr. Rosen
1 - Mr. Bailey
1 - Mr. McGowan
1 - Mr. Long
EJD/pal

MAY 22 1968

"CONTINUED - OVER"

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Memorandum J. J. Casper to Mr. Mohr
RE: MARKIN

The worst that could happen in either of the above circumstances, however, - assuming that we follow the precautionary measures listed below - is that we illegally learn where the subject is located and then are able to arrest him on that knowledge. The rule that comes into play here, established in the last century by the Supreme Court in Ker v. Illinois, 30 U.S. 347 (1886), is that an illegal arrest is no bar to prosecution. Wong Sun v. U.S., 371 U.S. 471 (1963) U.S. v. Hoffman, 385 F2d 501 (1967); Keegan v. U.S., 385 F2d 260 (1967). A person may be arrested unlawfully and actually kidnapped into the court having jurisdiction of the criminal case, yet the court still retains jurisdiction to try the person for the offense. The court would not allow the prosecution to use as evidence any information obtained through the illegal surveillance but the illegal surveillance would not taint the use of any other evidence obtained either before or after and which was gotten in a legal manner. Nor, to repeat, would the illegality of the arrest alone, resulting from whereabouts disclosed by unlawful surveillance, prevent the court from trying the subject for the offense.

If the action being considered is taken, we strongly suggest three precautionary measures, as follows:

(1) That all recordings be preserved intact. It may be necessary to disclose some of them to the court or even to the defense.

(2) That no use be made of any information obtained against anyone whatsoever or in any way whatsoever except for the single purpose of locating the subject in this case. As we well know by this time, evidence of the offense obtained in this manner is not admissible. It would not be admissible against the subject and it would not be admissible against the Peppers on a charge of harboring.

(3) Be aware that since this search and seizure is unconstitutional as to the Peppers, they have at least a theoretical cause of action for damages against those who installed the devices by trespass. Here again, however, if nothing learned by this surveillance is used against the Peppers in any way, their cause of action is diminished to the lowest possible degree, becoming that for a technical violation only rather than one of substantial harm to them. Moreover, in any such case the government of the United States should surely be willing to pick up the tab for any judgment had against those who installed the microphones.

RECOMMENDATION:

For information.

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Mr. BLAKEY. These are the FBI internal memos reflecting consideration of the propriety and the legality of the electronic surveillance.

While the FBI was proposing unlawful electronic surveillance, it apparently failed to take advantage of a legal way to accomplish the same objective. There is nothing in the FBI files to indicate consideration was given to title III of Public Law 90-351. Signed on June 19, 1968, it empowered the Department of Justice to conduct court-ordered electronic surveillance in the investigation of a variety of crimes, including murder.

The committee has uncovered two incidents in which the constitutional rights of Ray himself were also apparently a matter of little concern to the FBI: The first occurred while Ray was waiting trial in Shelby County, Tenn.

On September 30, 1968, Judge W. Preston Battle issued an order emphasizing Ray's written communications with his attorney at the time, Arthur Hanes, Sr., were privileged. Battle directed that they could be monitored only for the purpose of detecting attempts to break prison security but not in order to learn their full content.

It would be appropriate at this time, Mr. Chairman, to introduce Martin Luther King exhibit F-503, an FBI memorandum, incorporating Judge Battle's order.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[The information follows:]

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COMMUNICATIONS SECTION
SEP 30 1968

TELETYPE

FBI WASH DC

FBI MEMPHIS
633PM DEFERRED 9-30-68 DGB
TO DIRECTOR (44-38861)
FROM MEMPHIS (44-1987) 2P
HARRIS.

RE MEMPHIS AIRTEL TO BUREAU DATED SEPT. EIGHTEEN LAST.

ENCLOSING XEROX COPIES OF TWO MOTIONS FILED BY ATTORNEY ARTHUR J. HANES IN SHELBY COUNTY CRIMINAL COURT, MEMPHIS, TENN. HEARING ON THESE MOTIONS WAS HELD BY JUDGE W. PRESTON BATTLE IN SHELBY COUNTY CRIMINAL COURT, MEMPHIS, SEPT. THIRTY LAST.

AT THE CONCLUSION OF THE PRESENTATION OF THE PROOF BY BOTH DEFENSE AND PROSECUTION DURING THIS HEARING, JUDGE BATTLE DISMISSED BOTH MOTIONS FILED BY THE DEFENSE WITH THE EXCEPTION OF THE PORTION PERTAINING TO RAY'S CORRESPONDING WITH HIS ATTORNEY. JUDGE BATTLE RULED THAT WRITTEN NOTES EXCHANGED BETWEEN RAY AND HIS ATTORNEY ARE PRIVILEGED; HOWEVER, THE SHELBY COUNTY SHERIFF OR HIS DESIGNATED AGENT HAS THE AUTHORITY TO PERUSE THESE NOTES TO DETERMINE IF THERE IS ANY ATTEMPT TO BREACH SECURITY OF THE JAIL. THESE NOTES SHOULD NOT BE PERUSED FOR THE PURPOSE OF ASCERTAINING

ec blog

5 OCT 9-

CX 124 REC 23 44-38861-5209

OCT 2 1968

THE FULL CONTENTS OF THE MESSAGES.

AT THE INCEPTION OF THE HEARING, ARTHUR HANES SR., ATTORNEY FOR JAMES EARL RAY, ADVISED JUDGE BATTLE THAT AFTER CONFERRING WITH HIS CLIENT ON THIS DATE HANES AND HIS CLIENT HAD DECIDED THAT THE LAW FIRM OF HANES AND HANES WILL CONTINUE TO REPRESENT RAY IN RAY'S FORTHCOMING TRIAL FOR THE MURDER OF REV. MARTIN LUTHER KING, JR. IT IS NOTED THAT DURING THE HEARING BEFORE JUDGE BATTLE ON SEPT. TWENTY SEVEN LAST HANES SR. IMPLIED TO THE COURT THAT AS A RESULT OF A DIFFERENCE OF OPINION BETWEEN RAY AND HIS ATTORNEY THE LAW FIRM OF HANES AND HANES MAY NOT REPRESENT RAY AT THE TIME OF TRIAL.

BUREAU WILL BE KEPT ADVISED OF ANY CHANGE OR DEVELOPMENTS IN THIS REGARD. P.

END.

GMA

FBI WASH DC

P

14

MLK EXHIBIT F-503

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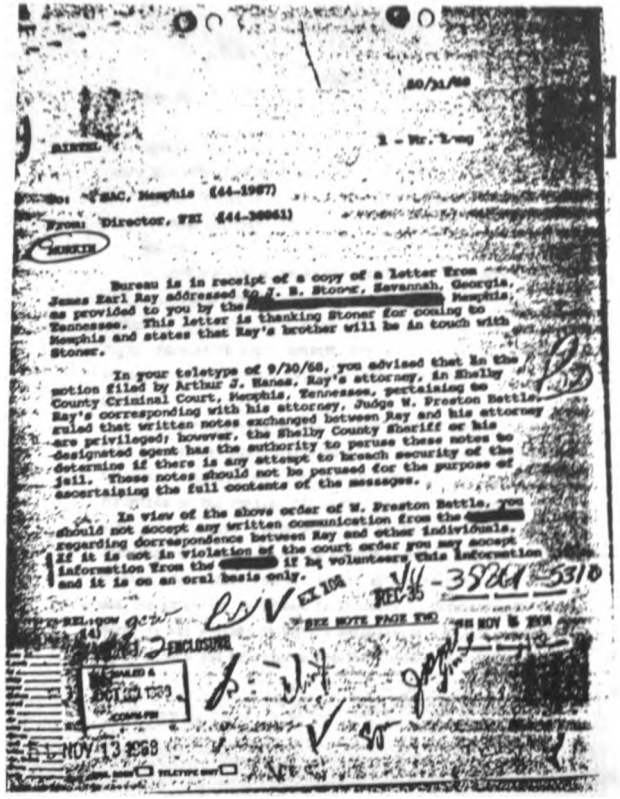
Mr. BLAKEY. Nevertheless, during the month of October at least three Ray-to-Hanes letters were intercepted, photocopied, passed along to the FBI's Memphis field office and subsequently transmitted to FBI headquarters in Washington.

On October 31, 1968, after a directive issued from headquarters, no further letters were Xeroxed. MLK exhibit F-504—which I would request be entered into the record at this point—is a copy of this headquarters directive.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

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10/31/68

AIRTEL

1 - Mr. Long

TO: SAC, Memphis (44-1987)

FROM: Director, FBI (44-38861)

JAMES EARL RAY

Bureau is in receipt of a copy of a Letter From James Earl Ray addressed to J. B. Stoner, Savannah, Georgia, as provided to you by the [redacted] Memphis, Tennessee. This letter is thanking Stoner for coming to Memphis and states that Ray's brother will be in touch with Stoner.

In your teletype of 9/20/68, you advised that in the motion filed by Arthur J. Hanes, Ray's attorney, in Shelby County Criminal Court, Memphis, Tennessee, pertaining to Ray's corresponding with his attorney, Judge W. Preston Battle ruled that written notes exchanged between Ray and his attorney are privileged; however, the Shelby County Sheriff or his designated agent has the authority to peruse these notes to determine if there is any attempt to breach security of the jail. These notes should not be perused for the purpose of ascertaining the full contents of the messages.

In view of the above order of W. Preston Battle, you should not accept any written communication from the [redacted] regarding correspondence between Ray and other individuals. If it is not in violation of the court order you may accept information from the [redacted] if he volunteers this information and it is on an oral basis only.

REC-35 - 38861-5310

SEE NOTE PAGE TWO

2 ENCLOSURE

NOV 13 1968

NOTE:

Bureau is in receipt of a copy of a Letter From James Earl Ray addressed to J. B. Stoner, Savannah, Georgia, as provided by the [redacted] Memphis, Tennessee, to our Memphis Office. This letter is thanking Stoner for coming to Memphis and states that Ray's brother will be in touch with Stoner.

Memphis by teletype of 9-20-68, advised that in the motion filed by Arthur J. Hanes, Ray's attorney, in Shelby County Criminal Court, Memphis, Tennessee, pertaining to Ray's corresponding with his attorney, Judge W. Preston Battle, ruled that written notes exchanged between Ray and his attorney are privileged; however, the Shelby County Sheriff or his designated agent has the authority to peruse these notes to determine if there is any attempt to breach security of the jail. These notes should not be perused for the purpose of ascertaining the full contents of the messages.

This communication is advising Memphis not to accept any written communication from [redacted] regarding Ray's correspondence; however, they may accept information on an oral basis from [redacted] Memphis also being instructed to insure that the acceptance of this oral information is not in violation of the court order.

Prior information indicates that Ray has been in contact with J. B. Stoner with a view towards engaging his as counsel, although Hanes continues to be Ray's attorney of record.

- 2 -

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MLK Exhibit F-504

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Mr. BLAKEY. The second occurred shortly after Ray pled guilty in March 1969.

Ray was interviewed by the agents-in-charge of the Memphis field office for the purpose of obtaining information on an assassination conspiracy. Ray was not accompanied by an attorney nor was he informed of his *Miranda* rights—that is, his right to have an attorney, paid or appointed, present; his right to terminate the interview at will; his right to remain silent; and the fact that the Government could use his statements against him.

Of course, the use of Ray's self-incriminatory statements in a later conspiracy prosecution would have depended on the ability of the Government to survive a motion to suppress them. So not only were Ray's rights disregarded but the FBI again was risking destruction of valuable evidence in a conspiracy case if one was ever to be made.

Finally, the committee has taken into account the notable absence of active participation in the assassination investigation by attorneys for the Department of Justice.

It seems reasonable to attribute this to the state of relations between the Department and the FBI in 1968. That they were poor and counterproductive is demonstrated by Mr. Hoover's criticism of Attorney General Clark's press policy, FBI complaints of intrusion by the Department into its investigative territory, and a general lack of respect for the Department's leadership by the FBI.

Departmental attorneys received digests of investigative reports, often in a superficial form and weeks late, as the day-to-day investigation was directed at FBI headquarters without consultation with the Department. This was the case, even though it had been common practice in major conspiracy investigations—for example, in antitrust and organized crime areas—for the Bureau and the Department to work together, and to work together successfully.

When major investigative steps were taken—an interview with Ray, for example—there was no participation by a Departmental attorney; and not once during the investigation was grand jury interrogation—with its sophisticated techniques such as immunity grants—put to use to prove or probe a possible conspiracy.

The committee is aware that the blame for any deficiencies in the relationship of the FBI and the Department of Justice must be shared. While we are addressing the performance of the Bureau in today's hearing, that of the Department itself will be the subject of attention tomorrow.

Mr. Chairman, the next witness, Cartha DeLoach, was one of two assistants to Director Hoover between 1965 and Mr. DeLoach's retirement in 1970. Mr. DeLoach supervised the activities of four separate divisions which together constituted the Bureau's investigative arm. Included among them was domestic intelligence, which managed both the security and the Cointelpro cases against Dr. King; and the general investigative, which provided supervision for the assassination investigation.

Mr. DeLoach, therefore, is in a unique position to comment on FBI programs against Dr. King and the performance of the Bureau in its investigation of his death.

At this time, Mr. Chairman, it would be appropriate to call Cartha DeLoach.

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Chairman STOKES. The committee calls Mr. DeLoach.

Mr. DeLoach, would you please stand and raise your right hand and be sworn?

Do you solemnly swear the testimony you will give before the committee is the truth, the whole truth and nothing but the truth, so help you God?

Mr. DELOACH. I do, Mr. Chairman.

Chairman STOKES. Thank you. You may be seated.

Will counsel for the witness please identify himself for the record?

Mr. MORGAN. Edward P. Morgan, Welch & Morgan, Farragut Building, Washington, D.C.

Chairman STOKES. Thank you, sir.

The Chair recognizes staff counsel, Mr. Peter Beeson.

TESTIMONY OF CARTHA D. DeLOACH, FORMER ASSISTANT TO THE DIRECTOR, FBI, ACCOMPANIED BY EDWARD P. MORGAN, COUNSEL

Mr. BEESON. Thank you, Mr. Chairman.

Can you hear me, Mr. DeLoach?

Mr. DELOACH. Very well; thank you.

Mr. BEESON. Would you state your full name for the record, please?

Mr. DELOACH. Cartha D. DeLoach.

Mr. BEESON. Would you give the committee a brief rundown of your employment history from the time you entered the FBI until your retirement from the FBI in 1970?

Mr. DELOACH. Yes, Mr. Beeson. I graduated from college in 1942. I entered the FBI in a clerical capacity the same year, I believe in either July or August 1942. I became an agent after being in the FBI about 6 weeks.

I served in offices in Norfolk, Cleveland, in the various capacities as a special agent of the FBI.

I left the FBI in 1944 to go in the service, in the U.S. Navy, during World War II. After being honorably discharged from the Navy in 1946, I returned to the FBI, again as a special agent in Cleveland, Ohio.

After serving there for some period of time, I was transferred to Washington headquarters of the FBI in 1947. In 1951, if my memory serves correctly—and it has been 9 years since I left the FBI, quite a long time—but I think I became an inspector in 1951. I became an Assistant Director in 1959, I believe, and an Assistant to the Director in 1965, and retired in July 1970, after 28½ years service in the FBI.

Mr. BEESON. If I could just cover a couple of points in that chronology: In 1959 you became an Assistant Director. Which division?

Mr. DELOACH. Crime Records Division, Mr. Beeson.

Mr. BEESON. In 1965 you became Assistant to the Director, Mr. Hoover. Would you describe briefly your responsibilities as an Assistant to the Director, Mr. Hoover?

Mr. DELOACH. As an Assistant Director in charge of the Crime Records Division, I had supervision of one division.

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When I became an Assistant to the Director in 1965, I had supervision under—reporting to—Mr. Clyde Tolson, who, in turn, reported to Mr. Hoover—I had supervision of four divisions. That was the General Investigative Division which handled general criminal matters; the Special Investigative Division which handled organized crime and special investigations; the Crime Records Division—which I had just left—which handled public relations matters; and the Domestic Intelligence Division.

Mr. BEESON. The Domestic Intelligence Division was a division within the Bureau, Division 5, which was responsible for the security case against Mr. King; is that correct?

Mr. DELOACH. The security case involving Mr. King, but the General Criminal Division handled the special investigation involving Dr. King's assassination.

Mr. BEESON. And that would be the General Investigative Division, which was Division 6 in the FBI?

Mr. DELOACH. That's correct, sir.

Mr. BEESON. So in 1968 at the time of Dr. King's assassination you were No. 3 man in the Bureau underneath Mr. Tolson and Mr. Hoover and had direct supervisory responsibility for the activities in both the Domestic Intelligence Division and the General Investigative Division, as well as other divisions, correct?

Mr. DELOACH. The facts aren't exactly correct, Mr. Beeson. We didn't play the numbers game. There was no No. 3 or no No. 4 man. There were two Assistants to the Director. I was assistant to the Director in charge of Investigative Activities and Crime Records, which included public relations; and Mr. John P. Mohr was was an Assistant to the Director in charge of General Administrative Matters. In fact, your chart is incorrect; it puts me on a parallel with Mr. Tolson. I reported to Mr. Tolson.

Mr. BEESON. All right. Well, we certainly would like to clarify it for the record.

In terms of your specific responsibilities, you had superiors only in the persons of Mr. Tolson and Mr. Hoover, is that correct?

Mr. DELOACH. That's correct, sir.

Mr. BEESON. I would like to focus your attention now on the time of the assassination of Dr. King—April 1968.

Would you describe for the committee how the decision was made to involve the Federal Bureau of Investigation in a crime which to some people may have appeared to be a local murder case, primarily the responsibility of the local authorities in Tennessee.

Mr. DELOACH. That responsibility lay with the Department of Justice, Mr. Beeson, and not the FBI. We, of course, could have gotten in on the matter if the fugitive had more or less been identified and the local authorities had requested the FBI under the Fleeing Felon Statute, previously established by the Congress to look for James Earl Ray; but the matter of the civil rights investigation being under that particular category was established by the Department of Justice almost immediately after the crime occurred.

Mr. BEESON. Do you recall who was involved in that decision?

Mr. DELOACH. I don't recall that, sir. I know that Mr. Clark called me several times immediately following the assassination,

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COMMUNICATION SECTION
SEP 30 1968

TELETYPE

FBI WASH DC

FBI MEMPHIS
6:35PM DEFERRED 9-30-68 DGB
TO DIRECTOR (44-38861)
FROM MEMPHIS (44-1987) 2P
BURRIS.

RE MEMPHIS AIRTEL TO BUREAU DATED SEPT. EIGHTEEN LAST ENCLOSING XEROX COPIES OF TWO MOTIONS FILED BY ATTORNEY ARTHUR J. HANES IN SHELBY COUNTY CRIMINAL COURT, MEMPHIS, TENN. HEARING ON THESE MOTIONS WAS HELD BY JUDGE W. PRESTON BATTLE IN SHELBY COUNTY CRIMINAL COURT, MEMPHIS, SEPT. THIRTY LAST.

AT THE CONCLUSION OF THE PRESENTATION OF THE PROOF BY BOTH DEFENSE AND PROSECUTION DURING THIS HEARING, JUDGE BATTLE DISMISSED BOTH MOTIONS FILED BY THE DEFENSE WITH THE EXCEPTION OF THE PORTION PERTAINING TO RAY'S CORRESPONDING WITH HIS ATTORNEY. JUDGE BATTLE RULED THAT WRITTEN NOTES EXCHANGED BETWEEN RAY AND HIS ATTORNEY ARE PRIVILEGED; HOWEVER, THE SHELBY COUNTY SHERIFF OR HIS DESIGNATED AGENT HAS THE AUTHORITY TO PERUSE THESE NOTES TO DETERMINE IF THERE IS ANY ATTEMPT TO BREACH SECURITY OF THE JAIL. THESE NOTES SHOULD NOT BE PERUSED FOR THE PURPOSE OF ASCERTAINING

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RE 44-1987
PAGE TWO
THE FULL CONTENTS OF THE MESSAGES.

AT THE INCEPTION OF THE HEARING, ARTHUR HANES SR., ATTORNEY FOR JAMES EARL RAY, ADVISED JUDGE BATTLE THAT AFTER CONFERRING WITH HIS CLIENT ON THIS DATE HANES AND HIS CLIENT HAD DECIDED THAT THE LAW FIRM OF HANES AND HANES WILL CONTINUE TO REPRESENT RAY IN RAY'S FORTHCOMING TRIAL FOR THE MURDER OF REV. MARTIN LUTHER KING, JR. IT IS NOTED THAT DURING THE HEARING BEFORE JUDGE BATTLE ON SEPT. TWENTY SEVEN LAST HANES SR. IMPLIED TO THE COURT THAT AS A RESULT OF A DIFFERENCE OF OPINION BETWEEN RAY AND HIS ATTORNEY THE LAW FIRM OF HANES AND HANES MAY NOT REPRESENT RAY AT THE TIME OF TRIAL.

BUREAU WILL BE KEPT ADVISED OF ANY CHANGE OR DEVELOPMENTS IN THIS REGARD. P.

END.

GMA

FBI WASH DC

P

MLK EXHIBIT F-503

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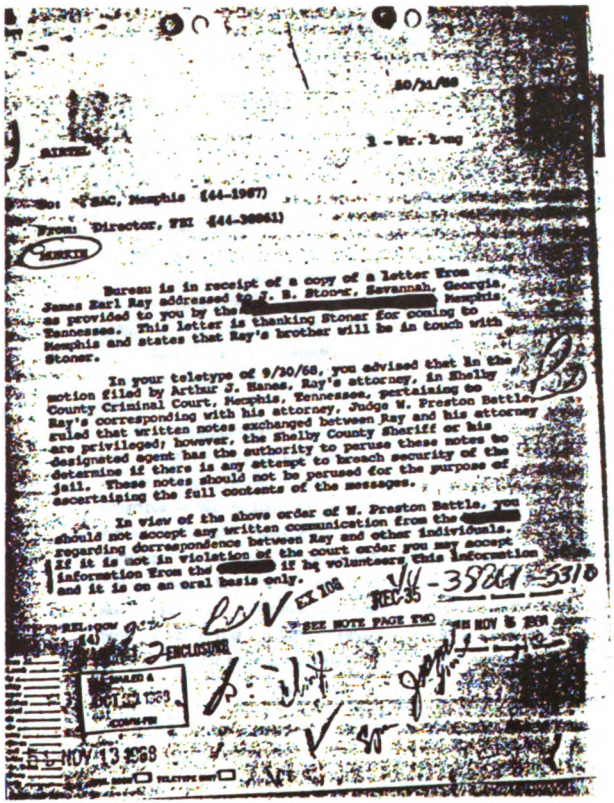
Mr. BLAKEY. Nevertheless, during the month of October at least three Ray-to-Hanes letters were intercepted, photocopied, passed along to the FBI's Memphis field office and subsequently transmitted to FBI headquarters in Washington.

On October 31, 1968, after a directive issued from headquarters, no further letters were Xeroxed. MLK exhibit F-504—which I would request be entered into the record at this point—is a copy of this headquarters directive.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

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10/31/68

AIRTEL 1 - Mr. Long

TO: SAC, Memphis (44-1987)

FROM: Director, FBI (44-38861)

MURKIN

Bureau is in receipt of a copy of a letter from James Earl Ray addressed to J. B. Stoner, Savannah, Georgia, as provided to you by the [redacted] Memphis, Tennessee. This letter is thanking Stoner for coming to Memphis and states that Ray's brother will be in touch with Stoner.

In your teletype of 9/30/68, you advised that in the motion filed by Arthur J. Hanes, Ray's attorney, in Shelby County Criminal Court, Memphis, Tennessee, pertaining to Ray's corresponding with his attorney, Judge W. Preston Battle, ruled that written notes exchanged between Ray and his attorney are privileged; however, the Shelby County Sheriff or his designated agent has the authority to peruse these notes to determine if there is any attempt to breach security of the jail. These notes should not be perused for the purpose of ascertaining the full contents of the messages.

In view of the above order of W. Preston Battle, you should not accept any written communication from the [redacted] regarding correspondence between Ray and other individuals. If it is not in violation of the court order you may accept information from the [redacted] if he volunteers this information and it is on an oral basis only.

REL-35 - 38861 - 5310

EX 108

SEE NOTE PAGE TWO

1 ENCLOSURE

NOV 13 1968

NOV 8 1968

NOTE:

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Mr. Chairman, the next witness, Cartha DeLoach, was one of two assistants to Director Hoover between 1965 and Mr. DeLoach's retirement in 1970. Mr. DeLoach supervised the activities of four separate divisions which together constituted the Bureau's investigative arm. Included among them was domestic intelligence, which managed both the security and the Cointelpro cases against Dr. King; and the general investigative, which provided supervision for the assassination investigation.

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At this time, Mr. Chairman, it would be appropriate to call Cartha DeLoach.

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Chairman STOKES. The committee calls Mr. DeLoach.

Mr. DeLoach, would you please stand and raise your right hand and be sworn?

Do you solemnly swear the testimony you will give before the committee is the truth, the whole truth and nothing but the truth, so help you God?

Mr. DELOACH. I do, Mr. Chairman.

Chairman STOKES. Thank you. You may be seated.

Will counsel for the witness please identify himself for the record?

Mr. MORGAN. Edward P. Morgan, Welch & Morgan, Farragut Building, Washington, D.C.

Chairman STOKES. Thank you, sir.

The Chair recognizes staff counsel, Mr. Peter Beeson.

TESTIMONY OF CARTHA D. DeLOACH, FORMER ASSISTANT TO THE DIRECTOR, FBI, ACCOMPANIED BY EDWARD P. MORGAN, COUNSEL

Mr. BEESON. Thank you, Mr. Chairman.

Can you hear me, Mr. DeLoach?

Mr. DELOACH. Very well; thank you.

Mr. BEESON. Would you state your full name for the record, please?

Mr. DELOACH. Cartha D. DeLoach.

Mr. BEESON. Would you give the committee a brief rundown of your employment history from the time you entered the FBI until your retirement from the FBI in 1970?

Mr. DELOACH. Yes, Mr. Beeson. I graduated from college in 1942. I entered the FBI in a clerical capacity the same year, I believe in either July or August 1942. I became an agent after being in the FBI about 6 weeks.

I served in offices in Norfolk, Cleveland, in the various capacities as a special agent of the FBI.

I left the FBI in 1944 to go in the service, in the U.S. Navy, during World War II. After being honorably discharged from the Navy in 1946, I returned to the FBI, again as a special agent in Cleveland, Ohio.

After serving there for some period of time, I was transferred to Washington headquarters of the FBI in 1947. In 1951, if my memory serves correctly—and it has been 9 years since I left the FBI, quite a long time—but I think I became an inspector in 1951. I became an Assistant Director in 1959, I believe, and an Assistant to the Director in 1965, and retired in July 1970, after 28½ years service in the FBI.

Mr. BEESON. If I could just cover a couple of points in that chronology: In 1959 you became an Assistant Director. Which division?

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Mr. BEESON. In 1965 you became Assistant to the Director, Mr. Hoover. Would you describe briefly your responsibilities as an Assistant to the Director, Mr. Hoover?

Mr. DELOACH. As an Assistant Director in charge of the Crime Records Division, I had supervision of one division.

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Mr. BEESON. The Domestic Intelligence Division was a division within the Bureau, Division 5, which was responsible for the security case against Mr. King; is that correct?

Mr. DELOACH. The security case involving Mr. King, but the General Criminal Division handled the special investigation involving Dr. King's assassination.

Mr. BEESON. And that would be the General Investigative Division, which was Division 6 in the FBI?

Mr. DELOACH. That's correct, sir.

Mr. BEESON. So in 1968 at the time of Dr. King's assassination you were No. 3 man in the Bureau underneath Mr. Tolson and Mr. Hoover and had direct supervisory responsibility for the activities in both the Domestic Intelligence Division and the General Investigative Division, as well as other divisions, correct?

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Mr. BEESON. All right. Well, we certainly would like to clarify it for the record.

In terms of your specific responsibilities, you had superiors only in the persons of Mr. Tolson and Mr. Hoover, is that correct?

Mr. DELOACH. That's correct, sir.

Mr. BEESON. I would like to focus your attention now on the time of the assassination of Dr. King—April 1968.

Would you describe for the committee how the decision was made to involve the Federal Bureau of Investigation in a crime which to some people may have appeared to be a local murder case, primarily the responsibility of the local authorities in Tennessee.

Mr. DELOACH. That responsibility lay with the Department of Justice, Mr. Beeson, and not the FBI. We, of course, could have gotten in on the matter if the fugitive had more or less been identified and the local authorities had requested the FBI under the Fleeing Felon Statute, previously established by the Congress to look for James Earl Ray; but the matter of the civil rights investigation being under that particular category was established by the Department of Justice almost immediately after the crime occurred.

Mr. BEESON. Do you recall who was involved in that decision?

Mr. DELOACH. I don't recall that, sir. I know that Mr. Clark called me several times immediately following the assassination,

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during the night, and I called him several times; and I also recall that a memorandum was received from the Department of Justice at FBI headquarters, indicating the FBI had jurisdiction under the civil rights statutes, so that we followed the instructions of the Department in that regard.

Mr. BEESON. You certainly are correct in describing the paperwork involved. There is a memorandum coming from the Department of Justice on the same day as the assassination, asking you to investigate a possible civil rights violation—conspiracy to violate the civil rights of Dr. King.

Do you recall any concern within either the FBI or the Department of Justice about whether or not there was, in fact, an appropriate statutory jurisdiction for the Federal investigation in this case?

Mr. DELOACH. Not for me personally, I don't recall any concern. We had a job to do and we were prepared to do it.

Mr. BEESON. To your right is a chart which details the chain of command in Division 6, the General Investigative Division, that was responsible for the assassination investigation.

As was briefly explained by Mr. Blakey before, within the General Investigative Division, Mr. Rosen was the Assistant Director, and then for purposes of the assassination investigation, the Civil Rights section under Clem McGowan, and the Civil Rights unit under Mr. Edward McDonough, were responsible for the day-to-day operation of that investigation.

Would you give the committee a brief idea, please, of the roles that were played by yourself, Mr. Rosen and the other headquarters personnel primarily involved in the assassination investigation in terms of the day-to-day operations of that division?

Mr. DELOACH. Certainly, Mr. Beeson. The agents on the supervisory desk—Mr. McDonough, Mr. Long, Mr. Martindale—did a majority of the paperwork; they reported to Mr. McGowan. Mr. McGowan reported to Mr. Rosen, and Mr. Rosen reported to me.

Mr. Rosen and I had daily conferences. As a matter of fact, Mr. Rosen and I had lunch together almost every day, either in our office or outside, and we constantly discussed the case while it went on. But primarily that was the situation. Mr. Rosen and I made the high level decisions as recommended in various memoranda by the supervisory agents.

Mr. BEESON. How was Mr. Hoover himself informed on the progress of the investigation?

Mr. DELOACH. Occasionally a telephone call from me. I would advise him as to any breaks in the case, the progress of the case, as I did Attorney General Clark on an almost daily or certainly several times a week basis.

Verbally and through memoranda, Mr. Hoover would be advised about—both the Attorney General and the Department of Justice, through various communications being sent to them, written communications.

Mr. BEESON. In terms of actual command responsibility within the chain of command at the FBI, what was the lowest level of true command responsibility? By that I mean at what stage was an FBI official able to independently send out a directive or lead in the assassination case?

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Mr. DELOACH. The section chief, Mr. McGowan, could do that on his own if it was nothing of any great importance. Mr. Rosen, of course, could, being the Assistant Director in charge of the division. I could.

But primarily in this particular case, being the major case that it was and treated accordingly by the FBI, I would—to the best of my recollection—in most instances they would go up to Mr. Tolson and Mr. Hoover prior to being sent on.

Mr. BEESON. But at no time, or at least only on rare occasions, would something be done independently by somebody below the level of Mr. McGowan; is that fair to say?

Mr. DELOACH. It could have been done, Mr. Beeson. I am not aware of it.

Mr. BEESON. The committee has received testimony from at least one witness testifying previously that the responsibility for the day-to-day investigation in this case was, in fact, that of the Domestic Intelligence Division; is that, in fact, correct?

Mr. DELOACH. The responsibility of the criminal-type investigation?

Mr. BEESON. Of the assassination investigation itself.

Mr. DELOACH. Absolutely not. The Domestic Intelligence Division assisted in some minor respects, to the best of my recollection, but the responsibility for the investigation of the assassination of Dr. King was with the General Investigative Division of Mr. Rosen.

Mr. BEESON. What role do you recall the Domestic Intelligence Division played in the actual assassination investigation itself?

Mr. DELOACH. I have no recollection of any, specifically, Mr. Beeson; but just looking back upon the logical possibilities, furnishing intelligence concerning hate groups, who might have been involved in a conspiracy, for instance, the Ku Klux Klan, extreme right-wingers in some respects that had possibly made threats.

For instance, I do recall in one particular instance—to give you an example—that the General Investigative Division wanted a collection, a summary, of every individual who had ever made a threat against Dr. King or against high ranking Blacks in the civil rights movement; and this would have been a natural thing for the Domestic Intelligence Division to prepare and furnish to the General Investigative Division.

Let me add at this point, Mr. Beeson, that in any major case of this nature, not only would it be handled in a very intensified manner, but everyone in the FBI who could possibly help out was called upon to help out—the FBI laboratory handling all specimens of investigation; the Fingerprint or Identification Division, who handled all matters of identification; the Training Division who handled the liaison with the police, the Domestic Intelligence Division furnishing information concerning hate groups and threats to Dr. King and other leading Blacks; and, of course, the General Investigative Division who handled the criminal matters; the Special Investigative Division who handled organized crime matters, where any threats might have been represented against leading Blacks.

The point is that all divisions of the FBI, and all FBI men, were involved in this overall case.

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Mr. BEESON. OK. I understand that. I only wanted to clarify that the actual control and day-to-day operation of the investigation was within the province of the General Investigative Division, Division 6.

Mr. DELOACH. That's absolutely correct, sir.

Mr. BEESON. The investigation itself has been referred to, Mr. DeLoach, as a special investigation.

What are the implications of characterizing an investigation as a special investigation?

Mr. DELOACH. A crime so horrible, a crime that was of immense importance to the Nation, a crime in which so much pressure was put on by outside, external forces. In some situations responsibility is fixed by the Department of Justice, that made it a major case; tremendous publicity that was involved in such a crime. Many things would enter into such a matter making it such a major case.

Dr. King, being a major figure, why, this naturally was a major case.

Mr. BEESON. In terms of the operation of the investigation, how was it handled any differently from a normal criminal investigation?

Mr. DELOACH. In major cases, to the best of my recollection—and, again, I have been gone almost 9 years, Mr. Beeson—but I do have recollection that we would demand, insist, with the true discipline in the FBI, that daily teletypes be sent in, that summary reports be sent in on a frequent basis, that any major breaks in the case or changes in the case be called in, on a constant basis; in other words, that FBI headquarters be kept constantly up to date by the field, so we in Washington would know what to do at all times.

Mr. BEESON. It would be fair to say, would it not, Mr. DeLoach, that a special investigation was not a category created for this investigation; it was one which was created for all major cases handled by the FBI at that time?

Mr. DELOACH. I think all major cases were handled pretty much on the same basis. However, I must say that in this particular case I believe more pressure was put on than any other case that I can recall; and I supervised other cases, including the Mackle kidnapping case, and quite a number of others.

Mr. BEESON. I would like to change the focus of questioning somewhat now.

As Professor Blakey stated during the narration, a committee staff report was issued today summarizing the current findings of the committee concerning the Department of Justice and the FBI's assassination investigation.

Have you had an opportunity to review a draft copy of that report previously?

Mr. DELOACH. I received the report last night upon arriving in Washington. I have scanned through it twice, Mr. Beeson, not thoroughly, but I have scanned through it twice.

Mr. BEESON. We also sent you a draft copy of the report approximately 3 weeks ago, is that correct?

Mr. DELOACH. No, sir.

Mr. BEESON. You have not seen a draft copy of the report prior to last night?

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Mr. DeLoach. I have seen a draft copy of the report. I have not seen a final copy of the report. The draft copy of the report was delivered to my attorney's office, not to me, and my attorney called me, I believe last Thursday or last Friday, and indicated he had received it; and I believe it was sent to the wrong man in his office.

However, I received a draft copy only last night, inasmuch as it was not sent to my home, and I have not seen a final report yet, Mr. Beeson.

Mr. Beeson. Let me summarize then—before getting into special areas of questioning—the report's findings.

The findings in the report indicate that the involvement of the Department of Justice and specific attorneys within the Department of Justice was in a background role. They received information on the progress of the investigation. Major reports were sent summarizing the investigation on a monthly basis of field offices.

Also, formal letterhead memoranda were sent summarizing the resolution of specific issues under investigation, but in terms of the actual day-to-day investigation and the control and operation of the day-to-day Federal investigation, the report sees little evidence of active participation by Department of Justice attorneys. In fact, the investigation appears to have been in the exclusive province of the FBI, with the Department of Justice maintaining a background role, receiving information on a periodic basis but not involved in the actual decisions and the focus and direction of the investigation.

Would you agree with that assessment of the investigation?

Mr. DeLoach. No, Mr. Beeson, simply because of the fact that I took it upon myself to see Attorney General Clark not daily but almost daily, and to brief him thoroughly on almost every aspect of the investigation, in my opinion, and Mr. Clark from time to time made suggestions as to things to look for and things to do; and I certainly followed them out.

Mr. Beeson. Well, in terms of leads, directives from headquarters, directives out of the Memphis field office—would you not agree that the primary leadership and direction came from FBI headquarters and that the role of the Department of Justice was one of being informed after the fact, of investigative developments in the field?

Mr. DeLoach. I think this, Mr. Beeson, that Mr. Clark and Mr. Vinson, as indicated by your report, your draft report, indicated they had complete faith in the FBI and were content to allow the FBI to conduct the investigation and to report to them, which was done.

Mr. Beeson. Yes, I don't contest that, I just want to secure your position on that.

Do you consider the background role of the Department of Justice attorneys to have been an appropriate role for them to take in the investigation?

Mr. DeLoach. Mr. Beeson, I think that the actions of Mr. Vinson and Mr. Pollak in following the investigation were quite thorough. I had no discrepancy with them concerning their supervision of the investigation from a prosecutorial standpoint.

Mr. Beeson. Well, let me ask you the question this way: Do you recall any efforts by the Department of Justice attorneys, either

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Mr. Clark or Mr. Pollak, or any attorneys within the Civil Rights Division, to become actively involved on a day-to-day basis in the direction of the investigation?

Mr. DeLoach. I don't personally recall that—on a day-to-day basis. I would be terribly surprised if they had not offered suggestions as to conducting the conduct of leads, possible suggestions as to the conduct of the case.

I think you've got to remember that in my position I was dealing more or less with Attorney General Clark on a constant basis, and the supervisory agents were dealing with Mr. Pollak and Mr. Vinson more or less on a constant basis; so I am not in a good position to answer your question.

The only thing I can say is, I dealt quite frequently with Mr. Clark, and I kept him fully advised, in my opinion, and Mr. Clark did from time to time discuss the case with me, thoroughly, and did make some suggestions from time to time.

Mr. Beeson. The report also—in line with this line of questioning—finds substantial amount of evidence that relations between the Department of Justice and the FBI were at times strained, at at times counterproductive. Incidents were discussed which indicated mutual distrust on the part of FBI officials and Department of Justice officials during the course of the investigation, and incidents were located which indicated a lack of respect for the leadership provided in 1968 by the Department of Justice over the activities of the FBI.

Do you consider this an accurate characterization of the relations which existed at the time between the Department of Justice and the FBI?

Mr. DeLoach. No, sir, Mr. Beeson, I do not.

With all due respect to the committee—and I want to be as helpful to the committee as I possibly can—and I am testifying to the best of my belief, and based on my opinion—there was a distrust between Mr. Hoover and Attorney General Clark; there was more or less a feeling of hostility between Mr. Hoover and Attorney General Clark, but on a working level, for instance, on my own level, I had very pleasant relations with the Department of Justice, and I don't recall but one specific instance, an isolated instance, where there was a feeling or incident which occurred which one might express distrust or lack of confidence.

I have here, for instance, Mr. Beeson, a number of letters, including one from Mr. Clark:

Dear Deke: Warmest congratulations on your appointment as an Assistant to the Director. This is a high and well-deserved honor indeed. It is a privilege to be associated with you in the Department and reassuring to know that the great Bureau will now employ your talents to even higher purposes.

Sincerely,

Ramsey.

Mr. Beeson. This would have been in 1965?

Mr. DeLoach. That was in 1965, yes, sir.

Mr. Beeson. Would you care to have these introduced in the record, Mr. DeLoach?

Mr. DeLoach. I would be perfectly glad to, sir, if I could get them back.

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Mr. BEESON. I am sure we could make copies and give you back the originals.

Mr. DELOACH. Fine. I have other copies of letters here, simply to express my own relationship with the Department of Justice, but there is no need for me to take the time of the committee or the people here to read these; but my point is that while there was a feeling on the part of Mr. Hoover from time to time that the Department of Justice was trying to take headlines away from the FBI, there was no such—there was a very pleasant working relationship among the troops, so to speak.

Mr. BEESON. Your recollection then, in terms of your own—let me ask you this first: The date of Mr. Clark's letter commending you on your appointment as Assistant to the Directorship, what is that?

Mr. DELOACH. The date on it?

Mr. BEESON. Yes, sir.

Mr. DELOACH. December 2, 1965.

Mr. BEESON. In 1968, which is the focus of my questioning, is it your recollection today that in fact your relations with Mr. Clark were harmonious?

Mr. DELOACH. With the exception of one isolated incident, Mr. Beeson, yes.

Mr. BEESON. Did this incident occur on June 8, the day of Mr. Ray's arrest, Mr. DeLoach?

Mr. DELOACH. That's correct, it did, sir.

Mr. BEESON. Is it not, in fact, the case that following a confrontation with Mr. Clark on that day, your functions as liaison with the Department of Justice were terminated by Mr. Clark?

Mr. DELOACH. I have read your report, Mr. Beeson, and it states that; but frankly I have no such recollection of any—Mr. Clark calling Mr. Hoover, whatsoever, and terminating me as liaison. As a matter of fact, let me make it very clear to the committee and to you, sir, that I was never established formally, to the best of my knowledge, as liaison with the Department of Justice. There was no such title, to my recollection. I took it upon myself to keep the Attorney General advised because I had a very close personal friendship with him and close relationship with him.

Mr. BEESON. Was there any other Headquarters official who was more involved in the briefing of Mr. Clark during the assassination investigation than yourself?

Mr. DELOACH. No, sir.

Mr. BEESON. OK. I did not mean to imply that there was an official designation of "liaison"; but that was, in fact, one of the roles that you served during the assassination investigation, correct?

Mr. DELOACH. But I do not recall Mr. Clark calling over and indicating that my services should be terminated as liaison to him. It may have happened, but I certainly don't recall it.

Mr. BEESON. In other words, if Mr. Clark were to testify to that effect, it is your opinion that his recollection would be erroneous on that matter?

Mr. DELOACH. I have no recollection of Mr. Clark calling Mr. Hoover. As a matter of fact, Mr. Hoover, to the best of my knowl-

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edge, never told me that I was terminated or that I should not see the Attorney General or officials of the Department again.

As a matter of fact, Mr. Beeson, I quite frequently conferred with the Department of Justice following the apprehension of James Earl Ray on many cases.

Mr. BEESON. Let me ask you this, Mr. DeLoach: Did you confer specifically with Mr. Clark——

Mr. DELOACH. Not to my knowledge, sir.

Mr. BEESON [continuing]. Following the apprehension of Mr. Ray?

Mr. DELOACH. No, sir, I would not have, unless Mr. Clark called me, and I did not take it upon myself to contact Mr. Clark.

I have seen Mr. Clark since then within recent months and we had a very cordial, brief conversation, shook hands. There is no—to my knowledge—certainly not on my part—there is no feeling of hostility toward Mr. Clark.

Mr. BEESON. If I understand your testimony correctly, you met with Mr. Clark on a weekly, if not daily basis, prior to Mr. Ray's arrest, and you have no recollection of being with him after Mr. Ray's arrest, is that correct?

Mr. DELOACH. After the isolated incident that I referred to, I have no recollection of being with him. It may have been that happened but I don't recall it.

Mr. BEESON. So that would be consistent with Mr. Clark's recollection that your function as liaison with Mr. Clark was, in fact, terminated?

Mr. DELOACH. Yes; as long as you understand Mr. Beeson there was never any such designation or never any such title with Mr. Clark. The records should also reflect that I had frequent liaison with the Department of Justice.

Mr. BEESON. I understand that. I am dwelling now on your relation with the Attorney General of the United States, Mr. Clark at the time. Your testimony today remains that, beyond this isolated incident on June 8, you recall harmonious relations only between the FBI and the Department of Justice?

Mr. DELOACH. As far as I personally am concerned, as far as Mr. Rosen is concerned, as far as many of the agents working under Mr. Rosen's supervision or, as a matter of fact, the Intelligence Division or other divisions. There were frequent not only official conferences but social intercourse between the FBI and the Department of Justice numerous times.

Mr. BEESON. Investigative files reflect no use of grand jury during the assassination investigation, Mr. DeLoach. The grand jury, of course, was an investigative method which required close coordination between the Department of Justice and the FBI in whatever investigation is involved; attorneys working closely with agents in the development of witnesses, strategy conferences, immunization decisions.

Can you explain why the grand jury method was not employed during the assassination investigation?

Mr. DELOACH. To the best of my ability, sir, frankly, as I said in executive testimony previously, did not recall any request concerning the grand jury investigation. After reading the report refreshing my memory, there was one request for either a search warrant or grand jury investigation, so the Bureau did make a request.

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However, the matter of an establishment of a grand jury is entirely up to the Department of Justice. Based upon the facts furnished to them by the FBI, the FBI could not in my opinion, to the best of my recollection, go to the Department of Justice and say we want a grand jury.

It is not up to us to do that. We were an investigative agency. We determined the facts, the Department handles the prosecution. They determine whether or not a grand jury is to be established.

I would like to go further, if I may, please. I agree thoroughly with Attorney General Clark and Attorney General Vinson of the Criminal Division, as expressed in your report, that a grand jury would have been laborious, inefficient, might even perhaps slow down the investigation, when we were looking throughout the world as intensively as we could for James Earl Ray, and would have been of little usage. I agree with that because I think we have established that grand jury investigation during the fugitive investigation, would have taken the time of agents, would have taken the time of officials of the Department of Justice, and agents of the FBI. I doubt very seriously whether it would have been productive, as later investigation has more or less established.

Mr. BEESON. Is your view any different for the situation after Mr. Ray's incarceration, in terms of the possibility of then utilizing perhaps in more leisure a grand jury investigation in order to determine whether or not there might have been associates of Mr. Ray involved in the assassination?

Mr. DELOACH. As your report reflects, the FBI did make a request for grand jury investigation or search warrant in one particular instance, and it was turned down. I do not recall this. I am testifying strictly based on opinion. But I would certainly think that after a turndown by the Department of Justice in this one instance, expressed a philosophy that would have kept the FBI from making further requests for grand jury investigation. It appeared very obvious that the philosphy of the Department of Justice was there should be no grand jury investigation.

Mr. BEESON. The one instance that you are referring to was a request by the FBI to the Department of Justice to consider using grand jury subpena to obtain the notes of William Bradford Huie, who was an author who was in indirect communication with Mr. Ray at the time and possibly had information in his possession indicating a possible conspiracy.

The decision of the Department of Justice not to pursue a search warrant in that case, based on memos that we have reviewed, appears to have been based on the rather narrow grounds that there were serious first amendment problems; also a question of whether or not Mr. Huie was in fact an agent of Mr. Ray and therefore subject to the attorney-client privilege, which might be violated by an attempt to compel the production of those notes.

In other words, there were serious legal questions involved in that specific instance which would not appear in a grand jury investigation, say, of Mr. Ray's associates, a grand investigation perhaps of the associates of Mr. Ray's brothers, a grand jury investigation of Mr. Ray's escape from the Missouri State Prison, and possible involvement of a family member there.

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In light of that review of the basis of the Department of Justice's decision not to use it in that one instance, you still think that in fact provided guidance for the use of grand jury throughout the investigation?

Mr. DeLoach. In my opinion; yes, Mr. Beeson.

Mr. Beeson. Let me just review one other point you have made in this area, Mr. DeLoach. You stated the ultimate decision to employ grand jury is the Department of Justice's. I agree with you. But it is certainly not beyond the ability of the FBI to recommend areas which might be fruitfully explored through the grand jury investigation. Is that correct?

Mr. DeLoach. In consultation with the U.S. attorneys or with representatives of the Department of Justice, the FBI could have made a suggestion.

Mr. Beeson. In fact, it was the recommendation of the FBI to use the grand jury against Mr. Huie's notes that brought the Department of Justice into that consideration in the first place?

Mr. DeLoach. You are absolutely correct.

Mr. Beeson. Following Mr. Ray's guilty plea in 1969, a decision was made to interview Mr. Ray to determine whether or not you had evidence of possible conspiracy in the case. Several alternative approaches to Mr. Ray were considered, including a grand jury, placing him before a grand jury and taking sworn testimony, and also a basic field interview by an FBI agent, in the end the decision was made for Mr. Ray to be interviewed one-on-one by the head of the Memphis FBI office.

Do you recall whether or not any consideration was given to the possible participation by a Department of Justice attorney in that interview of Mr. Ray?

Mr. DeLoach. I do not, sir. I have no such recollection.

Mr. Beeson. What would your position have been concerning the involvement of a Department of Justice attorney in an interview of that nature?

Mr. DeLoach. Looking back over 9 years, Mr. Beeson, and knowing of the thoroughness of Mr. Vinson, I would have recommended and can now think of no objection to Mr. Vinson accompany SAC Jensen to such an interview. It may have happened, but, again, I am testifying—and just trying to be of help to the committee—testifying based on opinion, that it might have been felt at that time—I don't know this to be true but having some knowledge of investigative activities, it was felt at the time you might get more from an individual like James Earl Ray, a loner, a bigot, a man that was somewhat of an egotist if there was a one-on-one investigation rather than two against one. The FBI has always had somewhat of a rule that not over two agents should interview one defendant, because one, the possibility of deprivation of civil liberties of the defendant, or, two, the fact that the defendant would be more willing to talk to one or two men rather than talking to an "army." So that may have been the idea here, but I don't recall specifically in this particular instance.

Mr. Beeson. As you heard in Mr. Blakey's narration, no *Miranda* warnings were given prior to the initiation of this interview. Do you consider this proper or improper investigative procedure?

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Mr. DeLoach. I don't know what was in Mr. Jensen's mind, who conducted the interview, and again this was many years ago—but again, based on opinion, I can only consider the fact that the FBI went to great lengths to get the opinion of the Department of Justice to get approval and permission from the Department of Justice to conduct this interview; and second, to get the opinion of the defendant's attorney at the time to conduct the interview on a singular basis. So Mr. Jenson, possibly believing he had approval of both the Attorney General and the Department of Justice and the defendant's attorney, possibly felt there was no need to warn him of his rights at the time of interview while he was in incarceration.

Mr. Beeson. Your speculation is certainly correct. The interview was authorized by the Department of Justice and in fact the FBI, through one of their Texas regional offices, made contact with Mr. Percy Foreman, then the attorney of record for Mr. Ray, and Mr. Foreman gave permission for the interview of his client out of the presence of FBI agents—I don't want any misunderstanding there—or rather out of the presence of himself.

Mr. DeLoach. Yes, sir.

Mr. Beeson. My question goes to whether or not Mr. Ray himself should have been advised of his constitutional right to have an attorney present at that time and the other particulars which are always given or which are normally given to a defendant prior to the initiation of an interview by government authorities.

Mr. DeLoach. I can only say again, Mr. Beeson, having the approval of the defendant's attorney and the Attorney General and the Department of Justice, Mr. Jensen, who conducted the interview at the time possibly felt there was no need to warn him of his rights. That is strictly sheer speculation, not based on knowledge.

Mr. Beeson. What would your recommendation have been if you had been consulted on whether or not *Miranda* rights should have been given in that situation?

Mr. DeLoach. Let me point this out. Mr. Jensen was a very thorough, experienced FBI special agent in charge. I am certain in my own mind, my opinion, is that he knew of *Miranda*, that on many occasions in the past he had given subjects their rights in advance of an interview, so being an experienced man, he undoubtedly felt, having the approval of the Attorney General and the Department of Justice, having the approval of the defendant's attorney, there was no need to advise him of his rights.

I am certain, knowing Mr. Jensen as I do, under no circumstances would he or any member of the FBI in interviewing James Earl Ray or in the conduct of an interview with James Earl Ray, anyone in the case, have had any idea of depriving anyone of their civil liberties.

Mr. Beeson. So there is no mistake, in authorizing the interview, the Department of Justice did not authorize the interview without *Miranda* rights. Similarly, Mr. Foreman did not authorize the interview without *Miranda* rights. But if I could repeat the question, what would your advice have been to Mr. Jensen if you had been consulted concerning the administration of *Miranda* rights in this situation?

Mr. DeLoach. I think Mr. Jensen was perfectly in his rights to conduct the interview as he did.

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Mr. BEESON. Without the administration of *Miranda* rights?

Mr. DELOACH. Yes, having the approval that he did, I feel he acted properly.

Mr. BEESON. Mr. DeLoach, I would like to change the focus now to another area of the assassination investigation. Some brief background facts: Mr. Ray is arrested in June 1968; he is, after some extradition hearings in England, taken to Shelby County, Tenn., where he is placed in the custody of Shelby County authorities in the Shelby County Penitentiary. His first attorney is Arthur Hanes, Sr. Mr. Hanes represents Mr. Ray until November 1968, when Mr. Foreman comes into the case.

Approximately 2 months before the termination of his representation, Mr. Hanes submitted a motion to Judge Battle, who is the trial judge in the case, concerning certain conditions of confinement for Mr. Ray. In responding to that motion, Judge Battle ruled that communications going between Mr. Ray and his attorney, Mr. Hanes, were privileged communications, that they could be perused by the prison authorities in an attempt to ascertain any breach of security of the prison, but that they were not to be reviewed in order to ascertain the full contents of the letters, which were privileged communications between a criminal defendant and his attorney facing trial.

Do you recall this general situation?

Mr. DELOACH. As I testified in executive session, Mr. Beeson, I do not recall the specific incident. My memory has been refreshed after reading your report.

Mr. BEESON. Mr. Chairman, if I could have the committee clerk give to Mr. DeLoach a copy of Martin Luther King exhibit F-503 at this time.

[Handed to witness.]

Mr. BEESON. I will describe this for the record. It is a copy of the September 30 teletype, going between the Memphis field office of the FBI and the Washington headquarters of the FBI. It is two pages long. It is dated September 30, 1968.

Mr. DeLoach, please familiarize yourself with it first.

Mr. DELOACH. Yes, sir.

Mr. BEESON. I will read for the record the portion of the second paragraph on page 1 which starts:

> Judge Battle ruled that written notes exchanged between Ray and his attorney are privileged; however, the Shelby County sheriff or his designated agent has the authority to peruse these notes to determine if there is any attempt to breach security of the jail. These notes should not be perused for the purpose of ascertaining the full contents of the messages.

Again, this is a summary of the proceedings in Memphis being sent from the Memphis field office to Washington headquarters. Do you recall seeing this teletype, Mr. DeLoach?

Mr. DELOACH. I do not, sir.

Mr. BEESON. Mr. Chairman, at this time I would ask that the witness be able to review Martin Luther King exhibits F-508, F-509, and F-510.[1]

If we could start with exhibit F-508 and go through these together, perhaps that would save some time. F-508—you will notice the numbers in the upper right-hand corner—is a memorandum. It is

[1] MLK exhibits F-508, F-509, and F-510 appear at pp. 81-87 of this volume.

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sent from the special agent in charge of the Memphis field office again to the Director in Washington. It is dated October 11, 1968. The memorandum indicates:

Enclosed are two Xerox copies of the letter and envelope addressed by subject James Earl Ray to Mr. Arthur Hanes, Sr., Attorney. This letter was written by Ray, October 3, 1968, while incarcerated in Shelby County Jail, Memphis, Tenn.

The memorandum includes as an attachment a Xerox copy of Mr. Ray's letter to Mr. Hanes dated October 3. This is, of course, 3 days after Judge Battle's order concerning Mr. Ray's correspondence with his attorney. Do you recall seeing a copy of this letter at FBI headquarters?

Mr. DeLoach. No, sir, I don't, Mr. Beeson. As a matter of fact I believe none of these memoranda have my initials on them.

Mr. Beeson. Let me turn to F-509, Mr. DeLoach. So the record can be clear on what we are reviewing here, this is a similar memorandum from the field office in Memphis to the Director of the FBI. It is dated October 14, 1968. This memorandum also includes as an attachment a letter dated October 14, 1968, from the subject Mr. Ray, to his attorney Arthur Hanes, this letter being sent 2 weeks after Judge Battle's order. I take it from your previous testimony you do not recall seeing this. Your initials are not on this memorandum or on the accompanying letter; is that correct?

Mr. DeLoach. That is correct.

Mr. Beeson. Finally, Martin Luther King exhibit F-510, a third communication from the Memphis field office to Washington, which encloses, among other things, a letter from subject Ray to his attorney Arthur Hanes. This memorandum also directs the attention of Washington headquarters to portions of Mr. Ray's letter to Mr. Hanes and states:

Of significance, Ray in his letter to Hanes requests that Mr. Huie not go to any of the addresses in Miami until after the trial.

In this connection, Ray also states:

• • • that part of the story just covers a few days anyhow and is not too important.

This is sent on October 24, after Judge Battle's order. Your initials do not appear on the memo. Is it your testimony you do not recall seeing this letter or memorandum?

Mr. DeLoach. That is correct, sir, to the best of my knowledge.

Mr. Beeson. Mr. DeLoach, my question to you is this: What we have here derived from FBI files is, first of all, the September 30 communication from the Memphis field office indicating an understanding of Judge Battle's orders concerning the privileged nature of Mr. Ray's communications with his attorney. We then have, on at least three separate occasions after that order, the Memphis field office sending to Washington Xerox copies of letters that Mr. Ray is sending to his attorney at the time.

Can you provide the committee with any explanation for the conduct of the Memphis field office in systematically collecting copies of letters sent from a criminal defendant to his attorney during the course of trial preparation?

Mr. DeLoach. Mr. Beeson, I can only speculate or give you my personal opinion since my initials do not appear on any of these and I do not recall any of these as specifically stated in the record

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prior to this. My opinion is that, as Mr. Jensen has previously testified, I would certainly agree with his testimony that these were not solicited by the FBI. These were voluntarily given to the FBI. Whether Mr. Jensen and the FBI may have accepted them under the perogative of Judge Battle's opinion. In other words, they could be perused for security reasons. I don't know, but I would presume this was what happend.

Mr. BEESON. Let's take this up point by point. Do you find a significant difference in terms of analyzing the conduct of the Memphis field office in the issue of whether or not they were merely willing recipients of these letters or in fact initiated the mail interception?

Mr. DELOACH. The only way I can answer that question, Mr. Beeson, if someone were to hand me a letter following Judge Shelby's decision that these notes could be perused for security reasons, the FBI having the leading responsibility for investigation in this case and knowing full well the background of James Earl Ray to have a record of previous escapes, certainly had the responsibility to review these for security reasons to see if James Earl Ray had planned an escape from prison. As a matter of fact, this later did happen after he was transferred to another institution.

Mr. BEESON. The FBI had absolutely no responsibility for the custody of Mr. Ray in Memphis, is that not correct?

Mr. DELOACH. They still had a responsibility for the investigation of the case, but they had no responsibility that I can recall for the custody of Mr. Ray at that time.

Mr. BEESON. They were not in a position to take any direct action concerning possible breaches of security. In fact, that was the responsibility of the Shelby County authorities, is that not correct?

Mr. DELOACH. Would you repeat the question, please.

Mr. BEESON. They had no jurisdiction concerning Mr. Ray's incarceration in Shelby County. This is the responsibility of the Shelby County authorities, is that correct?

Mr. DELOACH. As far as incarceration is concerned, this is correct, but if this man had escaped once again, the FBI certainly would have had increased responsibility all over again. We still had the leading responsibility from the standpoint of conspiracy or the investigation of the case.

Mr. BEESON. Let me ask you this, Mr. DeLoach. If it is your feeling that what the FBI was involved in here was perusing these letters to attempt to ascertain a breach of security of Shelby County Prison, why does there appear in the third memorandum going to the Washington headquarters a paragraph describing Mr. Ray's comments concerning witnesses in Miami, and the fact that that only covers a small part of the story anyway?

Mr. DELOACH. Which exhibit are you referring to, Mr. Beeson?

Mr. BEESON. Martin Luther King exhibit F-510.

Mr. DELOACH. And your question please, again.

Mr. BEESON. You will note that in the memorandum which is accompanying Mr. Ray's letter, it is pointed out by the Memphis field office that Mr. Ray comments on witnesses in Miami, and that that part of the story "only covers a few days anyhow."

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If in fact the FBI was perusing these letters solely to see whether or not there was an attempt to breach the security of Shelby County penitentiary, what conceivable purpose is there for highlighting that portion of Mr. Ray's letter?

Mr. DeLoach. Mr. Beeson, how was the FBI to know, one way or another, whether or not the witnesses referred to were not people who would assist him in an escape?

Mr. Beeson. If, in fact, as was the case, the order of Judge Battle was these letters could be perused to attempt to ascertain breaches of security of the Shelby County Prison situation, does it not go far beyond the authorized action to Xerox these letters, receive them in the Memphis field office and then to transmit them to Washington headquarters? If in fact the only purpose was to attempt to ascertain breaches of security, what purpose was there in sending these letters, after they had been perused, to Washington headquarters?

Mr. DeLoach. Mr. Beeson, the Memphis field division was only one field division that had responsibility. It was the office of origin but Bureau headquarters had the coordination of the entire investigation. There were many things in the FBI files which are not included in the files of the Memphis division, as the committee knows from its perusal of files during this investigation.

Again, this is sheer speculation and not based on knowledge, but I am trying to help the committee by giving my opinion. Obviously these letters were sent to FBI headquarters to determine if the supervisory agents saw anything in these letters which represented a breach of security and a possible attempted escape on the part of James Earl Ray. I can assure you that I believe I never heard of any desire to abrogate or to violate the civil liberties of James Earl Ray.

Mr. Beeson. Mr. DeLoach, there are indications in FBI files that the initial interception of this correspondence occurred at the Shelby County Prison by Shelby County Prison authorities. They, of course, perused the mail themselves under Judge Battle's order. What additional purpose could have been served in terms of the security of the prisoner for them to pass the mail on to the FBI after they had themselves perused the mail and determined whatever implications it had on the security of the prisoner?

Mr. DeLoach. Simply because of the fact, Mr. Beeson, the FBI had responsibility for the case, the overall investigative responsibility. The sheriff's office had custody of the man, but they had little knowledge of the overall investigation of this case.

Mr. Beeson. Mr. DeLoach, I would like to turn to another area now, the area of electronic surveillance or its use or attempted use during the assassination, if you recall, about the use or attempted use of electronic surveillance in the assassination investigation.

Mr. DeLoach. I do not, sir. However, my memory was refreshed by reading your report.

Mr. Beeson. Let's go to the documents that lay at the foundation of that report, then.

Mr. Chairman, if Mr. DeLoach could be given a copy of Martin Luther King exhibits F-501, F-502, and F-507.

Mr. Beeson. If we can go through these again in order starting with exhibit F-501, I will describe that for the record. If you would

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like to familiarize yourself with the document at this time, it is a copy of a memorandum dated May 9, 1968.

It is directed from Mr. Rosen, the Assistant Director in charge of the General Investigative Division, to Mr. DeLoach, captioned "MURKIN." The purpose described in the memorandum is:

To recommend the installation of technical surveillance on the telephones of Albert and Carol Pepper, St. Louis, Missouri, and the telephone listed to the Grapevine Tavern in St. Louis, Missouri, owned by Carol Pepper, subject's sister, and operated by John Larry Ray, subject's brother, and the installation of a microphone surveillance at the residences of Carol Pepper, and John Larry Ray, and at the Grapevine Tavern.

It is then stated:

These installations could assist in the early apprehension of the subject which could possibly be instrumental in reducing the stresses and tension placed on our national security subsequent to the death of Martin Luther King, Jr.

The recommendation portion of the memorandum, the recommendation is:

That a technical surveillance be installed on the telephones of Albert and Carol Pepper and the Grapevine Tavern and a microphone surveillance be installed at the residences of Albert and Carol Pepper and John Larry Ray and at the Grapevine Tavern.

Does your initial appear on this memorandum?

Mr. DeLoach. Yes, sir.

Mr. Beeson. Along with the initial is a note you appended to the end of the memorandum, is that correct?

Mr. DeLoach. That is correct, sir.

Mr. Beeson. Could you read the note, please.

Mr. DeLoach. "It is doubtful that the A.G.—meaning the Attorney General—"will approve. These could be of great assistance."

Mr. Beeson. Would you explain that comment first? Why did you consider it doubtful the Attorney General would approve this recommended electronic surveillance?

Mr. DeLoach. I believe, Mr. Beeson, that my thoughts are expressed quite well in the memorandum. I don't recall this but my memory has been refreshed after reviewing your report. Down in the third paragraph, where it was suggested in a memorandum dictated by Mr. Long:

John Larry Ray has expressed a cooperative attitude; however, it is felt that he is not giving us complete and accurate information. Carol Pepper refuses to submit to interview and is not cooperative. It is felt that if the subject telephones, meaning James Earl Ray, or personally contacts any of the relatives, it will most likely be Carol Pepper or brother John Larry Ray.

There is obviously a second reason. In the first paragraph it says, "These installations could assist in the early apprehension of the subject." We were spending hundreds of thousands of dollars of taxpayers' moneys, and we had the FBI tied up to a great extent on this particular case. There was another overriding reason, again on sheer speculation, as to why we thought it was necessary, and that was spelled out in this sentence, "This could possibly be instrumental in reducing the stresses and tension based on our national security subsequent to the death of Dr. King."

Because of pillaging and rioting throughout our country, a time of stress and strain, it is my opinion at this late date that the FBI

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was very anxious to cause an early apprehension of the subject and a solution of this case as early as possible.

As to the legality or illegality, Mr. Beeson, that is a matter entirely up to the Department of Justice. The FBI can recommend investigative leads to the department but in a matter of this nature, as the committee well knows, at that particular time the FBI was not placing any wiretaps or microphones, to the best of my knowledge, unless they had the approval of the Attorney General.

The FBI felt if the Attorney General did approve, this would be sufficient legal status. So there was no question in the FBI's mind as to the legality or illegality. It was a matter of putting an investigative lead up to the Attorney General of the United States.

Mr. BEESON. Right now if you are responding, I am sorry that I cut it off. "It is doubtful if the A.G. will approve," what were you thinking of at that time when you were speculating about the possibility of having this proposal rejected by the Attorney General?

Mr. DELOACH. Mr. Clark's philosophy that he was against wiretaps unless they were under the aspect of national security. As expressed in this memorandum by Special Agent Long, he felt this did have a connotation of national security in view of the rioting, pillaging, and burning that was going on in our country. However, I felt that was not a strong enough case and the Attorney General would probably disapprove as later turned out to be the case.

Mr. BEESON. To the best of your recollection, Mr. DeLoach, is it not a fact that 5 weeks after the assassination major portions of the rioting and pillaging had subsided in the country?

Mr. DELOACH. Yes, but some was still going on, Mr. Beeson, to the best of my knowledge, and it could arise at any time. The situation was still tense. Washington has never seen such things as went on during the middle and late sixties—brickbats thrown through the windows of the Department of Justice, the Pentagon stormed, bombs going off in various hallowed institutions. There was a very bad feeling in our country at that time.

Mr. BEESON. I just want to clarify. The situation you are currently describing was not going on in Washington as of May 9, was it?

Mr. DELOACH. What date?

Mr. BEESON. May 9, the date of this memo—fires going off, pillaging.

Mr. DELOACH. I don't recall whether there was or not, Mr. Beeson, but throughout the country there was considerable tenseness.

Mr. BEESON. If I could ask you to refer to Martin Luther King F-502, the next memorandum in your pile. And if you would like to familiarize yourself with that, I will describe it in the record. It is a memorandum sent from Mr. J. J. Casper to Mr. Mohr. Its date is May 10, 1968, 1 day following the initial memorandum. The purpose of the memorandum is essentially to analyze within FBI headquarters the legality and constitutionality of the proposed electronic surveillance, and also to recommend certain precautionary measures that might be taken by the FBI in order to avoid prejudice to the case against Mr. Ray.

Mr. DELOACH. That is correct, sir.

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Mr. BEESON. Do your initials appear on that memorandum, Mr. DeLoach?

Mr. DELOACH. They do, sir.

Mr. BEESON. Do you recall this memorandum?

Mr. DELOACH. No, sir.

Mr. BEESON. Would you take an opportunity now to completely familiarize yourself with the contents then, please?

Mr. DELOACH [reading]. OK, sir.

Mr. BEESON. Would it be fair to state, Mr. DeLoach, that the conclusion reached in this memorandum is that the electronic surveillance that was proposed would in fact be illegal and unconstitutional but that by taking certain precautionary measures, prejudice to the case against Mr. Ray could be avoided?

Mr. DELOACH. That apparently was the opinion of the training division of the FBI and the attorney in the training division, Mr. Dalby, who wrote this memorandum, Mr. Beeson.

Mr. BEESON. That the electronic surveillance would be illegal and unconstitutional, correct? Referring, for example, to point 3 on the second page, "Be aware since this search and seizure is unconstitutional as to the Peppers"——

Mr. DELOACH. Yes, I see that, Mr. Beeson.

Mr. BEESON. You did review this memorandum as indicated by your initials on the document; is that correct?

Mr. DELOACH. Yes, sir, over 10 years ago.

Mr. BEESON. If I could ask you to refer to Martin Luther King F-507, the final exhibit in front of you.[1] This, Mr. DeLoach, is a copy of the actual authorization request that was sent by the FBI to the Department of Justice and the Attorney General. It is dated May 13, 4 days after apparently initial consideration of the electronic surveillance began at FBI headquarters, and the recommendation of the FBI to the Attorney General is to implement the electronics surveillance which is discussed in the previous memos. Is that not correct?

Mr. DELOACH. That is correct, sir.

Mr. BEESON. My question to you is to request an explanation, for the purposes of the committee's investigation, of this attempt by the FBI and yourself and Mr. Hoover to use what was analyzed and recognized within FBI headquarters as unconstitutional and illegal electronic surveillance in the assassination investigation?

Mr. DELOACH. My only answer, Mr. Beeson, is that I do not recall these memoranda. You have given me the opportunity of reviewing them. I recall none of the circumstances surrounding them. The Department of Justice makes the legal determination insofar as FBI actions are concerned. The FBI was following an investigative lead through the Department of Justice and the Department of Justice had the responsibility of either accepting it or turning it down in accordance with the rules of the United States as understood by the Attorney General.

Mr. BEESON. Would it be fair to conclude from these memos that the FBI in recommending this investigative step was willing to engage in what it recognized as a violation of constitutional rights of the Peppers and perhaps of other people in order to achieve the investigative ends of the proposal?

[1] MLK exhibit F-507 appears at p. 80 of this volume.

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Mr. DeLoach. The conclusion I draw from it is the FBI was very seriously concerned about the national security of the United States by the incident I mentioned previously and a very fervent desire to apprehend the man responsible for the assassination of Dr. King. As a result, they forwarded an investigative lead to the Attorney General, and the Attorney General would make a decision as to whether or not this would be conducted.

Mr. Beeson. Mr. DeLoach, do you recall any consideration given to the taint problems that this recommendation could raise in a possible conspiracy case against relatives of the Ray family?

To make my question clearer, evidence intercepted by these taps, if they had been installed, would not have been admissible against any of the family members of Mr. Ray because it was obtained in an unconstitutional manner. In addition, that evidence could not have been used as the basis for any type of investigation against the family.

Did you consider the possible jeopardy that you were posing to a possible conspiracy case against family members of Mr. Ray when you recommend this proposal?

Mr. DeLoach. The question is moot, Mr. Beeson, because, as I testified previously, I don't recall the memoranda at all, so I do not recall any taint. That was considered over 10½ years ago. It does express to me a very sincere desire on the part of the FBI to look into all aspects of the case including the possible conspiratorial aspects of the case.

Mr. Beeson. Mr. DeLoach, in June of 1968—to continue questions on electronic surveillance—title III was passed. It was a Federal statute which provided a basis for legal, court-authorized electronic surveillance in certain criminal investigations. Do you recall any additional consideration being given to the use of legal electronic surveillance in this case following the passage of title III?

Mr. DeLoach. I have no such recollection, Mr. Beeson.

Mr. Beeson. One final area of questioning, Mr. DeLoach. I believe you testified previously that Mr. Hoover was informed on the progress of this case through telephone calls and conferences on occasion. Is this the only basis or are there other bases on which he was informed of the progress of the investigation?

Mr. DeLoach. Mr. Beeson, I don't recall ever personally face to face briefing Mr. Hoover on this case. I did call him, I believe, frequently to advise him of progress concerning the case, or else he called me. But I don't recall going to his office and briefing him concerning the case at any time. As a matter of fact, Mr. Hoover left the running of this case, the supervision of this investigation largely up to Mr. Rosen and to me and the agents who were handling it. But to be specific again, I don't recall going to Mr. Hoover's office and briefing him on a face-to-face or one-to-one basis. I did call him, I do recall vividly, using as an example, of calling him, telling him about the identification of James Earl Ray through fingerprints. I was so delighted, I called Mr. Hoover and I immediately thereafter went over and briefed Attorney General Clark on a one-on-one basis concerning this identification.

Mr. Beeson. Was it strange in your experience with Mr. Hoover that you did not brief him in person on a case of this magnitude?

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Mr. DELOACH. It wasn't strange at all, Mr. Beeson. Despite the fact that I was in charge of all investigative activities, it was the policy in the FBI and historical policy you did not see Mr. Hoover unless you had an absolute reason for doing so. And while I talked to him on the telephone, I did not go to his office. At the times, I saw him I requested an appointment ahead of time with his secretary and was called in when his time allowed. I was handling this investigation along with Mr. Rosen and the other agents that have been mentioned here today, and I saw no reason to go in and brief him.

I might say also, Mr. Beeson, that Mr. Hoover left the supervision of this case up to Mr. Rosen and to me.

Mr. BEESON. Mr. Chairman, I wonder if the witness could see one final exhibit, Martin Luther King exhibit F-511.[1] For the record, this is a seven-page memorandum dated June 20, 1968. It is written by Mr. Hoover himself. The time on it is 1:05 p.m. The memorandum is directed to Mr. DeLoach as well as Mr. Tolson, Mr. Rosen, Mr. Bishop, and Mr. Sullivan, officials in the FBI at the time.

Mr. DeLoach, I don't think there is need to go through this entire memorandum. If I can direct your attention to the second page, second full paragraph, the memorandum written by Mr. Hoover is discussing a conversation he had with Attorney General Clark, and he summarizes that conversation in the following way:

I stated that in Ray's case, we have not found a single angle that would indicate a conspiracy. I said the only significant thing is the money he had and which he spent freely in paying bills and I thought that could have been obtained from a bank robbery. The Attorney General said that if we could show he robbed the bank at Alton, it would be helpful. I said we were working on that because he was paying his bills with $50 bills up to his arrest. I said on the other hand he stayed at flop houses and never stayed at first-class hotels but at the same time he spent, I thought, $1,200 or more in buying guns and the car, which I thought was $1,500, and then he took dancing lessons, bartender lessons, and lessons in picking locks, and that is why I think security is so exceedingly important not only in England but on the way back to this country and when he gets here.

Then, Mr. DeLoach, if you could refer to page 5 of the memorandum starting with the second full paragraph in the second to last sentence:

I said this shows his shrewdness. I said I think we are dealing with a man who is not an ordinary criminal in the usual sense, but a man capable of doing any kind of a sly act. The Attorney General said he was exceptionally clever.

I said Sirhan Sirhan is a different individual as he is a fanatic and killed Robert Kennedy because he spoke in favor of Israel and this fellow being an Arab became intensely bitter against Kennedy and felt he should be killed, which he did, but he is a fanatic and Ray is not a fanatic in that sense. I said I think Ray is a racist and detested Negroes and Martin Luther King and there is indication that prior to the Memphis situation, he had information about King speaking in other towns and then picked out Memphis. I said I think he acted entirely alone, but we are not closing our minds that others might be associated with him and we have to run down every lead.

In essence, Mr. DeLoach, Mr. Hoover appears to be indicating the conclusion on his part, personal conclusion on his part, that the evidence as of this point indicated no conspiracy and that most likely Mr. Ray's motive was racism, and that he indicated racism and a personal dislike of Martin Luther King.

Did you personally and do you now agree with Mr. Hoover's general assessment of the case?

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[1] MLK exhibit F-511 appears at p. 88 of this volume.

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Mr. DeLoach. I do, sir. In my opinion, Mr. Beeson, there is no concrete evidence whatsoever established by this committee or by witnesses before this committee that there is a conspiracy. When I left the FBI in 1970, over 8 years ago, I believed that, I still believe that. I do think that just as in the assassination of President Lincoln, who was assassinated—what—on or about 116 years ago, that from time to time people will write books, people will attempt to exploit the situation, people will attempt to make money out of the situation, people will attempt to bleed the taxpayers by trying to perpetuate their own names and reputations out of these unfortunate incidents.

But again, I repeat, to the best of my knowledge there is no conspiracy, and I do agree with these statements. But at the same time I think that committees of this nature do valuable service to the people of the United States and the Congress by assisting in running down leads and putting out fires of emotion that happen from time to time as a result of such unfortunate incidents. I think that the FBI in all instances should continue to run down leads that continue to come up to prove whether or not there is a conspiracy. But as of this time, based upon my knowledge in the case, admittedly many years have passed, but nevertheless I know of nothing which would indicate a conspiracy.

Here you had a subject who was a loner, an egotist, a bigot, a man who had verbally in prison threatened to kill Dr. King, or said he was going to kill Dr. King, a man that hated Blacks, a man that wanted to be known, a man who stalked Dr. King; the evidence is overwhelming that he did assassinate Dr. King.

Mr. Beeson. You have had an opportunity to review the staff report concerning the conspiracy investigation which was conducted by the Department of Justice and FBI. The report finds evidence and indicates a failure of the FBI and the Department of Justice together to adequately explore the possibility of family involvement in the assassination investigation. Would you care to comment on those findings?

Mr. DeLoach. Your report makes that allegation, Mr. Beeson, but, on the other hand, your report is somewhat contradictory in that the report stated there was an intense effort to interview the family and to stick with that phase of it, to continue interviews, and there were frequent interviews of the family, as given the example of the fact that the FBI at a late date wanted to put on an electronic surveillance. If the Attorney General, the highest legal officer in the United States, had approved, that was a direct example of the FBI bringing pressure or at least attempting to find out if there was a conspiracy involving the particular family.

Mr. Beeson. Mr. DeLoach, isn't it clear from your recent review of the documents surrounding the electronic surveillance request, that the sole purpose stated for implementing that request was to attempt to ascertain whether Mr. Ray made contact with family members in order to locate the subject?

In other words, the use of electronic surveillance there was not in order to ascertain possible evidence of a conspiracy but only to attempt to track down a fugitive in the case?

Mr. DeLoach. While the memorandum may not have reflected that, I feel certain it was in the minds of the FBI, certainly in my

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mind at the time, any phase of the investigation including the conspiracy that came about as a result of that microphone or telephone surveillance, would have been beneficial to the FBI, providing the chief legal officer of the United States, the Attorney General, had given authority and thought it had been legal.

Mr. BEESON. Don't you think it would have made a stronger authorization request to the Department of Justice to include as one of the reasons for it possible interception of evidence in the conspiracy, if, in fact, that was in the minds of the FBI agents involved in this request?

Mr. DELOACH. I doubt the necessity of the supervisory agent including everything in a memorandum going to the Department of Justice. I think he felt in his own mind—again this is sheer speculation, Mr. Beeson—but that his case had been made strong enough by considering the national security, by considering the absolute necessity of the early apprehension of James Earl Ray, and determining whether or not other people were involved in that. It might lead to the apprehension of Ray.

The very fact that he wanted to find out if the relatives were involved certainly indicates a feeling that the FBI wanted to run down any conspiratorial element.

Mr. BEESON. Mr. DeLoach, I don't have any further questions for you myself. Thank you very much.

Mr. DELOACH. Thank you, sir.

Chairman STOKES. At this time the Chair yields such time as it may consume, after which the committee will operate under the 5-minute rule.

Mr. DeLoach, you are aware, I am sure, that the committee has received testimony of several former agents prior to your testimony this morning, two of them, Mr. Brennan and Mr. Mohr, whom I am sure you also know. Based upon the testimony already received, let me ask you——

Mr. DELOACH. Mr. Chairman, excuse me, sir. I have not seen their testimony. I have seen newspaper accounts.

Chairman STOKES. Yes; I didn't mean to indicate that you had seen the testimony. I meant you are aware of the fact they had testified.

Mr. DELOACH. Yes; I'm sorry to interrupt you.

Chairman STOKES. Let me ask you a couple of general questions. Maybe we can avoid an indepth interrogation on a couple of subjects. Would you agree that between 1962 and April 4, 1968, the Bureau conducted a security investigation of Dr. King and the Southern Christian Leadership Conference to determine the extent of Communist influence being exerted upon him?

Mr. DELOACH. Mr. Kennedy, the Attorney General of the United States, first requested—I am testifying strictly from knowledge over a long period of time. Let me state first, Mr. Chairman, that I was not on the investigative side of the House at that time and had nothing to do with the request for the investigation of the electronic surveillance on Dr. King—the initiation of it. I was then Assistant Director in charge of the Crime Records Division, as I previously have testified. But to the best of my knowledge, Mr. Kennedy requested the FBI to put an electronic surveillance on Dr. King, and Mr. Hoover at that time felt this was not the thing to do and

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sent the liaison man with the Attorney General back over to see Mr. Kennedy and to talk him out of it.

Several months later when it was discovered there was a possibility of Dr. King being affiliated with a high-ranking member of the Communist executive board, board of trustees, or whatever it was, Mr. Hoover brought that to Mr. Kennedy's attention immediately, and Mr. Kennedy at that time authorized the surveillance. That did initiate the surveillance on Dr. King, and it was handled by the Domestic Intelligence Division. As I say, I did not have supervision of the Domestic Intelligence Division and so consequently my memory is somewhat hazy.

Chairman STOKES. Would you agree that between 1963 and 1968 the Bureau engaged in a campaign to discredit and neutralize Dr. King as an effective civil rights leader?

Mr. DELOACH. Mr. Chairman, if I may, I would like to answer that question in this way. Dr. King made an allegation that FBI agents were not to be trusted in the handling of civil rights cases in Albany, Ga., inasmuch as they were all southern born, reared, and educated. That cast great doubts upon the integrity of FBI agents in the handling of civil rights cases. In those particular cases the FBI was "damned if you do and damned if you don't." In a certain State, agents had rattlesnakes put in the driver's seat of a car so they would be bitten when they sat down. Agents were spit upon. Agents were refused service in restaurants. One agent's wife heard a knock at her door and she went to the front door and there were four men carrying a coffin. They simply told her that her husband's body was contained in that coffin, dumped it on the floor and left.

What I'm trying to point out—it was hard enough to investigate civil rights cases at that time without allegations being made casting aspersions against the integrity of FBI agents. I can easily understand that Dr. King at an emotional moment might have made that statement, but it was not a true statement.

The fact was that four out of five agents in Albany were nothern born, reared, and educated. But this touched off a feud between Mr. Hoover and Mr. King. In my opinion it was an unfortunate feud. The feud alienated civil rights forces and prevented some from furnishing badly needed information.

In a press conference that Mr. Hoover held, he indicated that Dr. King was the most "notorious liar" in the United States. I was against him making that statement and I think the feud was very unfortunate as was the alleged campaign that you alluded to.

I sent Mr. Hoover during that press conference with 22 ladies, three different notes asking him to withdraw that statement or at least to indicate to the ladies that it was off the record, the women's national press group in the Washington area. He refused to do so.

On the third occasion I sent him a note—he said to the effect: "You mind your own business." The ladies could not wait to get out of the room and report this to the wire services and their papers. This touched off the feud between Mr. Hoover and Mr. King. Allegations flew back and forth

Dr. King later called Mr. Hoover "senile" and said he was bowing under the weight of his office. Mr. Hoover again repeated

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his notorious liar statement. Mr. Hoover again repeated this in a statement later on to a reporter and I asked the reporter if he would withdraw the statement from his article because it was causing the FBI difficulties from a public relations standpoint, but it did become more or less of a feud between the two men.

I was responsible for trying to contact Dr. King. Dr. King would not return my calls. I did eventually talk to the now Ambassador to the United Nations representing the United States and we arranged a meeting between Mr. Hoover and Dr. King and it turned out to be a very peaceful meeting.

To specifically answer your question, there was a feud and a campaign Mr. Hoover carried on and supervised and there were unfortunately incidents that went on between the two men, mostly on Mr. Hoover's part to discredit Dr. King, to specifically answer your question, Mr. Chairman.

Chairman STOKES. When we strip your answer of the surplusage, the answer to my question would be yes, wouldn't it?

Mr. DELOACH. Yes, sir, it would, but on the part of both men.

Mr. FAUNTROY. Would the chairman yield?

Chairman STOKES. I certainly yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. It appears that the burden of Mr. DeLoach's testimony is that the feud began or surfaced at the time Mr. Hoover had a press conference in 1964. Is that your testimony?

Mr. DELOACH. That is when Mr. Hoover answered Dr. King insofar as the Albany, Ga., allegation is concerned. That is my recollection, Mr. Fauntroy.

Mr. FAUNTROY. Were you aware that Mr. Hoover exhibited hostility for Dr. King much earlier?

Mr. DELOACH. I am not aware of that, sir.

Mr. FAUNTROY. You are not aware of memos?

Mr. DELOACH. At least I don't recall that, Mr. Fauntroy.

Mr. FAUNTROY. Thank you, Mr. Chairman, for yielding. I will look forward to my 5 minutes.

Chairman STOKES. Mr. DeLoach, let me ask you this: The comments that were made by Dr. King with reference to the FBI and Albany had occurred some 2 years prior to the statement made by Mr. Hoover at the press conference when he called Dr. King a notorious liar, had it not?

Mr. DELOACH. I don't recall the specific dates, Mr. Chairman.

Chairman STOKES. Well, the press conference was in 1964, was it not?

Mr. DELOACH. I don't recall, sir.

Chairman STOKES. You don't recall that the Albany situation occurred in 1962?

Mr. DELOACH. I don't recall that, sir. In the best of my knowledge the two incidents were quite close together.

Chairman STOKES. Are you aware of the fact that Mr. Murtagh, a former FBI agent, testified before this committee, and with reference to the FBI and their investigation of civil rights violations and complaints, testified before this committee that the FBI was dragging their feet?

Mr. DELOACH. Mr. Chairman, I have every respect for you and every respect for this committee, but I wonder if any member of

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this committee or any member of the staff can name one FBI case where the FBI dragged its feet in the civil rights field? I don't recall any.

Chairman STOKES. I am referring to the testimony of a former FBI agent before this committee.

Mr. DELOACH. I don't mean to discredit Mr. Murtagh in any way whatsoever. I have not seen his testimony. But let's consider Mr. Murtagh for a minute, Mr. Chairman.

Mr. Murtagh was never a supervisory agent. To the best of my recollection Mr. Murtagh was an agent assigned to the Atlanta, Ga., office. He was never assigned to FBI headquarters in Washington, D.C. Mr. Murtagh had no overall knowledge of the FBI and its responsibilities. Mr. Murtagh had no responsibilities or knowledge of the immense field of civil rights investigations, only those in perhaps his narrow sphere of category of Atlanta or the surrounding area.

To be an expert witness, and I am not alluding to the fact that I am an expert witness because there are many things that I don't know that may have happened at that time, but to be an expert witness and make sweeping statements before this committee, he had to have had knowledge or supervisory responsibility or knowledge of the overall responsibility of the FBI which he did not have. He was 1 agent of some 8,500 agents assigned to the field at that time. I had never heard of Mr. Murtagh before he started volunteering to testify before various committees.

Chairman STOKES. Wouldn't you agree that this is not necessarily an area where one must possess expertise if one is testifying as a result of his having been an employee stationed in that particular branch of the FBI, testifying before this committee as to his own personal knowledge and observations. That doesn't require his being an expert in that area, does it?

Mr. DELOACH. Mr. Chairman, it would depend entirely upon why that individual wanted to testify, what was his reason for testifying, or whether he had an ax to grind against the FBI. Had he written a book previously? Did he want publicity? What was his reason for testifying?

Chairman STOKES. Mr. Murtagh was a former agent who retired under honorable conditions. He is presently a professor of constitutional law at a university who twice or three times during his testimony before this committee broke down and professed his love for the agency and the fact that he disliked having to testify to these type of events that occurred in an institution that he loved.

Mr. DELOACH. Well, Mr. Chairman, I am not attempting to discredit Mr. Murtagh in the least or his background. I do question, however, his background of knowledge concerning the FBI considering his very narrow jurisdiction and responsibilities in the organization.

Mr. FAUNTROY. If you will yield, Mr. Chairman.

Mr. DeLoach, do you question his knowledge of the fact that the FBI committed 15 agents in the Atlanta office to the task of running an electronic surveillance operation out of a hotel on Dr. King? Do you question his knowledge?

Mr. DELOACH. I am not aware of the incident.

Mr. FAUNTROY. But do you question his knowledge?

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Mr. DeLoach. I don't know whether I can question it or not. I am not familiar with the incident.

Mr. Fauntroy. Do you question his knowledge that the request was made of him to find an informant and get copies of the SCLC stationery and copies of the handwriting of Andrew Young so that it might be used against him in his effort to be elected to Congress?

Mr. DeLoach. I am not aware of the incident you speak of. I am only aware of Mr. Murtagh's background or assignment as an agent and the fact that he had no overall knowledge of the FBI.

Mr. Fauntroy. Do you question that he had specific knowledge of what was happening in that office that perhaps you were not aware of?

Mr. DeLoach. Certainly there are things I am not aware of Mr. Fauntroy, but I question his knowledge concerning the sweeping allegations he has made.

Mr. Fauntroy. Were you aware the FBI was spending the time and money of 15 agents full time to surveil Dr. King and the SCLC?

Mr. DeLoach. I have no knowledge of that, Mr. Fauntroy.

Chairman Stokes. Mr. DeLoach, let me ask you, do you agree that the campaign which you referred to that Mr. Hoover had against Dr. King included efforts to convince the public as well as members of Government that Dr. King was a person who should be held in low esteem?

Mr. DeLoach. There were incidents ordered by Mr. Hoover which would have caused that, Mr. Chairman, in various isolated incidents.

Chairman Stokes. Would you agree that this campaign included efforts to convince these same groups that Dr. King was a traitor to his country and to his race?

Mr. DeLoach. I don't recall that, Mr. Chairman. I don't recall any statements by Mr. Hoover or by agents that Dr. King was a traitor, or a traitor to his race. I do recall at the meeting which a member of this committee, Mr. Fauntroy, was present, and I was present in Mr. Hoover's office when they met, that Mr. Hoover made the statement that Dr. King being the symbol of leadership for millions of Blacks in the United States should be very careful in picking his associates and his personal conduct because of that very symbol of leadership.

Chairman Stokes. Now, even prior to the notorious liar statement by Mr. Hoover, you were aware, were you not, of the intense dislike Mr. Hoover had for Dr. King?

Mr. DeLoach. Your report, Mr. Chairman, says it was a hatred. I don't think Mr. Hoover ever hated anyone. I think he was incensed that Dr. King would cast aspersions upon the integrity of FBI agents and particularly an organization that he, himself, had devoted his life to and more or less had sacrificed his life to.

I think that that overrode Mr. Hoover's judgment to some extent and colored his supervision of these particular matters. But I don't think there was any deep-seated hatred on the part of Mr. Hoover against Dr. King as exemplary of the meeting between the two men which was very peaceful.

Chairman Stokes. Would you agree that when the Bureau first began its electronic surveillance of Dr. King it was for the purpose

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of monitoring the influence of others over him in terms of any Communistic infiltration of the civil rights movement, but that subsequently what the Bureau did was to utilize the information obtained through that electronic surveillance for the purpose of discrediting Dr. King?

Do you understand the question?

Mr. DeLoach. There are two parts, I believe, sir, and I will try to answer both of them.

Former Attorney General Katzenbach has testified that in his opinion the reason for Attorney General Kennedy first requesting the investigation and later on authorizing the electronic surveillance was to determine the extent of Communist influence over Dr. King.

The second part of it was usage of the information. I do recall the request of high ranking Members of Congress to obtain information concerning Dr. King and Mr. Hoover approving giving this information to those high ranking Members of Congress.

I do recall that Mr. Hoover from time to time not only furnished information to the Attorney General but to the White House concerning Dr. King.

Chairman Stokes. In terms of this COINTELPRO operation, you had a specific role, did you not?

Mr. DeLoach. No, sir, not a specific role. I would like to make the record clear in that regard, Mr. Chairman. This program was initiated while I was on the administrative side of the house. I had nothing to do with the initiation of this program. It was initiated by Mr. William C. Sullivan, Assistant Director of International Intelligence, and Alan Belmont, Assistant to the Director at that time. They supervised and operated that program under Mr. Hoover long before I became Assistant to the Director.

After I became Assistant to the Director and inherited this program under Mr. Tolson and Mr. Hoover, up to that time I was not privy to all aspects of this particular program.

Chairman Stokes. The program started August 25, 1967. What were you doing at that time?

Mr. DeLoach. The program started to the best of my recollection long before 1967.

Chairman Stokes. Well, the program, but not the COINTELPRO aspect of it, the security aspects started long before, that is right.

Mr. DeLoach. To the best of my knowledge, Mr. Chairman, and I could be corrected, but the program started long before that, the COINTELPRO part of it.

Chairman Stokes. Did you at any time become a part of the COINTELPRO part of it?

Mr. DeLoach. Occasionally Mr. Hoover would give me certain assignments to handle in that area, yes, sir, and I operated strictly under his orders.

Chairman Stokes. Part of the assignment given you by Mr. Hoover was for you to participate in an operation where you would discredit Dr. King in the press and in the general public; isn't that true?

Mr. DeLoach. To the best of my knowledge, Mr. Chairman, I recall one incident—there may have been others—one incident where Mr. Hoover ordered me to, by memorandum sent through

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him and then down to my office, to give one matter to the press. I don't recall any others. There may have been, but I don't recall.

Chairman STOKES. Didn't you have a role in attempting to block the Southern Christian Leadership Conference from being able to obtain funding? Did you have a specific role in that?

Mr. DELOACH. I don't recall that, sir.

Chairman STOKES. Would the clerk furnish the witness with MLK F-449A, F-449B, F-449C, F-449D, and F-449E?

Mr. DELOACH. Yes, sir, Mr. Chairman.

Chairman STOKES. Have you had a chance now to review those documents?

Mr. DELOACH. Yes, sir.

Chairman STOKES. Having reviewed them, does it refresh your recollection?

Mr. DELOACH. I do not recall any of the memoranda previously, Mr. Chairman, but I have reviewed them.

Chairman STOKES. I am sorry?

Mr. DELOACH. I say I do not recall having previously seen these memorandum, so much time has passed, but I do appreciate the chance to review them.

Chairman STOKES. Having reviewed them, does this now refresh your recollection as to the question posed to you?

Mr. DELOACH. No, sir, I don't recall these incidents at all, Mr. Chairman.

Chairman STOKES. These memoranda that I have just shown you do refer to a campaign to block the Southern Christian Leadership Conference from receipt of funding by virtue of disseminating derogatory information regarding Dr. King; does it not?

Mr. DELOACH. I believe all these memorandum originated with the domestic intelligence operation. They were sent to my office and I sent it to Mr. Hoover in view of his orders that he wanted to see anything pertaining to Dr. King and his organization.

Chairman STOKES. I am not trying through my questions to give you personal responsibility for it. All I am trying to do is get you to testify to the campaign that was under way at that time. That seems to me very simple to do.

Mr. DELOACH. I am testifying to the best of my ability, Mr. Chairman, and I will get to that.

On one of these memorandum I believe I put on the bottom of it, "I doubt this would be of any purpose."

On the memorandum dated October 26, 1966, 12 years ago, it is designated as D-31 MLK F-449C, that appears to be my memorandum, Mr. Chairman, where I talked with Mr. John Bugas who was the vice president of Ford Motor Co. and discussed with him the facts contained therein.

Chairman STOKES. Was the purpose of your discussion with him to block funding for SCLC?

Mr. DELOACH. Yes, as recommended by the Domestic Intelligence Division and approved by Mr. Hoover, yes, sir.

Chairman STOKES. Mr. DeLoach, also didn't the campaign include a dissemination of derogatory information to Senators, college presidents, and others to keep Dr. King from receiving honorary degrees and awards?

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Mr. DeLoach. I believe on one occasion, sir, a very high ranking Senator of the United States asked Mr. Hoover for information, if I recall correctly, and Mr. Hoover directed me to see this Senator and give him the facts concerning Dr. King's background.

The Bureau's feeling at that time was that Congress had the right to know. That is sheer speculation.

I also recall to the best of my recollection, Mr. Chairman, that on one occasion a high ranking Senator of great seniority called down and requested that a college president that he would send down to FBI headquarters be advised of Dr. King's background.

Chairman Stokes. Weren't there other universities that were approached, given derogatory information for the purpose of stopping Dr. King from getting honorary degrees from those universities?

Mr. DeLoach. That could be, Mr. Chairman, but I don't recall any such incidents.

Chairman Stokes. If that was done, that had nothing to do with national security, did it? This was totally for the purpose of discrediting Dr. King, wasn't it?

Mr. DeLoach. As I said previously, Mr. Chairman, it was part of the orders issued by Mr. Hoover in connection with the feud with Dr. King.

Chairman Stokes. Didn't you also sit down with Speaker McCormack and give him certain derogatory information about Dr. King? Didn't you go to the White House, sit with Walter Jenkins, give him derogatory information about Dr. King? Isn't that part of the role you played?

Mr. DeLoach. I don't recall any such incidents with Speaker McCormack. It could have happened. If I did so, it was done strictly at the orders of Mr. Hoover.

Insofar as Mr. Jenkins, I do not recall the incident, but Mr. Jenkins was the highest ranking staff officer to the President and it is possible that the FBI at Mr. Hoover's instructions sent information concerning Dr. King to the President and that I would have delivered them, serving in a liaison capacity to the White House as I was at that time.

Chairman Stokes. If I understand your testimony correctly, you don't deny that you did those things?

Mr. DeLoach. No, sir; Mr. Chairman, I do not deny it. I have no recollection of it.

Chairman Stokes. Mr. DeLoach, didn't the Bureau respond to Dr. King's criticism of the Vietnam war by using that to further justify the campaign to neutralize and discredit him?

Mr. DeLoach. I don't recall that, sir.

Chairman Stokes. Will the clerk please furnish the witness with Martin Luther King exhibits F-458, F-441B, F-450B?

Mr. DeLoach. Yes, Mr. Chairman.

Chairman Stokes. Have you had a chance now to read those documents?

Mr. DeLoach. Yes, sir.

Chairman Stokes. Having read them, do they refresh your recollection as to the question posed to you?

Mr. DeLoach. I do not recall the memorandum, Mr. Chairman, but I have reviewed these memorandum.

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Chairman STOKES. I am sorry?

Mr. DELOACH. I do not recall at the time, 11 years ago, having seen these memorandum, but I have reviewed them. These memorandum emanated from the Domestic Intelligence Division and were sent to Mr. Hoover through my office.

Chairman STOKES. With your initials appearing thereon, it would indicate at that time that you had seen those documents.

Mr. DELOACH. That is correct, sir.

Chairman STOKES. Therefore, you would have knowledge of the information contained therein; isn't that true?

Mr. DELOACH. It indicated that I had knowledge at that time, 11 years ago, Mr. Chairman, yes, sir.

Chairman STOKES. And now seeing it, does it or does it not refresh your recollection as to what you learned 11 years ago?

Mr. DELOACH. No, sir; it has been so long ago, ancient history.

Chairman STOKES. Mr. DeLoach, you know that Dr. King was not a Communist, don't you?

Mr. DELOACH. Mr. Chairman, I was not supervising the Domestic Intelligence Division.

Chairman STOKES. No, no, no. I just asked you a very simple question. The question is—I think you can answer this yes or no, and if you want to elaborate, I am not going to shut you off, but let's be honest here—the question is: You know he was not a Communist, don't you?

Mr. DELOACH. I will answer this to the best of my ability, Mr. Chairman.

I believe this committee has had before it an FBI informant who testified to the fact that if Dr. King was not a Communist, he was certainly close to it. I know of no indication that Dr. King was a card-carrying member of the Communist Party.

As I say, I was not supervising the Domestic Intelligence Division at the time and I was not privy to all the communications concerning this matter. Later on when I became Assistant to the Director in December 1965, I did learn more of the situation.

To the best of my recollection there was a high ranking member of the Communist Party, or certainly a man alleged or reputed to be a high ranking member of the Communist Party, who had great influence over Dr. King. Whether or not this means Dr. King was a puppet for the Communist Party, or for this man, I am not in a position to state. That would take a legal mind to do that Mr. Chairman. I only carried out my orders as given by Mr. Hoover.

Chairman STOKES. You have just made a very interesting statement. You told us there was a high ranking man in the Communist Party who had great influence over Dr. King.

Mr. DELOACH. As testified previously by an informant who appeared before your group.

Chairman STOKES. You are not testifying from your own knowledge?

Mr. DELOACH. I will testify from my own knowledge, Mr. Chairman. I don't know, frankly, in my own opinion whether Dr. King could be classified as a "member" of the Communist Party or not.

Chairman STOKES. And with reference to your statement about someone high in the party exerting influence over him, do you have any knowledge of that?

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Mr. DeLoach. I recall, to the best of my recollection, there was such a man, Mr. Chairman.

Chairman Stokes. Would you tell the committee, then, how you know that this man had influence over Dr. King?

Mr. DeLoach. I was told, Mr. Chairman—and, again, I am testifying from facts of 10 or 11 or 12 years ago and even beyond that, Mr. Chairman—that this man wrote speeches for Dr. King, that this man gave financial advice to Dr. King, that this man made policy decisions for Dr. King, and consequently having been told that, there certainly would have been some association between this individual and Dr. King.

Chairman Stokes. Are you familiar at all with Dr. King's intellectual and educational attainments?

Mr. DeLoach. I have read some of Dr. King's sermons, Mr. Chairman. From the standpoint of my own knowledge, I know that he was a symbol of leadership of the civil rights movement. I have not gone into depth as to Dr. King's intellectual education, no, sir.

Chairman Stokes. Well, maybe it would help you if I said to you that Dr. King graduated from Morehouse College with honors, graduated at the top of his class from Prozier Theological Seminary, and acquired a doctorate in philosophy from Boston University.

Now, on what do you base the facts that someone else has influenced this man who has this kind of educational attainment? What evidence is there?

Mr. DeLoach. Mr. Chairman, I am not contesting Dr. King's brilliance in the least or his symbol of leadership. The only way I can answer your question is that the facts given to the Department of Justice and the Attorney General of the United States, and he felt they were sufficient to determine on the basis of electronic surveillance, not initiated by me because I was not in domestic intelligence at the time, or had supervision over that, but I was told the Attorney General had approved it, based upon those particular facts, that he wanted to find out further the extent of Communist leadership over Dr. King.

Again, I was not in a supervisory position at that time so my memory is quite hazy based upon facts determined so long ago.

Chairman Stokes. Well, with reference to infiltration of the civil rights movement by the Communist Party, you are aware, are you not, that they did not infiltrate the movement?

Mr. DeLoach. Mr. Chairman, it is my opinion that the Communists desperately tried to infiltrate the civil rights movement but failed miserably.

Chairman Stokes. Failed miserably?

Mr. DeLoach. Yes, sir. I still believe that.

Chairman Stokes. And their failing miserably, the only credit that could be given for their having failed miserably would be both to the leadership of the civil rights movement and the people involved in the movement and not the FBI; isn't that true?

Mr. DeLoach. I think the FBI investigation in internal security matters and in civil rights matters assisted greatly at that particular time, Mr. Chairman. But as to the specific answer to your question, as to the FBI preventing the Communist Party from

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infiltrating into the civil rights movement, yes, I think the FBI assisted there. I think the FBI investigative efforts assisted greatly.

Chairman STOKES. What did they do to stop the infiltration? They were running around bugging Dr. King's home, SCLC's headquarters, and Dr. King's hotel rooms. What did they do to stop the infiltration of the civil rights movement by the Communist Party?

Mr. DELOACH. Well, I think the FBI communications both to the Attorney General and to the White House on occasion caused the Department of Justice to brief civil rights leaders as to the dangers involved.

To the best of my recollection—and I am not clear on this, Mr. Chairman—I think the FBI communications to the White House caused the White House officials on occasion to brief the civil rights leaders of the dangers involved. In my opinion, even at this late date it certainly would have assisted the civil rights leaders in knowing who was trying to undermine and infiltrate them and it caused them to be worried.

I think Mr. Hoover's meeting with Dr. King where Mr. Hoover indicated he should be very careful of his associations with certain people assisted Dr. King from then on in being wary of such associations.

Chairman STOKES. Then you really feel that a man who had the education and intelligence that Dr. King had, that he needed Mr. Hoover or somebody else to tell him about the dangers of the Communist Party infiltrating the civil rights movement in America?

Mr. DELOACH. Not that isolated example, Mr. Chairman, but I feel that men with equal brilliance over the years have been taken in by the Communist Party and by Communist supervision. I do feel there have been unfortunate incidents in our society where great men of stature have been taken in and have possibly even become Soviet espionage agents.

Therefore, I say, with some gratification that the Communists, in my opinion, failed miserably to take over the civil rights movement or make a dent in the civil rights movement.

Chairman STOKES. Mr. DeLoach, you were familiar with the conditions existing in this Nation that brought about the civil rights movement, aren't you?

Mr. DELOACH. Yes, sir.

Chairman STOKES. You know that in that period of history all over the South that Blacks and whites were segregated by law, they had separate drinking fountains for Blacks and whites in public accommodation places. Blacks had to get on the back of buses.

You are aware of Selma when dogs were put on the civil rights marchers and cattle prodders were used on them and things of that nature.

You don't think, do you, that a race of people subjected to that kind of condition in this country needed Communists or anybody else to tell them about their status in this country, do you?

Mr. DELOACH. Absolutely not, Mr. Chairman. That is why I say the Communist attempt failed miserably.

But let's look at the facts, Mr. Chairman, over the years in our society. The Communist Party has attempted to undertake any

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campaign or to enter into any venture which is going to, at an emotional moment particularly, gain them any stature in the United States, particularly from a political and philosophical standpoint. That is why they were so interested in the civil rights movement as they were any movement that would give them added stature.

Chairman STOKES. I am really intrigued by your giving the Bureau some credit for what you describe as this miserable failure to infiltrate the civil rights movement.

Did you ever participate in any briefing where Negro leaders were being briefed and given this kind of information about the Communist Party?

Mr. DELOACH. Yes, sir.

Chairman STOKES. And do you want to name some of the leaders that were briefed?

Mr. DELOACH. I don't recall the leaders specifically, Mr. Chairman, but I do know that on one or two incidents I talked to Black leaders. I don't recall their names. I know Mr. William C. Sullivan, the Assistant Director in charge of the Domestic Intelligence Division, on occasion talked to Black leaders.

Chairman STOKES. Do you know anything about the tape that was mailed to Mrs. King, a letter that was sent to Dr. King subsequently from the FBI suggesting that he commit suicide?

Mr. DELOACH. No, sir, Mr. Chairman. I heard it rumored that there was such an incident. I have seen such an account in the papers, but those tapes were not in my possession and consequently I had nothing to do with it and have no recollection of the situation to the best of my knowledge.

Chairman STOKES. You had attended a meeting between Dr. King and Mr. Hoover. There is a memorandum which indicates that you suggested to the Director that there was no need then to further transcribe other tapes which, at that point, had not been transcribed, and that the Director even after that meeting indicated that he thought differently and that he felt that the tapes should be transcribed while they were still fresh in the agent's mind. Do you recall that?

Mr. DELOACH. No, sir.

Chairman STOKES. Mr. Hoover was a strong man, wasn't he?

Mr. DELOACH. Yes, Mr. Chairman, Mr. Hoover was a strong man. He was a genius in many respects. I think he created the best law enforcement agency in the world, but I think he stayed on in office too long.

Chairman STOKES. And you and other agents, knowing of his intense feeling about Dr. King, carried out his orders with a certain degree of fear?

Mr. DELOACH. Certain degree of what, sir?

Chairman STOKES. Fear.

Mr. DELOACH. Well, Mr. Chairman, I would answer that on the basis that unless you didn't carry them out, you would lose your job, yes, sir. But I would like for the record to clearly state, clearly reflect, that on two different occasions I did disagree with Mr. Hoover and did cause in one instance, cause him to refrain or at least not attack Dr. King, and I would hope that men with Mr. King would have caused the same thing toward Dr. King, because

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in my opinion it was a most unfortunate feud. But when he repeated the second time that in his opinion Dr. King was the most notorious liar in the world, I asked him to recant that and he did. I did fail in the women's press conference that I testified about previously.

Chairman STOKES. I know you did. That was the occasion when you sent him three notes asking him to refrain from such an accusation. He finally even said to the women present that Mr. DeLoach has advised me on three separate occasions not to make this statement, but I am going to make it anyway. Isn't that true?

Mr. DELOACH. That is basically correct, sir.

Chairman STOKES. So to go back to my original question to you, your answer, then, would be yes, that with the knowledge that even if you stood up to him, when he made the final decision, and that the rest of you would react out of fear for the loss of your jobs if you did anything different?

Mr. DELOACH. Mr. Chairman, he was the Director and we had to follow his orders or else we would not stay in our positions.

Chairman STOKES. Thank you, Mr. DeLoach. I have nothing further.

Mr. DELOACH. Thank you.

Chairman STOKES. The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. Thank you, Mr. Chairman.

Mr. DeLoach, I gather that your theory on assassination is that James Earl Ray was the lone assassin and that his motive was racism. It would have to be pretty hard racism to cause him to track Dr. King across the country at a time when he was an escapee and had a long prison sentence hanging over him should he be picked up at any moment.

Certainly there is considerable evidence in the record of James Earl Ray's racist attitudes, but it has been somewhat troublesome that there is evidence which I think the FBI was aware of that seems to cut the other way. It would seem to show that he was not such an intense racist, that is, the motive could have been something else, for example, money.

For example, I believe the FBI was aware that he had frequented a bar in Los Angeles for some period of time when he was there and that that bar was about a one-third Black clientele. Apparently he visited there regularly without expressing any racial feelings.

There is evidence of a liaison with Miss Morales in Mexico, possibly with Miss Marie Martin in Los Angeles, both of whom appear to be women of color.

My question is: Did these incidents raise any questions in the minds of the FBI concerning racism as a motive? Do you consider those consistent with racism as a motive for the killing?

Mr. DELOACH. Mr. Preyer, I don't remember those specific incidents. I do remember that Dr. King, while in prison, according to the investigation to the best of my recollection—I am sorry, sir, when James Earl Ray was in prison, to the best of my knowledge, he refused to go on work orders out on the prison farm with blacks because of his dislike of blacks.

I think, also, that to the best of my knowledge that on one occasion he told an inmate in prison that he was going to get Dr.

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King. He did have a general reputation, I believe, in prison as being bigoted, anti-Black.

As to specifically answer your question, then, and I would like to do that, sir, if I had the knowledge, but I don't recall the specific incidents you mentioned such as frequenting bars, Black women, or attempting to engage in social activities with Black women. I don't recall that, sir.

In my opinion, he definitely hated Blacks. He definitely was a loner. He was a bumbling yet at the same time a very cunning individual. I think because of being a bigot, a racist, that he wanted to kill, in his opinion, the biggest man he could find in order to make a name for himself as more or less suggested by the fact that his brother on one occasion told, whether it was FBI agents or not I am not sure—he said: "Why is the FBI making all this fuss trying to find my brother. All he did was to kill a nigger."

This, in my opinion, expresses the anti-Black feeling not only of King but that of his family.

Mr. PREYER. I would certainly grant you there is ample evidence of that sort of racist attitude and there is evidence from his prison experience of the kind that you mentioned. There is also evidence on the other side from his prison experience indicating that he was not as intense a racist.

But I gather from your answer that the question of intensity of his racism, whether it was sufficient to motivate a killing, would seem to be against all of his interests as far as staying out of jail and it was not a matter that was discussed with the FBI.

You knew of no evidence going against the idea that he was an intense racist?

Mr. DELOACH. As of this late date I don't recall that, those particular incidents, Mr. Preyer. I do hope they were fully investigated by the FBI. I am not aware of the fact whether they were or not to tell you the truth but I don't recall the matter.

Mr. PREYER. Just one other area.

The Ray brothers, you mentioned earlier, there is evidence that John Ray visited James Earl Ray the day before he escaped from prison, that Jimmy Ray on two occasions made statements tending to show that there was a conspiracy involved, and perhaps most important, that one of the brothers or that James Earl Ray when he exchanged his rifle for a heavier rifle and made the statement that it was done on his brother's advice.

Those statements would seem to indicate a considerable involvement of the brothers in James Earl Ray's activities. Did the FBI ever attempt to link the brothers of James Earl Ray in the assassination? Do you recall any discussion in the FBI concerning these remarkable coincidences in James Earl Ray's activities?

Chairman STOKES. The time of the gentleman has expired, but the witness may respond.

Mr. DELOACH. Thank you, sir.

Mr. Preyer, I recall the intensive efforts to interview the brothers and all members of the family as exemplified by the fact that they were uncooperative to some extent. One woman refused to testify or refused to give us any information, and further the FBI felt so strongly about it that they recommended to the Attorney

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General the electronic surveillance that I testified to previously here today.

So to answer your question, at all times the FBI had this in mind in my opinion and attempted to get corroborative evidence from the brothers, but that has not come to light.

Mr. PREYER. Thank you.

Mr. DELOACH. Thank you, sir.

Chairman STOKES. The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Mr. DeLoach, for purposes of the record, could you outline for the committee the jurisdiction of the Bureau as it relates to Dr. King, both preassassination, during assassination, and postassassination? How did the Bureau get involved? Start with the preassassination. Was that purely on a security issue?

Mr. DELOACH. That is correct, Mr. Devine, and the orders of Attorney General Kennedy to establish the electronic surveillance. The investigation did go on prior to that, but that culminated in the authorization by Attorney General Kennedy. It was conducted as a security investigation or what I believe was security matter—C, security matter—Communist, to determine the extent of infiltration by the Communist Party.

At the time of the assassination, of course, as has been testified to earlier, the Department of Justice gave the FBI jurisdiction by order of the Attorney General under the civil rights statutes that Dr. King's civil rights had been interfered with and consequently the FBI should determine who had perpetrated this particular incident—the assassination.

The FBI could, as I testified to earlier, Mr. Devine, could have done a fugitive investigation under the Fugitive Felon Act, as passed by the Congress, giving the FBI the authority to investigate a fugitive case when local law enforcement officials determine that a felony has been committed and possibly the fugitive has crossed State lines. They may step in and ask the FBI to investigate the matter and the FBI does that at their specific request.

Mr. DEVINE. Was it true Mr. DeLoach, that following the apprehension of James Earl Ray that the Bureau virtually lost interest in the case? I ask that question on the basis of that chart to your far right showing FBI activity both as far as dollars are concerned and automobile mileage are concerned, that measurably, dramatic drops occurred in Bureau activities following the apprehension. Would you care to comment on that?

Mr. DELOACH. Yes, Mr. Devine.

With all due respect to the committee, I believe that would be a gross exaggeration insofar as possible loss of interest is concerned. I am not with the FBI today and I have not been for 9 years, but I think the FBI is still interested in this case and will still carry out any leads with respect to conspiracy, not only this case but the Kennedy case and any other major case.

To my knowledge that case is still pending in the FBI and will never be closed as long as leads are being received.

But the fact that the fugitive investigation has been completed certainly would curtail some use of automobiles and curtail to some extent expenditures. It does not mean the FBI has lost interest in the case. It means that one phase of the case has been

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completed and they are still working on other phases of the case such as conspiracy angle.

Mr. DEVINE. While you were still in the Bureau, and still in the high supervisory capacity, did you issue any orders or direct any orders from Mr. Hoover to discontinue active participation in the investigation of the King case following the apprehension?

Mr. DELOACH. No, Mr. Devine.

To answer your question, I believe that Inspector Joseph Sullivan, who was the major case inspector, was called off for other duties following the location of James Earl Ray because the FBI felt he was the man who assassinated Dr. King.

Whether any other curtailment of activities went on at that time or not, I don't recall, but definitely the case was still kept in a pending status and every lead was still investigated very thoroughly.

Mr. DEVINE. On another issue, Mr. DeLoach, earlier I think you testified that you never heard of Agent Murtagh prior to his appearance before this committee.

If I accurately recall some of Mr. Murtagh's testimony, he said that he had never met Mr. Hoover personally, although he had been in the Bureau for 10 or 11 years. But he did at one time describe Mr. Hoover as a maniac.

I would ask you, Mr. DeLoach, as one of the highest officials in the Bureau under Mr. Hoover's supervision—probably there was no one much closer to him than perhaps Mr. Tolson and then you in your capacity as Assistant to the Director—would you care to make any descriptive analysis of Mr. Hoover during the time you were under his direction and control?

Mr. DELOACH. Yes, sir. I testified previously, Mr. Devine, that I think Mr. Hoover was a genius in many respects, that he created, in my opinion, the best law enforcement agency in the world. I think, however, he stayed on too long. I believe Mr. Hoover should have retired some years earlier than he did. I believe Mr. Hoover had somewhat of a towering ego as a lot of men have in our society, but by the same token I think he was a humanitarian to a great extent.

I have seen Mr. Hoover break down and almost cry on occasions, at moments of emotion, when cases were solved, or when an agent had a tragedy happen to him. I think the man was a deeply religious man in many respects, but at the same time he was somewhat egocentric in his handling of matters and his personality. He came from a very strict religious background and he was a prime mover in his church, always had been, in the Boy Scout movement, and many other activities.

I think that Mr. Hoover in creating the FBI and giving his life to it sometimes mistakenly felt that this was more or less his baby, to put it crudely, or his agency. He overreacted to any allegations that concerned the organization.

Mr. DEVINE. I think you have responded to the inquiry, Mr. DeLoach. Just one more question, please.

Mr. DELOACH. Yes, sir.

Mr. DEVINE. I think you made reference either in your direct testimony or during the questioning by someone that a meeting was arranged between Director Hoover and Dr. King and I think

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Mr. Fauntroy or Dr. Abernathy and some others. Would you please tell the committee for purposes of the record who made the actual arrangements for the meeting and what brought about the meeting?

Mr. DeLoach. I did for the FBI, sir.

Mr. Devine. You made the arrangements personally?

Mr. DeLoach. That is correct, sir.

Mr. Devine. Do you recall what year this occurred roughly, how long before the assassination perhaps?

Mr. DeLoach. No, sir, I don't recall a specific incident, Mr. Devine, but it was some period of time prior to the assassination.

Mr. Devine. What brought about your arranging the meeting?

Mr. DeLoach. I told Mr. Hoover, and I believe the FBI records will reflect this, that I felt this feud was very unfortunate, that I felt there should be a meeting with Dr. King, and for both of them to discuss the matter and to possibly come out with some basis of—I didn't say friendship, Mr. Devine—but some feeling of mutual trust insofar as this name calling was concerned.

Mr. Devine. I would suggest the date of December of 1964. Would that refresh your recollection?

Mr. DeLoach. I don't recall the specific date, but it could have been, Mr. Devine.

Mr. Devine. Do you recall who was there specifically, Mr. Hoover, Dr. King, Mr. Fauntroy, Dr. Abernathy?

Mr. DeLoach. Dr. Abernathy and I believe the current Ambassador to the United Nations. I was with Mr. Hoover at the time and took notes on the meeting at his specific orders.

Mr. Devine. Would you say the meeting was reasonably cordial and no hostility was displayed?

Mr. DeLoach. I have termed the meeting before Mr. Devine as more or less of a love feast. The men discussed matters very cordially; they parted very cordially. Dr. King went to Mr. Hoover's reception room and gave out a press release indicating accordingly.

Mr. Devine. Finally, you have heretofore testified, I believe, before the Warren Commission?

Mr. DeLoach. No, sir; I did not testify before the Warren Commission.

Mr. Devine. Before the Church committee in the Senate?

Mr. DeLoach. Yes, sir; I did.

Mr. Devine. Before any other investigative agencies on the King matter?

Mr. DeLoach. I believe before a Federal grand jury, Mr. Devine. I'm not certain. Since I left the FBI—I might state for the record, Mr. Devine—I have been down here for approximately—to the best of my recollection—17 times, to testify to the activities of the FBI during the time I was in the FBI. Most of the testimony has been duplication, time and time again. I'm always glad to help out.

Mr. Devine. You testified before this committee here in executive session at an earlier time?

Mr. DeLoach. That's correct.

Mr. Devine. That's all, Mr. Chairman.

Chairman Stokes. The time of the gentleman has expired.

The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. Fauntroy. Thank you, Mr. Chairman.

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May I request that the witness be provided with MLK exhibits F-437A, F-438A, F-438B, F-442J, F-442K, F-444A, F-444B, and F-450B?

Mr. DELOACH. Mr. Fauntroy, do you wish me to review these one at a time, or do you wish me to read all of them?

Mr. FAUNTROY. I think perhaps we can probably have you to scan them as I bring them up.

Mr. DELOACH. All right.

Mr. FAUNTROY. MLK F-437A is, of course, a response to a request by Mr. Hoover that the agency initiate an investigation into Communist influence in the civil rights movement among Blacks, and this memo—as it indicates—is Mr. Sullivan's synopsis that the Communist Party has not influenced the civil rights movement.

This memo and several others are designed to refresh your memory on when the FBI began its campaign with respect to Dr. King, and I was just wondering if you recall discussions with Mr. Hoover during this period, this memo dated August 23, 1963, just prior to the historic March on Washington, at which a response was tendered by him similar to the one which appears on this memo.

It is in his own handwriting, that this reminds him of a memo that Mr. Sullivan did on Castro and suggesting that he go back and do a better job.

Were you aware of that at that time?

Mr. DELOACH. No, sir; I was not, Mr. Fauntroy.

As you can see from this memorandum, this was not sent through me, going up to Mr. Hoover; so, therefore, I had nothing to do with it. After Mr. Hoover reviewed it, sent it back to Mr. Belmont, and to Mr. Mohr, and other individuals, it was later sent to my office simply for information. I do not recall the memorandum.

Mr. FAUNTROY. Turning to exhibit F-438A, were you aware of a conference which was called, in a memo dated Christmas Eve in 1963, a conference held in the Atlanta office with the seat of government personnel which had as its purpose how best to carry out an investigation to produce results without embarrassing the administration, the Bureau, and how to come up with a complete analysis of the avenues and approaches to neutralize King as an effective Negro leader, and concerning some development of his continued dependence upon the Communists? Were you aware of that?

Mr. DELOACH. No, sir, Mr. Fauntroy, I was not.

As you could observe from the memorandum, this was not sent through me for consideration or approval and was only sent to my office later on, for review or just simply for information, after Mr. Hoover had already approved it, or after the action had taken place.

Mr. FAUNTROY. MLK F-438B is a list of questions to be explored at that conference in 1963. Are you aware that these questions were posed:

> Can colored agents be of any assistance to us in the Atlanta area, and if so, how many will be needed?
>
> Could we convert any of their weak points to strong points for us?

Mr. DELOACH. No, sir; Mr. Fauntroy.

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As observed by the previous memoranda, I was not on the investigative side of the house at the time; I was strictly on the administrative side, and had little or no knowledge, or wasn't consulted, regarding such matters.

Mr. FAUNTROY. I am trying to refresh your memory.

You were not aware at this period?

Mr. DELOACH. No, sir.

Mr. FAUNTROY. They asked:

What do we know about King's housekeeper? Can we use her? What do we know about the background of people presently employed in the office of SCLC and can we use any of them? Are there any disgruntled employees at SCLC and/or former employees who may be disgruntled or disgruntled acquaintances?

You weren't aware that they were considering those things at that time?

Mr. DELOACH. No, sir; I was not a party to that.

Mr. FAUNTROY. Were you aware of any comment or memo after the march on Washington that Dr. King's speech was a demogogic one and proved that he was dangerous to the country?

Mr. DELOACH. Which exhibit is that, Mr. Fauntroy?

Mr. FAUNTROY. That is actually exhibit F-437B—I'm sorry—which you do not have and which I will not trouble you with.

Mr. DELOACH. All right.

Mr. FAUNTROY. But you don't recall Mr. Sullivan ever having expressed that view, or Mr. Hoover?

Mr. DELOACH. No, sir.

Mr. FAUNTROY. Do you recall 438D?

Mr. DELOACH. "D" as in David, Mr. Fauntroy.

Mr. FAUNTROY. "D" as in David, which references——

Mr. DELOACH. I don't see that, sir.

Mr. FAUNTROY. Sorry. We do not have 438D; and I won't trouble you with that, save to reference a memo of January 8, 1964, which began, "It is your responsibility as Assistant Director in charge of and having the DID to report to you," a reference to the importance of developing a new leader once you had discredited Dr. King—not you, but the FBI—according to the memo.

It might be important if you have 438D, to provide it to the witness, because here in Mr. Hoover's writing he indicates that he is glad to see that Mr. Sullivan has finally seen the light, though it is dismally delayed, that he struggled for months to convince him that the Communists had very definite influence over Dr. King.

I would like to move now, Mr.——

Mr. DELOACH. Mr. Fauntroy, before you move on, this memo apparently was not sent to me, and I was not a party to it.

Mr. FAUNTROY. So you were not aware of it?

Mr. DELOACH. No, sir; it was sent back to my office, for information apparently after Mr. Hoover had ordered the action to be taken.

Mr. FAUNTROY. But now you are aware, at least from the record, that a campaign was underway at that time?

Mr. DELOACH. From what you told me, yes.

Mr. FAUNTROY. I would like to turn now to 442J. You mentioned the fact that electronic surveillance was approved by Mr. Kennedy. Were you aware in January of 1964 of this memo and the intent to install microphone surveillance of Dr. King at the Willard Hotel

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when it was reported through Mr. Sullivan that Dr. King had plans to stay there?

Mr. DeLoach. To the best of my knowledge, Mr. Fauntroy, I was not aware of this situation. Again, this memorandum was not sent through my office and was simply apparently sent by Mr. Hoover over to my office for information after the action had been ordered. In other words, I was a party after the fact.

Mr. Fauntroy. But were you aware of it?

Mr. DeLoach. No, sir; not to my knowledge.

Mr. Fauntroy. Even though the memo was sent to you, you weren't aware of that happening?

Mr. DeLoach. No, sir.

Mr. Fauntroy. Were you aware that once the transcript, memoranda, from that surveillance was prepared, that a memo came from Mr. Sullivan indicating that they should hide this fact from the Attorney General, lest he inform Dr. King of the kind of surveillance that was being accorded him?

Mr. DeLoach. I don't recall any such incident, Mr. Fauntroy.

Mr. Fauntroy. You don't remember this language:

The attached document is classified "Top Secret" to minimize the likelihood that this material will be read by someone who will leak it to King. However, it is possible despite its classification, the Attorney General himself may reprimand King on the basis of this material. If he does, it is not likely we will develop any more such information through the means employed. It is highly important that we do develop further information of this type in order that we may completely discredit King as a traitor of the Negro people.

Mr. DeLoach. I don't recall any such language. Again, I was not on the investigative side of the House, would not have been privy to such planning.

Mr. Fauntroy. They sent no copy to the AG. Were you aware that the practice was, on matters like this, to hide it from the Attorney General?

Mr. DeLoach. I don't recall any such practice, Mr. Fauntroy.

Mr. Fauntroy. You see the note on the bottom of the memo——

Mr. DeLoach. Which exhibit are you referring to now, sir?

Mr. Fauntroy. F-442K.

Mr. DeLoach. Yes, sir; I see that. But, again——

Mr. Fauntroy. Is that Mr. Hoover's handwriting?

Mr. DeLoach. That looks like Mr. Hoover's handwriting, Mr. Fauntroy.

Mr. Fauntroy. Of course, you weren't talking to him, so you weren't aware of that?

Mr. DeLoach. I don't recall this.

Mr. Fauntroy. Now I would like to move to efforts to discredit Dr. King at a time when you were officially the Assistant to the Director and had at least Mr. Sullivan to report to you.

Are you aware of 444A?

Mr. DeLoach. I have it in front of me, sir.

Mr. Fauntroy. It was an effort to publish an article apparently written by the FBI in an effort to discredit Dr. King. You will note that it says, "Can be given to a friendly newspaper contact such as David Lawrence, who is the editor of the U.S. News & World Report."

You were aware of——

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Mr. DeLoach. I don't recall this, sir. It obviously was emanated by Mr. Baumgardner and sent—after approved by Mr. Baumgardner—was sent to Mr. Sullivan for approval as Assistant Director in charge of the Domestic Intelligence Division, which handled the program, and then was sent to my office, and this does appear in my handwriting: "U.S. News & World Report will not use article of this nature. Suggest Ray McHugh of Copley Press."

It was sent on to Mr. Hoover and Mr. Hoover apparently ordered the action be taken.

Mr. Fauntroy. So you now recall that you were aware of it and that you did pencil it at that time?

Mr. DeLoach. I don't recall the memorandum or the action, Mr. Fauntroy.

Mr. Fauntroy. Is that your handwriting there?

Mr. DeLoach. Yes, sir, it is; but I don't recall the action.

Mr. Fauntroy. You don't recall that——

Mr. DeLoach. No, sir.

Mr. Fauntroy. But you don't deny this is your handwriting, that you wrote it?

Mr. DeLoach. I do not deny it.

Mr. Fauntroy. 444B has reference to an article which the FBI wanted circulated that would try to create the impression that Dr. King was attempting to blackmail the Teamsters Union into giving contributions to SCLC because of some 450,000 members of Hoffa's union who were Black.

Were you aware of that effort to circulate——

Mr. DeLoach. No, sir; I don't recall this specific memorandum. It has been 12 years ago, Mr. Fauntroy, and it appears that this is a memorandum that, again, was initiated by Mr. Baumgardner, his idea, went to Mr. Sullivan; Mr. Sullivan approved and sent it to my office, and I sent it in to Mr. Tolson, who sent it to Mr. Hoover; and Mr. Hoover apparently—I don't see Mr. Hoover's initials on it; I see Mr. Tolson's initials.

Mr. Fauntroy. Why did they send it to you?

Mr. DeLoach. Because I was Assistant to the Director at that time, and the natural flow of mail would go through my office, on into Mr. Tolson and Mr. Hoover.

Mr. Fauntroy. And you made no judgments on the advisability of these things?

Mr. DeLoach. Well, I was under instructions on such matters to always send them in to Mr. Hoover for approval.

Mr. Fauntroy. You were instructed by whom?

Mr. DeLoach. By Mr. Hoover.

Mr. Fauntroy. I see; and you don't recall these now; but you do recall that you did not send them with your recommendations?

Mr. DeLoach. No, sir; I made no recommendation on this particular memorandum.

Mr. Fauntroy. OK. If you will look at MLK F-450A, this is another memo which suggests using an article written by a Black newspaper editor discrediting Dr. King, and you wanted to expand the coverage of that by disseminating it to friendly news sources?

Mr. DeLoach. That is not correct, Mr. Fauntroy. You say "You wanted to expand it." This is a memorandum that was initiated by Mr. Brennan——

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Mr. FAUNTROY. I'm sorry. Please forgive me. I didn't mean you. I meant the gentleman, Mr. Sullivan, apparently?

Mr. DELOACH. No, sir; Mr. Brennan.

Mr. FAUNTROY. Mr. Brennan was under Mr. Sullivan's supervision?

Mr. DELOACH. Yes, sir.

Mr. FAUNTROY. Mr. Sullivan was under Mr. Hoover's supervision; is that it?

Mr. DELOACH. Supposedly, yes, sir. At times I wonder, but supposedly.

Mr. FAUNTROY. Sometimes then they sent you memos and you had no input on them?

Mr. DELOACH. But this is a memorandum that Mr. Hoover apparently approved, because he said, "OK. H" and Mr. Hoover ordered that Mr. Wick and the Crime Records Division handle the matter.

Mr. FAUNTROY. But the instruction that it was felt if this article is given widespread publicity on how thinking Negroes would feel about King, that you would accomplish two objectives: One publicizing King as a traitor to his country and race and, second, it reduces income from these shows because he has five more performances to give—in reference to Harry Belafonte's concert designed to raise funds for SCLC?

Mr. DELOACH. I am not familiar with the newspaper article, Mr. Fauntroy, but apparently that was Mr. Brennan's idea.

Mr. FAUNTROY. But you were aware of the effort to portray Dr. King as a traitor to the country?

Mr. DELOACH. No, sir; I don't recall.

Mr. FAUNTROY. Even though it appears frequently in memos at a period when you had some responsibility for at least overseeing the work of DID, whence this memo came?

Mr. DELOACH. I think you'll agree, sir, that the majority of the memoranda reflect that I was on the administrative side of the House at the time and therefore would have had no decisionmaking policy in connection with that?

Mr. FAUNTROY. Mr. DeLoach, one of the things that the committee is seeking to determine is whether the FBI created a moral climate in which the assassination of Dr. King, as unthinkable as it is, became not only thinkable but also could be thought of being justified in the Nation; and I wonder if you think the FBI officials should have known their conduct in not only writing articles like this and seeing to it that they were disseminated around the country could have unjustifiably risked the life of Dr. King?

Mr. DELOACH. What was the last part of your question, sir? I'm sorry.

Mr. FAUNTROY. Is it your opinion that the FBI should have known that the kinds of activities to which we refer in these memos would unjustifiably risk the life of Dr. King?

Mr. DELOACH. Mr. Fauntroy, I think it would be absolutely ridiculous to assume that any of the FBI's few attempts to discredit Dr. King, as ordered by Mr. Hoover, Mr. Sullivan, or whoever participated in that, caused an atmosphere which would have resulted in his assassination—I doubt if James Earl Ray had ever seen any of the articles—that Mr. Hoover had wanted two or three articles to

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be put in the newspaper which you have explained to me here today. No one has shown me the articles. I don't know whether they appeared or not, to tell you the truth; but I doubt that James Earl Ray—or I doubt that anyone to amount to anything—had ever seen the articles, if they did appear, that would have been perpetrated by the FBI or knew of a discreditation program to any extent. Consequently, in my opinion, the facts would overwhelmingly indicate that the FBI did not create any atmosphere which would cause harm to Dr. King from a physical standpoint or, in my opinion, any other standpoint.

Mr. FAUNTROY. In your testimony, Mr. DeLoach, you alluded to the fact that over the years the FBI compiled files on death threats directed at Dr. King. Is it fair to say that at the time of this period, between 1963 and 1968, that it would not have surprised you that Dr. King received death threats?

Mr. DELOACH. I wouldn't have been surprised, sir. I think almost any individual in the public limelight, as Dr. King was, or any public leader in our society today, receives death threats.

Mr. FAUNTROY. Again, in view of those death threats and in retrospect, didn't the release of derogatory and inflammatory information describing him as a traitor to the race and the country run the risk of further poisoning the minds of people who might violently oppose what Dr. King stood for?

Mr. DELOACH. Again, sir, I was not on the investigative side of the house at the time that language was used and, frankly, I am not aware of the fact that such language was ever given out from a public standpoint. That appears to be Mr. Sullivan's usage of inflammatory language, and whether or not it was given out or not, I am not aware of that fact, Mr. Fauntroy.

Mr. FAUNTROY. I just read to you, and you have before you, Martin Luther King exhibit F-450A, which has to do with the Houston article.

Were you not——

Mr. DELOACH. I don't recall the article, sir.

Mr. FAUNTROY. You don't recall?

Mr. DELOACH. No, sir.

Mr. FAUNTROY. You don't deny the FBI did that, do you?

Mr. DELOACH. I don't deny that Mr. Sullivan, Mr. Brennan, made this request, and that Mr. Hoover ordered that it be done; but——

Mr. FAUNTROY. Is that your initial at the end of that memo?

Mr. DELOACH. It is, sir; yes, sir. In the natural flow of mail, it went through my office, and then on in to Mr. Tolson, and then on in to Mr. Hoover; and in these particular cases Mr. Hoover indicated that anything pertaining to this matter he should see personally and make the decision.

Mr. FAUNTROY. So you didn't read this?

Mr. DELOACH. I beg your pardon?

Mr. FAUNTROY. You didn't read this?

Mr. DELOACH. I do not recall reading it.

Mr. FAUNTROY. What does your signature mean?

Mr. DELOACH. My signature?

Mr. FAUNTROY. I mean your initial.

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Mr. DeLoach. My initial means that this piece of mail was received in my office and I read it, and I sent it on in to Mr. Tolson's office, approximately 11½ years ago.

Mr. Fauntroy. And it doesn't mean approval?

Mr. DeLoach. It means that I thought that Mr. Hoover should see this piece of mail. That was my duty, to weed out mail which he should not see and to approve it and send it on my own, or else send it on to him for final approval.

Mr. Fauntroy. So, finally—Mr. Chairman, I do appreciate the extent on which you have allowed me to go on—in your view, the FBI was not sensitive to the possible implications of the derogatory information it attempted to disseminate around the country about Dr. King as a traitor to the race and to the Nation for his own life?

Mr. DeLoach. No, Mr. Fauntroy, I simply stated this, that the few attempts on the part of the FBI to discredit Dr. King, as ordered by Mr. Hoover, did not result, in my opinion, in an atmosphere which would have caused physical harm to Dr. King.

Mr. Fauntroy. I appreciate that opinion, but that is not the question I asked.

The question is: Whether you believed it or not, were you or any of the other persons responsible for these kinds of memos and the carrying out of this campaign against Dr. King—were you aware or sensitive to the fact that this might result in creating a climate within which Dr. King's life might well be taken?

Mr. DeLoach. Mr. Fauntroy, I can't answer that question because, as I testified previously, the greater majority of these memorandums took place prior to my assuming any supervision of the Investigative Divisions of the FBI; but I am not aware of any overall feeling of hysteria as a result of the FBI's actions; just sheer speculation at this late date.

I am trying to testify to the best of my ability.

Mr. Fauntroy. But you recall never having anyone—either in discussion or by memo—expressing some concern about the effect that this campaign could have upon Dr. King's life?

Mr. DeLoach. I have no such recollection, Mr. Fauntroy.

Mr. Fauntroy. Thank you, Mr. Chairman.

Chairman Stokes. The time of the gentleman has expired.

I would like to have the clerk provide the witness with MLK exhibit 438E, please.

Mr. DeLoach. Do you want me to read the entire memorandum?

Chairman Stokes. I just want you to refresh yourself and then I will refer to certain parts of it. This is a memorandum prepared by you?

Mr. DeLoach. That is correct, sir.

Chairman Stokes. It went to Mr. Mohr?

Mr. DeLoach. That is correct. He was my superior at the time.

Chairman Stokes. And the date of the memorandum?

Mr. DeLoach. Is December 2, 1964.

Chairman Stokes. The subject matter?

Mr. DeLoach. Is Martin Luther King. Appointment with Director 3:35 p.m., December 1, 1964.

Chairman Stokes. Bearing upon the part of your reply to Mr. Devine with reference to how the meeting came about, would you read us the first paragraph of that memorandum.

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Mr. DeLoach. Yes, sir.

At Reverend King's request, the Director met with King; Rev. Ralph Abernathy, Secretary of the Southern Christian Leadership Conference (SCLC); Dr. Andrew Young, executive assistant to King; and Walter Fauntroy, SCLC representative here in Washington, at 3:35 p.m., 12-1-64, in the Director's Office.

Chairman Stokes. The memorandum goes on in the next paragraph and makes reference to the fact——

Mr. DeLoach. May I interrupt just one second? I would like the privilege of stating, despite the fact this specifically reads at "Reverend King's request," I made overtures to Mr. Hoover to have this meeting take place, as I have testified to the best of my recollection previously. I still insist on that.

Chairman Stokes. What overtures did you make to Mr. Hoover to try to get him to comply with Dr. King's request for such a meeting?

Mr. DeLoach. No, sir. That too took place, but prior to that I made the suggestion that such a meeting take place.

Chairman Stokes. I am sort of at a loss as to why you would, in your own written memo, say at Dr. King's request.

Mr. DeLoach. Only for the record, Mr. Chairman. Obviously Dr. King initiated the request also for a specific date and time.

Chairman Stokes. Wouldn't it be logical in these circumstances that you would say pursuant to my request to the Director, or something of this sort, rather than at Dr. King's request?

Mr. DeLoach. No, sir. Not on the basis of the telephone call that I received in my opinion—again I am testifying to something that is about 14 years ago—telephone call, to the best of my recollection, I received from the current Ambassador to the United Nations, Mr. Young, who asked the meeting take place, and they wanted it to take place, and I previously tried to contact Dr. King personally, and Dr. King had not returned my calls but obviously had Ambassador Young call me.

Chairman Stokes. Be that as it may, it also appears to me from the way your memo reads that it seems to give further weight to Dr. King having made the request, because in the second paragraph you mention the fact you met King and associates in the hallway and attempted to rush them into the Director's office through the reception room. "King slowly posed for cameras and newsmen before proceeding."

Then you say:

Upon being introduced to the Director, Reverend King indicated his appreciation for Mr. Hoover seeing him and then stated that Reverend Abernathy would speak first.

And then you tell us what Reverend Abernathy told the Director. Then your next paragraph—why don't you read the next paragraph for us, paragraph 4.

Mr. DeLoach.

Reverend King spoke up. He stated it was virtually necessary to keep a working relationship with the FBI. He wanted to clear up any misunderstanding which might have occurred. He stated that some Negroes had told him that the FBI had been ineffective, however, he was inclined to discount such criticism. Reverend King asked that the Director please understand that any criticism of the Director and the FBI which had been attributed to King was either a misquote or an outright misrepresentation. He stated this particularly concerned Albany, Ga. He stated that the only time he had ever criticized the FBI was because of instances in which

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special agents who had been given complaints in civil rights cases regarding brutality by police officers were seen the following day being friendly with those same police officers. King stated this, of course, promoted distrust inasmuch as the police sometimes "brutalized Negroes."

Chairman STOKES. Then, of course, on the second page Reverend King goes into telling the Director he personally appreciated the great work the FBI had done in many instances and refers to what they had done in Mississippi, and so forth. In the next paragraph he specifically states he had never made any personal attack upon Mr. Hoover; is that correct?

Mr. DELOACH. Which paragraph are your referring to now?

Chairman STOKES. Paragraph 2 on the second page. That is the paragraph that reads——

Mr. DELOACH. Yes, sir, I see that.

Chairman STOKES [reading]:

Reverend King stated he had never made any personal attack upon Mr. Hoover. He stated he had merely tried to articulate the feelings of the Negroes in the South in order to keep a tradition of nonviolence rather than violence. He added that the Negro should never be transferred from a policy of nonviolence to one of violence and terror.

Mr. DELOACH. Excuse me, sir, which page are you reading from?

Chairman STOKES. The second page of the memorandum, 438.

Mr. DELOACH. I have the same memorandum but—are you referring to the second paragraph or the first paragraph? Mine starts off: "The Director told Reverend King that the FBI had put the 'fear of God' in the Ku Klux Klan."

Chairman STOKES. That is the third page. You don't have the second page.

Mr. DELOACH. It is the second page of my memorandum, Mr. Chairman. I am sorry, sir.

Mr. FAUNTROY. Mr. Chairman, that may be an error with respect to the Xerox machine. My second page is a blank.

Chairman STOKES. We will take a moment to get this straightened out.

[Additional copy handed to witness.]

I think they have given you now the correct second page which starts out, "Reverend King stated he personally appreciated the great work of the FBI which had been done in so many instances." Is that the way your first paragraph of the second page reads?

Mr. DELOACH. Yes, sir, that is correct.

Chairman STOKES. Prior to making reference to this next section on that second page, I would like to have the record clear that this committee has not received any evidence whatsoever or testimony from any informant, as you stated earlier today, relating to the fact that such an informant had said to this committee Dr. King, if not a Communist, was almost a Communist. There has been no such testimony before this committee. Are you aware of that?

Mr. DELOACH. I am not aware of that, sir.

Chairman STOKES. Since you were dictating this memo, I think it is important for us to make reference to the fifth paragraph there, which I would ask you to read:

Mr. DELOACH. Certainly, sir.

Reverend King stated he has been, and still is, very concerned regarding the matter of communism in the civil rights movement. He stated he knew that the Director was very concerned because he bore the responsibility of security in the

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Nation. Reverend King stated that from a strong philosophical point of view he could never become a communist inasmuch as he recognizes this to be a crippling totalitarian disease. He stated that as a Christian he could never accept communism. He claimed that when he learns of the identity of a communist in his midst he immediately deals with the problem by removing this man. He stated there have been one or two communists who were engaged in fund-raising for the SCLC. Reverend King then corrected himself to say that these one or two men were former Communists and not Party members at the present time.

Shall I read the names?

Chairman STOKES. I think we can leave it blank.

Mr. DELOACH [reading]:

He then identified (blank) as an example. He stated that he insisted that (blank) leave his staff because the success of his organization, the Southern Christian Leadership Conference, was more important than friendship with (blank).

Chairman STOKES. This is what was said there in your presence; is that correct?

Mr. DELOACH. To the best of my knowledge, sir, I took copious notes of what was said in my presence.

Chairman STOKES. I have nothing further at this time.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman. I am sorry I had to step out for a previous commitment.

Mr. DeLoach, was the Justice Department modus operandi different in the King case from other special investigations?

Mr. DELOACH. To the best of my knowledge, sir, I believe there was more emphasis placed on this major case than on previous major cases because of the importance of it. As to the modus operandi, I believe that the FBI, trained as it was in investigative matters, carried out very much the same procedures that they would in any case of a similar nature or matter pertaining to this or a similar nature.

Mr. FITHIAN. During counsel's questioning much was made of the potential failure, I guess, to convene a grand jury and interview the Ray family, et cetera or even interview Ray later. The implication at least I gather from the staff's question was they thought it would have been a good idea, particularly regarding John Ray, Jerry Ray, and so forth. As a law enforcement official, what was your view? Do you think it would have or would not have? I am not asking now whose jurisdiction it was or the territorial turf question. I am really not interested in that at all.

Mr. DELOACH. In my opinion, Mr. Fithian, I think the matters at this particular stage in the fugitive investigation, which was characterized as a civil rights-type investigation but looking at all phases including conspiracy, I think a grand jury would have been very laborious, inefficient, and I think it would have slowed down the investigation.

Mr. FITHIAN. That is the conspiracy thing you think would not necessarily have been furthered by the grand jury?

Mr. DELOACH. Not in my opinion.

Mr. FITHIAN. Tell me, have you ever worked with or supervised or been associated with or known about a conspiracy investigation conducted by the Bureau?

Mr. DELOACH. I do not recall when I was an agent in the field—and I came up from the ranks just like every other agent in the FBI does—ever working on a conspiracy case, Mr. Fithian. When I

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became Assistant to the Director I don't recall any, but I am sure there must have been hundreds of them passing through my office where I read the memorandums.

Mr. FITHIAN. As a career porofessional, if I were a new agent and I was being indoctrinated in working with you, and so on, and I asked you how would we be going about conducting a conspiracy investigation in case X, Y, or Z, what kind of steps would you recommend that I undertake if I am to conduct the investigation of a conspiracy?

Mr. DELOACH. First I would want you to tell me whether or not there were any facts which would lead to a conspiracy rather than wasting the taxpayers' money and the time of the FBI going on a fishing expedition. If you could give me facts, then certainly it should be investigated very thoroughly to determine if there was a conspiracy involved.

Mr. FITHIAN. That didn't answer my question, though, did it?

Mr. DELOACH. No. I am sorry, that is the best I can answer it.

Mr. FITHIAN. You said if there were facts, then you would give me some advice. Setting aside the preamble, give me the advice. How would you conduct a conspiracy investigation? That was the question.

Mr. DELOACH. Mr. Fithian, I think that all parties should be interviewed to determine the proof or negative aspects——

Mr. FITHIAN. All parties would mean what?

Mr. DELOACH. All parties involved in the possible or potential conspiracy.

Mr. FITHIAN. So if you had a prime suspect or even had him in hand, or you were on his trail, and somebody said this job couldn't have been pulled off by a single person, let's simultaneously as we hunt for him conduct a conspiracy investigation, or now that we have him in hand let's conduct a conspiracy investigation. How would you go about it?

Mr. DELOACH. Again you would interview all parties concerned with it.

Mr. FITHIAN. By parties you mean whom—his acquaintances?

Mr. DELOACH. If you had indications indicating they were involved in a conspiracy, yes, sir.

Mr. FITHIAN. You said you wouldn't go on a fishing expedition. If I thought that you were engaged in a crime and you had friends, contacts that might have helped you escape from prison or conduct this crime, I don't think I would have to have any evidence that your friend there might have helped you. I would go sort of surveilling him or start questioning him or bringing him in for interrogation. Isn't that the logical way you would go about it?

Mr. DELOACH. If you start surveilling him, Mr. Fithian, you would certainly be violating his civil liberties. If you start an investigation without any facts, you would be wasting hundreds of thousands of dollars considering the fact that the FBI at that time had over 300,000 investigative matters.

Mr. FITHIAN. What you are saying is even if you had reason to believe there had to be a conspiracy involved, you wouldn't do anything until somebody gave you the evidence that there was conspiracy involved?

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Mr. DeLoach. Not necessarily, I think I would first look to see if there are any facts indicating whether or not there was a conspiracy. In the particular instance you are talking about, as the committee report reflects, there was intense emphasis put——

Mr. Fithian. Let me cut you off there. You said the first step would be to interview all the parties potentially involved?

Mr. DeLoach. That is correct.

Mr. Fithian. What else would you do?

Mr. DeLoach. Based upon the knowledge or information you gained there, you would determine the next step of the investigation, and that would be the possibility of going to the Department of Justice and presenting the facts to them to see what they would suggest if a grand jury was necessary or any other type of investigative activity.

Mr. Fithian. So then, if you really thought there was a conspiracy involved, you might have used a grand jury in case X. I am not talking about the King case. I am not a lawyer and not a law enforcement person. I would like to figure out how people in your profession would track down a conspiracy.

Mr. DeLoach. Mr. Fithian, the former Attorney General of the United States has testified, as has the Assistant Attorney General in charge of the Criminal Division that they feel a grand jury would be laborious, inefficient and ineffective.

Mr. Fithian. So you would not have used a grand jury?

Mr. DeLoach. No, sir.

Mr. Fithian. But you would have interviewed anybody that you thought might have been involved or any acquaintances?

Mr. DeLoach. To the best of my knowledge, yes, sir.

Mr. Fithian. Would you have done anything else?

Mr. DeLoach. I don't know anything else that could be done, unless you had proof of the fact that they were certainly involved.

Mr. Fithian. Let me sketch out for you what it looks like to a layman. A man escapes from prison, he might have been able to do that without any help; right, possibly?

Mr. DeLoach. Yes, sir.

Mr. Fithian. He sustains himself over a very long period of time, and the FBI did a marvelous job, by the way, tracking down how much money he had spent here and there. I compliment you for whatever part you had in that. I think it was a superb investigation on that level.

Mr. DeLoach. Thank you, sir.

Mr. Fithian. But the man did sustain himself a considerable period of time and spent a considerable amount of money over that time. Shouldn't it have loomed in someone's mind that he had to get that money from somewhere?

Mr. DeLoach. Yes, sir, and it did in our minds, Mr. Fithian. I allude to the possibility of a bank robbery investigation in Illinois, and there was an intensive investigation by the FBI to determine whether or not James Earl Ray was involved in that bank robbery. As a matter of fact, to the best of my recollection, several witnesses indicated that his physical characteristics very closely resembled one of the bank robbers in that bank robbery. Again, if I may complete this, excuse me, but to the best of my knowledge there was some $44,500 involved in that bank robbery, or even more,

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which would have given him ample funds to carry out his various travels in stalking Dr. King.

Mr. FITHIAN. So is it your best guess that is the way he financed himself?

Mr. DELOACH. That is my opinion, Mr. Fithian.

Mr. FITHIAN. And the passport that he managed to manufacture, that did not raise any problem for you?

Mr. DELOACH. If you will recall, sir, in Canada at that time—the law has since been changed—but it was very easy to get a passport.

Mr. FITHIAN. So you don't think there had to be any assistance on that score?

Mr. DELOACH. Not as far as passports are concerned, no, sir.

Mr. FITHIAN. You made one request to surveil family members, as I understand it, with electronic surveillance. I didn't quite understand. Are you saying that if you suspect person X in having been implicated in a crime, that you couldn't do a stakeout without violating his civil rights?

Mr. DELOACH. No; my answer did not allude to the Ray brothers, Mr. Congressman; it referred to any instance where the FBI might initiate a physical surveillance without having ample proof as required.

Mr. FITHIAN. I understand that. You are saying, then, that you could not have said, you know, I think he had some help from the family, so let's put a couple agents out there in that neighborhood to just kind of watch and see what happens and watch his or her motions? You couldn't have done that legally?

Mr. DELOACH. Yes, sir, that could have been done, in my opinion, legally, and whether or not it was done I don't recall. I know that when I was in the field in a bank robbery and espionage cases we previously had stakeouts.

Mr. FITHIAN. What other kinds of things could you have done, what other observations could you have made on the Ray brothers without having violated their constitutional rights and their civil rights that might have shed light? It's difficult 10 or 15 years later for us to go back and reconstruct that. It seems to me it would have been easier at the time, with the thousands of agents you had in the field, to do, quite frankly, considerably more than I believe you did.

Mr. DELOACH. I believe if you will read the record, Mr. Fithian, you will find that hundreds and hundreds of interviews were conducted not only with members of the Ray family, as the committee indicated in their report, in an intensive effort to get information from them, but all associates of that family that were known to the FBI, hundreds of interviews. An intensive effort was made in that regard to find out if there was conspiracy involved or if there was any effort to assist their brother; furthermore, to find out the exact location of James Earl Ray.

Mr. FITHIAN. Two other questions, Mr. Chairman, if I may.

One: Is it then your opinion that if James Earl Ray robbed a bank in Alton, he did it alone?

Mr. DELOACH. I don't know that, sir. To the best of my knowledge——

Mr. FITHIAN. Didn't the police cite two individuals involved?

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Mr. DeLoach. Yes; to the best of my knoweledge, there were one or two other individuals, but, you see, James Earl Ray had a record of—again to the best of my knowledge—attempting to rob grocery stores with other individuals, to do this and that. He had a record of crime. So I wouldn't put it past him to have lined up other individuals to assist him in this regard, if in fact a man closely resembling him committed the robbery as our witnesses indicated.

Mr. Fithian. Did you pursue the possible participation of John or Jerry in the bank robbery at all?

Mr. DeLoach. I don't recall that, sir. I feel the record will reflect that but I am sure—I can't say I am sure but I certainly think it would have been a logical investigative lead for the FBI to follow.

Mr. Fithian. Finally, then, what is your best judgment; do you think that James Earl Ray killed Martin Luther King, and if so, that he did or did not have any assistance in that whole matter?

Mr. DeLoach. Mr. Fithian, I think the evidence is overwhelming to prove James Earl Ray killed Martin Luther King, and to the best of my knowledge there are no facts to indicate a conspiracy at this date in time.

Mr. Fithian. Thank you, Mr. Chairman.

Chairman Stokes. The time of the gentleman has expired. The Chair recognizes Professor Blakey.

Mr. Blakey. Mr. Chairman, I wonder if I could ask Mr. DeLoach at least two questions.

Mr. DeLoach, I am sure you will recall in 1965 and 1967 you and I worked with the President's Crime Commission, you representing the Bureau and I was a consultant to that Crime Commission.

Mr. DeLoach. That is correct, sir.

Mr. Blakey. At least my concern in that Commission was on the Crime Task Force.

Mr. DeLoach. That is correct.

Mr. Blakey. I am sure you recall that. That task force recommended to the Commission and the Commission ultimately adopted a recommendation that said that the investigation of sophisticated conspiracies required the integrated use of compulsory process in the context of a grand jury, community techniques and electronic surveillance. I am sure you recall those recommendations.

Mr. DeLoach. I don't recall them specifically, Mr. Blakey, but it sounds logical.

Mr. Blakey. You have testified here this morning that you were satisfied with the contours of development of the King conspiracy case even though it did not involve, except perhaps for one small suggestion, the use of the grand jury, it never involved any effort to secure testimony through immunity grants, and the only electronic surveillance was the one that was suggested by the Bureau but not adopted by the Department, they could not have obtained lawful evidence of a conspiracy.

That is correct, isn't it?

Mr. DeLoach. I have given my opinion concerning that, Mr. Blakey, yes.

Mr. Blakey. I am sure that you may also recall with me that in 1968 the Congress passed the Crime Control Act of that year. It gave to the Department of Justice a fairly extensive immunity

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power in 18 U.S.C. 2514, and wiretapping authority in 18 U.S.C. 2516. Do you recall that?

Mr. DeLoach. I don't recall that, no, sir.

Mr. Blakey. Would you accept my statement that it, in fact, did occur?

Mr. DeLoach. Certainly, sir.

Mr. Blakey. Suppose I were to tell you, Mr. DeLoach, that this committee, since it began its investigation of this year, utilizing its executive session as if it were a grand jury, and utilizing its congressional subpena power as if it were a grand jury subpena power, and utilizing the immunity techniques that were granted to the Congress by the Organized Crime Control Act of 1970, was able to pick up on information that reasonably could have been available to the FBI in 1967, and, utilizing those techniques recommended by the President's Crime Commission in 1967 but not utilized by the FBI or the Department of Justice together or separately in 1968, was able to develop even 10 years after the fact the outlines of a conspiracy case, that may well have involved individuals who plotted the death of Dr. King and may well have involved actually bringing about the events in Memphis.

If that were true, would that lead you to reconsider your judgment that what was done in 1968 was satisfactory?

Mr. DeLoach. Mr. Blakey, I have testified to the fact that to the best of my knowledge I know of no conspiracy involving the assassination of Dr. King, and to the best of my knowledge, also in my opinion, definite opinion, James Earl Ray committed this crime. I am not aware of any conditional facts and you have not given me any additional facts which would indicate there is a conspiracy.

Mr. Blakey. Let me see if I can't go back again. Suppose I suggested to you that this committee had been able to obtain that kind of evidence, utilizing in however a fashion in a congressional context those techniques—in other words, I am telling you in fact that that evidence was developed—would that lead you to reconsider your judgment that you are satisfied with what happened in 1968?

Mr. DeLoach. If you could show me any facts which indicated a conspiracy, Mr. Blakey, I would certainly be glad to reconsider. But as your report indicates, you have no evidence indicating a conspiracy.

Mr. Blakey. Mr. DeLoach, I am not aware that report indicates that.

Mr. DeLoach. You would not rule out a conspiracy but you did not indicate that you had facts indicating a conspiracy, to the best of my knowledge, after scanning your report.

Mr. Blakey. I suspect the record will have to speak for itself on that.

In response to Chairman Fauntroy's question, you indicated that you did not feel that the FBI's harassment or propaganda campaign directed at Dr. King in fact so created an atmosphere that the assassination may have occurred as it did in Memphis because no evidence had been brought to your attention that James Earl Ray or others that he may have been associated with had ever been reached by that propaganda.

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Suppose I were to tell you that this committee has, in fact, developed evidence that to some degree at least, that circle of people who may have plotted the death of Dr. King and whose actions may have contributed to James Earl Ray's conduct in Memphis were, in fact, touched by the FBI propaganda campaign?

Mr. DeLoach. I am not aware of that.

Mr. Blakey. But, Mr. DeLoach, the question is, suppose I told you that this committee has developed that evidence; would that lead you to reconsider the degree to which the FBI may be responsible in some degree for Dr. King's death?

Mr. DeLoach. Mr. Blakey, if you can show me indisputable facts, certainly I would reconsider. But you have shown me no such facts. You asked me for my opinion and I gave you my opinion.

Mr. Blakey. I have no further questions, Mr. Chairman.

Chairman Stokes. Mr. DeLoach, you have indicated there were certain documents that you would like to provide for the record and have included in the record here today.

Mr. DeLoach. Mr. Chairman, it is only a letter which I read from Attorney General Clark, and I would certainly be glad to turn that over, and any other letters that I have, plus a statement from Mr. Hoover concerning my personal handling of this case along with Mr. Rosen and others, but I see no need for it unless the committee wants it. I read the letter to Mr. Clark, and that is sufficient, in my opinion. But you are certainly entitled to have this if you wish.

Chairman Stokes. It is up to you. If you would like to have it included in the record, we would be glad to mark it appropriately and have it entered into the record.

Mr. Devine. Mr. Chairman, I would like to have it included in the record.

Chairman Stokes. Without objection, then, the documents will be marked appropriately MLK F-530, F-531, F-532, F-533, F-534, and F-535 and made a part of the record at this point.

[The information follows:]

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DEPUTY ATTORNEY GENERAL

2 December 65

Dear Locke,

Warmest congratulations on your appointment as Assistant to the Director. This is a high and well deserved honor indeed.

It is a privilege to be associated with you in the Department and reassuring to know that the great Bureau will now employ your talents to even higher purposes.

Sincerely

Ramsey

MLK EXHIBIT F-530

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DIRECTOR OF PUBLIC INFORMATION
DEPARTMENT OF JUSTICE
WASHINGTON

December 2, 1965

JACOB ROSENTHAL

Dear Deke:

A fine news manager you are--leaking the story of your own promotion to Ben Bradlee.

Seriously, let me offer my warmest congratulations on your promotion. I know that in your new position you will, as you have in your present position, bring great credit to the Department, the Bureau and yourself.

Best wishes.

Sincerely,

Jack

Mr. Cartha D. DeLoach
Assistant Director
Federal Bureau of Investigation
Washington, D. C.

MLK Exhibit F-531

Digitized by Google

ASSISTANT ATTORNEY GENERAL
WASHINGTON

J. WALTER YEAGLEY

December 6, 1965

Mr. Cartha D. DeLoach
Assistant to the Director
Federal Bureau of Investigation
Department of Justice
Washington, D. C.

Dear Deke:

I was delighted to learn that the Director intends to promote you to the position of Assistant to the Director. Heartiest congratulations and best wishes. It is a tremendous job but I know you will come up with a top flight performance.

Whenever we can be of any assistance here please let me know.

Good luck and with best personal regards, I am

Sincerely yours,

Walt

J. Walter Yeagley

MLK Exhibit F-532

ASSISTANT ATTORNEY GENERAL
INTERNAL SECURITY DIVISION

Department of Justice
Washington
20530

DEC 6 1965

Mr. Cartha D. DeLoach
Assistant to the Director
Federal Bureau of Investigation
Washington, D. C. 20535

Dear Deke:

I could not let this occasion pass without extending to you my sincere congratulations on your new appointment to the position of Assistant to the Director.

In you, once again Mr. Hoover has selected a dedicated and devoted public servant to assist him in the maintenance of the high standards which has made the Federal Bureau of Investigation great.

Best of luck and Godspeed to you and your family in your new assignment.

Sincerely,

John

John F. Doherty
First Assistant

MLK Exhibit F-533

Digitized by Google

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the Division Indicated and Refer to Initials and Number

Room 3266
Dec. 7, 1965.

Dear Deke.

Congratulations on your well merited promotion. No finer, better qualified and more personable individual could have been found for that eminent post. I take pride in having your acquaintance.

May the good Lord grant you and your grand family many years of good health and happiness. As in the past, I feel certain you will in the future contribute much to the safety, security and welfare of our beloved United States of America.

Sincerely,
Ben Pollack

P.S. A merry Christmas and a very happy New Year.

MLK EXHIBIT F-534

Digitized by Google

ASSISTANT ATTORNEY GENERAL
WASHINGTON

December 29, 1965

Dear Deke —

I have just learned of your well-deserved promotion; am delighted and offer heartiest congratulations. And what a perfect time for it to come. Actually congratulations are most in order to the Bureau and the Department which are the big gainers in this new move.

I am very proud to have you as my friend.

All the best and continued success in 1966.

As ever,

Ed Weisl-L.

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Mr. BEESON. Mr. Chairman.

Chairman STOKES. Mr. Beeson.

Mr. BEESON. Along those lines, Mr. Stokes, if I could ask officially at this time that Martin Luther King exhibits F-441B, F-507, F-508, F-509, F-510, and F-511 be incorporated in the official record of this hearing.

Chairman STOKES. Without objection, they may be entered into the record at this point.

[The information follows:]

MLK EXHIBIT F-441B

MLK #441 B

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. C. D. DeLoach
1 - Mr. J. P. Mohr

TO : Mr. W. C. Sullivan

DATE: April 10, 1967

1 - Mr. R. E. Wick
1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan
1 - Liaison
1 - Mr. Shackelford
1 - Mr. D. M. Wells

FROM : C. D. Brennan

SUBJECT: COMMUNIST INFLUENCE IN RACIAL MATTERS - A CURRENT ANALYSIS

PURPOSE:

To obtain authorization for high level dissemination of a document captioned as above which shows the degree of communist influence on Martin Luther King.

Enclosed is a document captioned as above, which depicts communist influence in the civil rights field, emphasizing the key role of Martin Luther King, Jr. This document is a current revision of the previous analysis captioned "Communism and the Negro Movement - A Current Analysis," prepared and disseminated in November, 1964. In updating it, we have emphasized these areas: (1) continued reliance of King upon former Communist Party, USA, members, particularly [redacted]; (2) facts relating to King's [redacted] and (3) [redacted]

King's strong criticism and condemnation of the Administration's policy on Vietnam in a speech he made at New York on 4/4/67 shows how much he has been influenced by communist advisors. His speech was a direct parallel of the communist position on Vietnam.

It is felt that the President would be interested in a summary on King which shows the degree of communist influence on him. The attached paper constitutes a complete picture and strong indictment of King in that regard.

RECOMMENDATIONS:

It is recommended that

(1) The attached letters, with enclosures, to the White House and the Attorney General be forwarded to Assistant to the Director DeLoach for transmittal to Mrs. Mildred Stegall, the White House, and the Attorney General.

Enclosure

100-442529

REC-71

CONTINUED - OVER

RLS:DMW/jav/cst. (9)

5 6 MAY 22 1967

Declassified by [illegible] on [illegible] by [illegible]

Digitized by Google

Memorandum to Mr. Sullivan
Re: COMMUNIST INFLUENCE IN RACIAL
MATTERS - A CURRENT ANALYSIS
100-442529

(2) The attached letters, with enclosures, to the Secretary of State, the Secretary of Defense, and the Director of the Secret Service be forwarded to the Liaison Section for transmittal.

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ROUTING ENVELOPE

#101,243

F-507

The Attorney General — JUNE — May 13, 1968

Director, FBI

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. McGowan
1 - Mr. Long

ASSASSINATION OF MARTIN LUTHER KING, JR.

James Earl Ray has been identified as the subject in the case involving the murder of Martin Luther King, Jr.

Extensive investigation has been conducted, and no information has been developed indicating his present whereabouts. In order to possibly assist in locating and apprehending the subject, it would be of extreme value to know if the subject has made any contact, either personal or by telephone, with his sister, Carol Pepper, as well as his brother, John Larry Ray.

In view of the above, it is requested that you authorize installation of a technical surveillance at the residence of Carol Pepper and at the Grapevine Tavern, owned by Carol Pepper and operated by John Larry Ray. It is also requested that you authorize installation of microphone surveillances on the residences of Carol Pepper, John Larry Ray, as well as the Grapevine Tavern.

These installations could assist in the early apprehension of the subject, which could possibly be instrumental in reducing the stresses and tension placed on our national security subsequent to the death of Martin Luther King, Jr.

REL:vac
(7)

NOTE: See memorandum A. Rosen to Mr. DeLoach dated 5-8-68, caption "MURKIN," RE:srg.

EX-115

44-38861-3509

81 MAY 17 1968

SENT FROM D. O.
TIME 5:26 PM
DATE 5-13-68
BY

5 MAY 24 1968

MLK Exhibit F-507

Digitized by Google

MLK EXHIBIT F-508

[redacted]
UNITED STATES GOVERNMENT

259

Memorandum

TO : Director, FBI DATE: 10/11/68

FROM: SAC, Memphis (44-1987) (P)

SUBJECT: [redacted]
MURKIN

Enclosed are two Xerox copies of a letter and envelope addressed by subject JAMES EARL RAY to Mr. ARTHUR HANES, SR., Attorney, 617 Frank Nelson Bldg., Birmingham, Ala. This letter was written by RAY, 10/3/68, while incarcerated in Shelby County Jail, Memphis, Tenn.

Copies of this letter are furnished to the Bureau for information only.

E

E
ENCLOSURE

(2) Bureau (Enc.-2)
1 - Memphis
RGJ:ME
(3)

1 COPIES MADE, DATE [illegible] BY [illegible]
FOR REVIEW AT [illegible]
TO [illegible]
(SEE [illegible])

EX-100

REC-38 44-38861-5235

OCT 14 1968

1 Enclosure
2 Dept. Atty
CR. Room 7760

OCT 18 1968

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Digitized by Google

J. RAY
COUNTY JAIL
MEMPHIS, TENN.



To Mr. Arthur Hanes Jr. Attorney.
617- Frank Nelson Bldg,
Birmingham, Alabama
35203

10-3-68

Dear Mr Hanes,

I'll just write a short letter to let you know everything is alright, am still gaining weight and sleeping 8½ hrs a day. Jerry is coming down shortly, but Ongoing to have him visit until I see you again, since I want to give him the papers also if you have one of those blank power of attorney I want him to have one of them I will close for now.

Sincerely

ENCLOSURE 44-38956-1-523

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MLK EXHIBIT F-509

UNITED STATES GOVERNMENT

Memorandum # 259 # 262

TO : Director, FBI (44-38861) DATE: 10/14/68

FROM : SAC, Memphis (44-1982) (P)

SUBJECT: MURKIN

Submitted herewith for the Bureau's information are two copies of an Order issued by Judge W. PRESTON BATTLE, Memphis, Tenn., relative to seating accommodations in the courtroom in anticipation of forthcoming trial.

Also submitted are two copies of an "Order on Scire Facias," issued by Judge BATTLE.

In addition to the above Orders issued by Judge BATTLE, there are enclosed two copies each of the following:

Letter prepared by subject JAMES EARL RAY to his brother JERRY, dated October 14, 1968.

Letter dated October 9, 1968, addressed to subject by his brother, JERRY RAY, St. Louis, Mo.

Letter dated October 14, 1968 from subject to Attorney ARTHUR HANES.

2 - Bureau (Enc.-10) ENCLOSURE
1 - Memphis
RGJ:MK
(3)

REC 53 44-38861-52

EX-100

18 OCT 15 1968

OCT 25 1968

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Digitized by Google

J. RAY
MEMPHIS, TENN.
COUNTY JAIL

To. Mr. Arthur Hanes.
Att. at Law.
Birmingham, Alabama
35203

sept. 14-68

Dear Mr. Hanes,

I will just write a short note
everything is about the same, the papers
have been writing about 2 articles everyday
about the case, the last article took up
the whole front page of the 2nd section,
I guess they had a lot to brief from
the state attorney office as they come
up with a couple new theorys, also
bring me up a set of books as one
supposed to be a Reppie according
to the last article, the main reason
I am writing this letter is to say

Oct-14-68

Is you on att. Gen Clark from England.
I read in the paper a couple of days ago where
the federal courts are using the title to
get convictions.
Well I suppose that all for now

Sincerely
James E. Ray.
memphis county jail

MLK Exhibit F-510



F-510

260

FBI

Date: 10-24-68

Transmit the following in AIRTEL (Type in plaintext or code)

Via AM (Priority)

Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987)

MURKIN

Foreign Govt Agency and info

Submitted herewith for the information and assistance of the Bureau are three items of correspondence. The first is [redacted] The second letter was prepared by JAMES EARL RAY and forwarded to Honorable W. PRESTON BATTLE, Criminal Courts Building, Memphis, Tennessee. The third is from subject RAY to his attorney, ARTHUR HANES,

Of significance, RAY in his letter to HANES requests that Mr. HUIE not go to any of the addresses in Miami until after the trial. In this connection, RAY also states "that part of the story just covers a few days anyhow and is not too important."

The above material is being furnished for the Bureau's information.

ENCLOSURE
(3) BUREAU (Enc. 6)(AM)
1 MEMPHIS
RGJ:HN
(4)

Rec Bureau 10/31/68 AM

EX-102
44-38861-5321
REC-52
12 NOV 7 1968

C. C. - Bishop

9 NOV 14 1968

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

Digitized by Google

To. Mr. Arthur Howe, etc.
617 - Frank Nelson Bldg.
Birmingham, Alabama
35203

10-18-67.

Dear Mr. Howe;

I was thinking about the long list of witnesses yesterday. It seems most of them resulted from Mrs. Hein going to Chicago. Therefore ask him not to go to any of the addresses in Miami until after the trial starts. That way if Clark sends a couple dozen then it would be too late to put them on the witness list. That part of the story just covers a few days anyhow and is not so important; also if you don't decide then just send all of them to Jerry.

That all for now.

Sincerely J. Lee

MLK EXHIBIT F-511

121
317

1:05 PM June 28, 1968

MEMORANDUM FOR MR. TOLSON
MR. DE LOACH
MR. ROSEN
MR. BISHOP
MR. SULLIVAN

O'Malley

While talking to Attorney General Ramsey Clark on another matter, he asked how the James Earl Ray investigation looked now. I said I thought it was more or less stymied in legal technicalities in Great Britain as it has to go through a long process on extradition. I commented that, of course, the lawyer who has gone over to represent Ray is a former FBI Agent; that he is no good and was the attorney in the Mrs. Viola Liuzzo case, but, of course, we got convictions in that, but the lawyer has always been strongly pro-Klan. I said he was a lawyer of Birmingham, Alabama, at one time and at that time he was a strong supporter of "Bull" Connor and I thought it significant that Ray should get a fellow who has certainly a strong smell of the Klan about him. I said he denies that he is a Klansman or that he ever attended any of their meetings and he claims he does not know how Ray came to ask for him as his lawyer. I said that Ray claims he read about him in the newspaper when he was in the penitentiary in Missouri. The Attorney General said he does not see how Ray would remember that. I agreed and told the Attorney General that the lawyer and his son, who is a partner, went over to England and we alerted our London Office to alert the British as to his background so they would know with whom they are dealing.

The Attorney General asked how long ago the fellow was with the Bureau and I stated it must have been before the war. The Attorney General then asked how long he was with the Bureau and I told him about three years and that he then went into the practice of law and got into politics in Birmingham and, as I had said, he was a very strong supporter of "Bull" Connor in the use of police dogs, et cetera, in civil rights matters. I said he was the lawyer in the Liuzzo case and won in the local court and then it went into the Federal court on civil rights and he lost. I said he has made many public statements against Martin Luther King when King was living and he has strong animosity against King and against Kennedy. I said it was significant that he is the attorney selected by Ray to represent him in the trial in this country. I said

SEC 6 44-38861-4669

JEH:edm (8)

9 JUN 28 1968

ENCLOSURE

he does not intend to ask for a change of venue if he is to be tried in Memphis. The Attorney General asked if we were getting any evidence that Ray had somebody helping him and supporting him and I told him none whatsoever. I said we were checking various lines as to Ray and Sirhan Sirhan in the Robert F. Kennedy case as to the mysterious woman in the pantry of the Ambassador Hotel and so far they have all fallen through. I said the girl in the Sirhan case has refused to take a lie detector test, but I thought the police were going to give her one although so far she has refused to take one. The Attorney General asked if this were the woman in the polka dot dress and I told him it was the one who claimed she saw the woman in the polka dot dress. The Attorney General said he had read the report on her and got the feeling she was unbalanced. I commented that she was seeking publicity.

I continued that we are also checking as to who was with Sirhan Sirhan at the rifle range when he was practicing with the revolver as well as persons with him when he bought the ammunition. I stated in these instances they were men.

I stated that in Ray's case, we have not found a single angle that would indicate a conspiracy. I said the only significant thing is the money he had and which he spent freely in paying bills and I thought that could have been obtained from a bank robbery. The Attorney General said that if we could show he robbed the bank at Alton, it would be helpful. I said we are working on that because he was paying his bills with $50 bills up to his arrest. I said on the other hand he stayed at flop houses and never stayed at a first-class hotel but at the same time he spent, I thought, $1200 or more in buying guns and the car, which I thought was $1500, and then he took dancing lessons, bartender lessons, and lessons in picking locks, and that is why I think security is so exceedingly important not only in England but on the way back to this country and when he gets here.

The Attorney General commented that he hoped my men can bring him back and asked if that were satisfactory. I told him it was and that I would be strongly of the opinion, unless there is a compelling reason to the contrary, that he ought to be brought back by military plane; that I could not see any difference between a military plane, a Cunard liner, or Pan American; and on the military plane we would have our Agents and have Ray confined with

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leg irons and handcuffs. I said he is a dangerous individual and is not a damn fool; that he is desperate and will make any effort to escape that he can. I said I thought he should be landed at the Naval airport in Memphis and not the regular airport. The Attorney General asked if we should have a representative of the Memphis Police Department on board or not, and I said I would not think so. I said I would think we would be responsible for taking him from the British and arrange with Frank Holloman to have the Memphis Police at the airport in Memphis on arrival, but to do it almost on an "eyes only" basis so there will be no leak as to where or when he is coming in because we will be plagued by the press, as they are trying everything they can in England to get a line on when he is being moved. I said I noted the lawyer says he expects to be advised exactly when and where he will depart. The Attorney General commented that he will know when he gets in.

I said there is a military airport in London and I thought that is where the military plane should land if it goes from this country with absolute silence on the part of the Commanding General as to its departure; that the first knowledge in this country would come when he is delivered to the Memphis Police with sufficient time to get him into jail. I said the plane should arrive so as not to allow them to go through the city in the daytime but to arrive around 2:00 or 3:00 in the morning. The Attorney General said he was sure that was exactly right. I said otherwise there will be efforts to kill him if there is a conspiracy and if there is no conspiracy, the supporters of Dr. King will do everything in their power to kill him. I said the same thing is true in the case of Sirhan Sirhan in Los Angeles because the feelings on behalf of the Kennedy followers is so strong that they will have to take great precautions to see he is not killed. I said it would be a horrible thing as it would be charged it was done by the Federal Government or something like that and for that reason it must be very carefully handled both as to transportation of Ray from London and incarceration, if he is ever extradited as I think it is going to drag on for five or six weeks. I said what I am afraid of is that there is going to develop in this country criticism on the part of the British in getting this fellow back here. I said people have asked how soon he will be brought back and I have told them it is up to the British as it is not our responsibility as we have done everything so that he has legal representation.

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The Attorney General stated that Assistant Attorney General Fred Vinson, Jr., will be going back over to England Monday night as the Home Secretary and our Ambassador asked that he come back. He said that we have urged in every way that it be speeded up because of the strong feeling in this country about it.

The Attorney General asked then if I thought a military plane is better than leasing a commercial plane and I said I did because when you lease a commercial plane, you would have a crew, unless you put a military crew on it, but there would be no purpose putting a military crew on a commercial plane. I said I could not see any legal difficulty as the method of getting him back does not make much difference as to the legality of the thing or the image of it. The Attorney General commented that he had been thinking the other way. I said he is a dangerous man and has proven himself to be very clever as he headed for various parts of the world as I thought he was headed for Brussels to join the mercenaries and he had plans to go to Rhodesia and he was in Lisbon where he laid around for about a week and came back to London. I said the London Police have never been able to pick up what he was doing for the balance of the time. I said he is a slippery, shrewd individual and he is most contemptuous in manner and action with the prison authorities over there. I said another thing about the British is that they are not tight on security as they do not search a person unless he is convicted and they do not search anybody visiting someone in jail, but that is the old British procedure. The Attorney General commented that it is absolutely wrong. I said I thought any person visiting a prisoner ought to be searched. The Attorney General said he thought my men talked them into doing that. I said they finally did, but they always talk about traditions over there. The Attorney General commented that they were about as strict as anybody on those.

I said I thought we have a very serious problem in moving this fellow and we ought to do it with very carefully laid out plans and take him into the Naval airport in Memphis and arrange to turn him over to Holloman and then announce he is in the custody of the Memphis Police. The Attorney General said he hoped my men were working on that so we will be ready and I told him we were.

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I told the Attorney General that the men who were in London were back here, as one man's father had a serious heart attack. I said one is Special Agent Zeiss, whom he may remember, and the Attorney General said he did, that he was a close friend of his father's and his son knows him, too. I said he will be on the plane and so would John T. Minnich. The Attorney General commented this would be ideal.

The Attorney General asked how we thought Ray got the three names he used. I said this again shows his astuteness as all three are living people residing in Canada who never knew him and never heard of him. I said on the other hand, Ray spent last year, when he was wandering around the country, a great portion of the time in Canada and I thought he was planning this thing and seeking a double identity like Sneyd, Galt, and Bridgeman and checking out those names so if there were any check made on his application for a birth certificate, they could ascertain such a person existed. I said this shows his shrewdness. I said I think we are dealing with a man who is not an ordinary criminal in the usual sense, but a man capable of doing any kind of a sly act. The Attorney General said he was exceptionally clever.

I said Sirhan Sirhan is a different individual as he is a fanatic and killed Robert Kennedy because he spoke in favor of Israel and this fellow being an Arab became intensely bitter against Kennedy and felt he should be killed, which he did, but he is a fanatic and Ray is not a fanatic in that sense. I said I think Ray is a racist and detested Negroes and Martin Luther King and there is indication that prior to the Memphis situation, he had information about King speaking in other towns and then picked out Memphis. I said I think he acted entirely alone, but we are not closing our minds that others might be associated with him and we have to run down every lead.

I said we are getting more crank letters and letters about other people who are going to be killed who are in high office, such as Senator Edward Kennedy, et cetera. I said one does not realize how many nuts are loose in this country until we have a case like this. The Attorney General said it brings them out. I said we have to be careful of all of them; that we take about three away a week who come to my office who complain about persecution and sometimes they are armed and we send them to the hospital and then they are sent to St. Elizabeth's and in two or three months they are back on the streets. The Attorney General said we are going to have to find new ways to deal with that problem as it is not effective now. I said it

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is a problem for the psychiatrists but they are apparently doing little to cure them, but they are mentally unbalanced. The Attorney General said it is a public safety problem now. I said I do not favor the view that the country is depraved and all that. I said I think we have a great block of fine people in this country; that there may be some depraved citizens, but it is not a depraved society. The Attorney General said he thought there was too much emphasis today in the press that society is sick; that it is the fashionable thing to do.

I said I hoped the new Commission the President has appointed will keep a balanced viewpoint as to that because the other Commission went far astray in regard to white racism. I said there is racism but not as predominantly as the Kerner Commission found it to be. The Attorney General said he had never found it so. I said as an example take the meeting yesterday (Solidarity Day); that more than 50% of those who attended were white and it was not predominantly Negro. The Attorney General said that was surprising to him and he felt better to see it that way. I said this shows that white racism is not as predominant as we have been led to believe. I said I hope the Eisenhower Commission when they get around to their findings view it with an unemotional attitude. The Attorney General said there are some good people on the Commission. I said it seems it should be done without emotionalism or crying fire. I said I get annoyed with the editorials about our sick society as I do not believe there is such a thing in this country although there are some sick citizens. The Attorney General said that if I could make this point in the Law Enforcement Bulletin on the Director's page, he thought it would be helpful. I said I have been working on that just recently; that the idea was given to me by McGill of the Atlanta Constitution. I said he had a fine editorial about the attacks on the FBI because we had not found the King murderer after two months and the cracks that we were not trying to find him and then he quoted several verses of the Bible which portrayed Christ as not interested in the poor, but it showed again that there is always an effort to tear down and destroy. I commented that I thought there was a tendency to debunk our Patriots in history. I said it was that sort of thing that I thought drove President Johnson from running for a second term and the Attorney General agreed.

- 6 -

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Memorandum for Messrs. Tolson, DeLoach, Rosen, Bishop June 28, 1968

I mentioned the Students for a Democratic Society as a minority group dominating and the Attorney General said it was a tiny group. I said it is a bad group and it played a big part yesterday at this meeting as they attended but it was just like the Columbia University thing. I said that was staged by only about thirty individuals who closed the university which has thousands of students. The Attorney General said they are a pretty clever and effective group and have to be watched carefully. I said they are more effective than out and out communists. The Attorney General said they are doing more harm. I said they are moving into every area they can and we have been watching them closely and we have some good informants. The Attorney General said he thought that is really vital because they are a dangerous group.

The Attorney General expressed his appreciation and said he would keep me posted on this registration of guns.

Very truly yours,

J. E. H.

John Edgar Hoover
Director

SENT FROM D. C.
TIME 11:45AM
DATE 6-28-68
BY ADD

- 7 -

Chairman STOKES. It would also be appropriate to enter into the record the following additional materials, having to do with the Bureau's COINTELPRO news media efforts, at this time.[1] They will be designated MLK exhibits F-515, F-516, F-517, F-518, F-519, F-520, F-521, and F-522.

[1] These and other materials bearing on the FBI's use of the news media to further COINTELPRO efforts are found in the section of the committee's final report which discusses the Bureau's preassassination investigation of Dr. King.

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MLK Ex. F-515

FBI Tried To Hide Ties With Globe-Democrat

By CURT MATTHEWS
and ROBERT ADAMS
Washington Correspondents
of the Post-Dispatch

WASHINGTON, Dec. 1 — The Federal Bureau of Investigation took steps to keep secret its relationship with the St. Louis Globe-Democrat during the middle and late 1960s, according to FBI documents obtained by the Post-Dispatch.

Agents in St. Louis were reminded repeatedly in messages from FBI headquarters in Washington that the identity of the bureau as the source of news tips and editorial suggestions to the Globe-Democrat must be kept secret.

The FBI documents show that the bureau considered its access to the Globe-Democrat an important part of the counter-intelligence operation in St. Louis against so-called "new left" organizations, dissidents, and persons suspected of being Communists.

Numerous FBI messages marked "urgent," some sent in code, discuss the use of the Globe-Democrat to expose or embarrass individuals in St. Louis.

The FBI papers cover the period — the 1960s and early 1970s — during which the bureau's special counter-intelligence program Cointelpro was in operation. The documents were among 52,600 pages of material about the program that were made available to the Post-Dispatch and other news organizations under the Freedom of Information Act.

The documents say that the newspaper cooperated with attempts by the FBI to:

—Focus public attention on a visiting "Marxist theoretician" who came to St. Louis to speak at several universities.

—Expose the identity of two men who attended the 1966 convention of the Communist Party in New York.

—Question individuals under surveillance by the FBI.

At least one reporter and a high-level news executive at the Globe-Democrat were looked upon by the St. Louis FBI office as key outlets in the mid-1960s for news the bureau wanted published, according to the FBI documents.

Denny Walsh, a former Globe-Democrat reporter now working in Sacramento, Calif., confirmed that he was the reporter referred to in a number of FBI documents stating that the Globe-Democrat was helpful in carrying out counter-intelligence operations in St. Louis.

Walsh said also that the late Richard H. Amberg, then the publisher of the Globe-Democrat, had a "very cordial" relationship with the FBI office in St. Louis. Walsh said Amberg was "beyond doubt" the news executive referred to in numerous FBI documents as "very cooperative and discreet." (Amberg died on Sept. 4, 1967.)

Several attempts in recent days to obtain comments from G. Duncan Bauman, now publisher of the Globe-Democrat, and other news executives at the newspaper regarding the FBI documents were unsuccessful.

Other former Globe-Democrat employees who were made familiar with the contents of the documents agreed that Walsh and Amberg were the Globe-Democrat employees whom the FBI referred to frequently as "friendly" and "cooperative."

Before making the documents available to the Post-Dispatch, the bureau blacked out all names to protect the privacy of individuals mentioned. However, in one document relating to the Globe-Democrat, the name of Amberg is readable through the blackout.

The memo says: "On 6/24/66 MR. RICHARD H. AMBERG, publisher of the St. Louis Globe-Democrat', SLMO, was furnished information regarding LANDBERG 'S attendance at the DCA Convention and CP Convention, and the possibility of a news article based on an interview with him following his return to St. Louis was discussed."

The "Landberg" referred to in the message was Ronald I. Landberg, former St. Louis-area coordinator for the W.E.B. Dubois Club. The initials DCA refer to the Dubois Club of America; "CP" was bureau shorthand for Communist Party.

The memo continues, "Specifically the

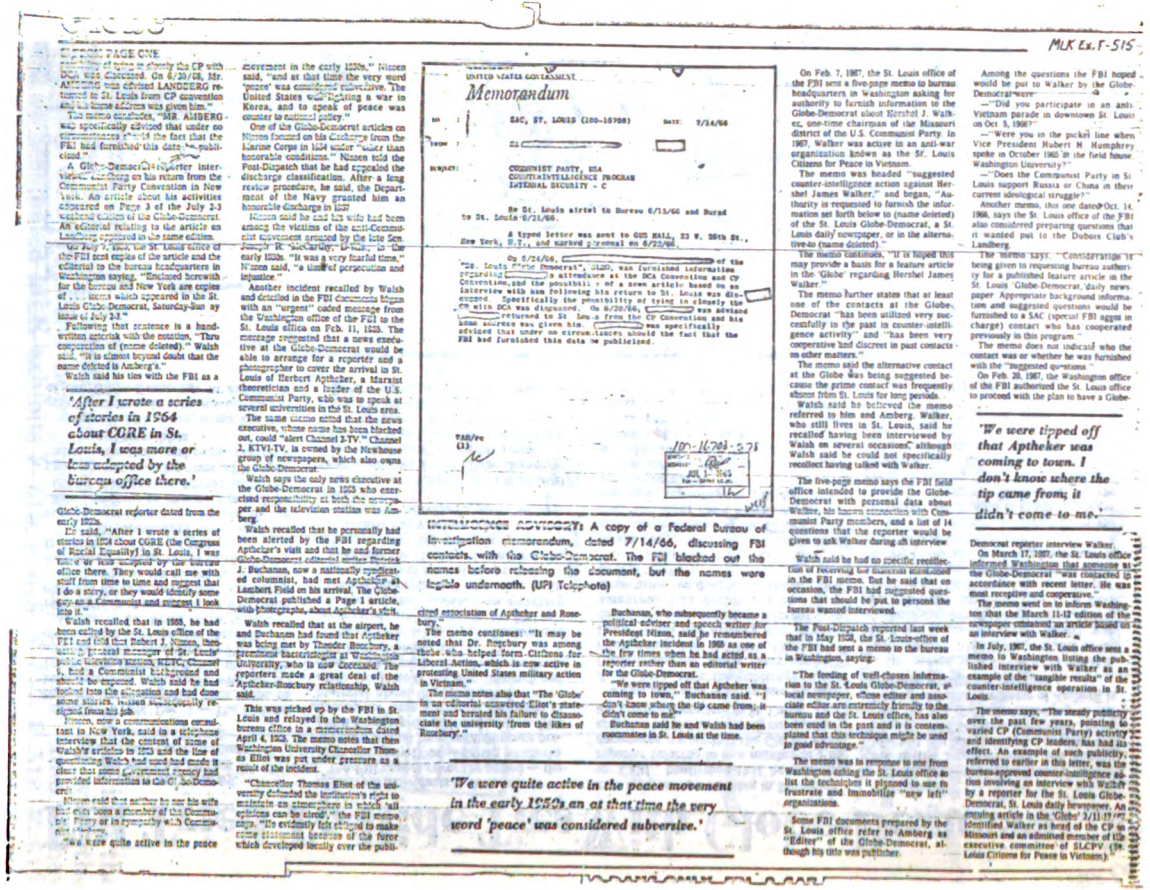
See GLOBE, Page 6



MLK Exhibit F-515

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MLK Ex. F-515



UNITED STATES GOVERNMENT

Memorandum

TO : SAC, ST. LOUIS (100-16708) DATE: 7/14/66

FROM :

SUBJECT: COMMUNIST PARTY, USA
COUNTERINTELLIGENCE PROGRAM
INTERNAL SECURITY - C

Re St. Louis airtel to Bureau 6/13/66 and Buread to St. Louis 6/21/66.

A typed letter was sent to GUS HALL, 23 W. 26th St., New York, N.Y., and marked personal on 6/23/66.

On 6/24/66, [redacted] of the "St. Louis Globe Democrat", JLGD, was furnished information regarding [redacted] in attendance at the DCA Convention and CP Convention, and the possibility of a news article based on an interview with him following his return to St. Louis was discussed. Specifically the possibility of tying in closely the CP with DCA was discussed. On 6/30/66, [redacted] was advised returned to St. Louis from the CP Convention and his name appears may given him. [redacted] was specifically advised that under no circumstances should the fact that the FBI had furnished this data be publicized.

EAH/ee
(3)

100-16708-578

JUL 1 1966

INSTRUCTIONS ADVISORY: A copy of a Federal Bureau of Investigation memorandum, dated 7/14/66, discussing FBI contacts with the Globe-Democrat. The FBI blacked out the names before releasing the document, but the names were legible underneath. (UPI Telephoto)

'After I wrote a series of stories in 1964 about CORE in St. Louis, I was more or less adopted by the bureau office there.'

Globe-Democrat reporter dated from the early 1950s.

He said, "After I wrote a series of stories in 1964 about CORE (the Congress of Racial Equality) in St. Louis, I was more or less adopted by the bureau office there. They would call me with stuff from time to time and suggest that I do a story, or they would identify some guy as a Communist and suggest I look into it."

Walsh recalled that in 1958, he had been called by the St. Louis office of the FBI and told that Robert J. Nixon, then a general manager of St. Louis' publicly-owned station, KETC, Channel 9, had a Communist background and should be exposed. Walsh said he had looked into the allegation and had done some stories. Nixon subsequently resigned from his job.

Nixon, now a communications consultant in New York, said in a telephone interview that the content of some of Walsh's articles in 1958 and the line of questioning Walsh had used had made it clear that some Government agency had provided information to the Globe-Democrat.

Nixon said that neither he nor his wife had ever been a member of the Communist Party or in sympathy with Communist causes.

"We were quite active in the peace movement in the early 1950s," Nixon said, "and at that time the very word 'peace' was considered subversive. The United States was fighting a war in Korea, and to speak of peace was counter to national policy."

One of the Globe-Democrat articles on Nixon focused on his discharge from the Marine Corps in 1954 under "other than honorable conditions." Nixon told the Post-Dispatch that he had appealed the discharge classification. After a long review procedure, he said, the Department of the Navy granted him an honorable discharge in 1957.

Nixon said he and his wife had been among the victims of the anti-Communist movement aroused by the late Sen. Joseph R. McCarthy, R-Wisc., in the early 1950s. "It was a very fearful time," Nixon said, "a time of persecution and injustice."

Another incident recalled by Walsh and detailed in the FBI memoranda began with an "urgent" coded message from the Washington office of the FBI to the St. Louis office on Feb. 11, 1965. The message requested that a news executive at the Globe-Democrat would be able to arrange for a reporter and a photographer to cover the arrival in St. Louis of Herbert Aptheker, a Marxist theoretician and a leader of the U.S. Communist Party, who was to speak at several universities in the St. Louis area.

The same memo noted that the news executive, whose name has been blacked out, could "alert Channel 2-TV." Channel 2, KTVI-TV, is owned by the Newhouse group of newspapers, which also owns the Globe-Democrat.

Walsh says the only news executive at the Globe-Democrat in 1965 who exercised responsibility at both the newspaper and the television station was Amberg.

Walsh recalled that he personally had been alerted by the FBI regarding Aptheker's visit and that he and former Globe-Democrat editorial writer Patrick J. Buchanan, now a nationally syndicated columnist, had met Aptheker at Lambert Field on his arrival. The Globe-Democrat published a Page 1 article, with photographs, about Aptheker's visit.

Walsh recalled that at the airport, he and Buchanan had found that Aptheker was being met by Theodor Rosebury, a prominent bacteriologist at Washington University, who is now deceased. The reporters made a great issue of the Aptheker-Rosebury relationship, Walsh said.

This was picked up by the FBI in St. Louis and relayed to the Washington bureau office in a memorandum dated April 4, 1963. The memo notes that then Washington University Chancellor Thomas Eliot was put under pressure as a result of the incident.

"Chancellor Thomas Eliot of the university defended the institution's right to maintain an atmosphere in which 'all opinions can be aired'," the FBI memo says. "He evidently felt obliged to make some statement because of the furor which developed locally over the publicized association of Aptheker and Rosebury."

The memo continues: "It may be noted that Dr. Rosebury was among those who helped form Citizens for Liberal Action, which is now active in protesting United States military action in Vietnam."

The memo notes also that "The 'Globe' in an editorial censured Eliot's statement and berated his failure to disassociate the university 'from the likes of Rosebury'."

'We were quite active in the peace movement in the early 1950s and at that time the very word 'peace' was considered subversive.'

Buchanan, who subsequently became a political adviser and speech writer for President Nixon, said he remembered the Aptheker incident in 1965 as one of the few times when he had acted as a reporter rather than an editorial writer for the Globe-Democrat.

"We were tipped off that Aptheker was coming to town," Buchanan said. "I don't know where the tip came from; it didn't come to me."

Buchanan said he and Walsh had been roommates in St. Louis at the time.

On Feb. 7, 1967, the St. Louis office of the FBI sent a five-page memo to bureau headquarters in Washington asking for authority to furnish information to the Globe-Democrat about Hershel J. Walker, one-time chairman of the Missouri district of the U.S. Communist Party. In 1967, Walker was active in an anti-war organization known as the St. Louis Citizens for Peace in Vietnam.

The memo was headed "suggested counter-intelligence action against Hershel James Walker," and began, "Authority is requested to furnish the information set forth below to (name deleted) of the St. Louis Globe-Democrat, a St. Louis daily newspaper, or in the alternative to (name deleted)."

The memo continues, "It is hoped this may provide a basis for a feature article in the 'Globe' regarding Hershel James Walker."

The memo further states that at least one of the contacts at the Globe-Democrat "has been utilized very successfully in the past in counter-intelligence activity" and "has been very cooperative and discreet in past contacts on other matters."

The memo said the alternative contact at the Globe was being suggested because the prime contact was frequently absent from St. Louis for long periods.

Walsh said he believed the memo referred to him and Amberg. Walker, who still lives in St. Louis, said he recalled having been interviewed by Walsh on several occasions, although Walsh said he could not specifically recollect having talked with Walker.

The five-page memo says the FBI field office intended to provide the Globe-Democrat with personal data about Walker, his known connection with Communist Party members, and a list of 14 questions that the reporter would be given to ask Walker during an interview.

Walsh said he had no specific recollection of receiving the material described in the FBI memo. But he said that on occasion, the FBI had suggested questions that should be put to persons the bureau wanted interviewed.

The Post-Dispatch reported last week that in May 1968, the St. Louis office of the FBI had sent a memo to the bureau in Washington, saying:

"The feeding of well-chosen information to the St. Louis Globe-Democrat, a local newspaper, whose editor and associate editor are extremely friendly to the bureau and the St. Louis office, has also been used in the past and it is contemplated that this technique might be used to good advantage."

The memo was in response to one from Washington asking the St. Louis office to list the techniques it planned to use to frustrate and immobilize "new left" organizations.

Some FBI documents prepared by the St. Louis office refer to Amberg as "Editor" of the Globe-Democrat, although his title was publisher.

Among the questions the FBI hoped would be put to Walker by the Globe-Democrat were:

—"Did you participate in an anti-Vietnam parade in downtown St. Louis on Oct. 5, 1967?"

—"Were you in the picket line when Vice President Hubert H. Humphrey spoke in October 1965 in the field house, Washington University?"

—"Does the Communist Party in St. Louis support Russia or China in their current ideological struggle?"

Another memo, this one dated Oct. 14, 1968, says the St. Louis office of the FBI also considered preparing questions that it wanted put to the Dubois Club's Landberg.

The memo says: "Consideration is being given to requesting bureau authority for a published feature article in the St. Louis Globe-Democrat, daily newspaper. Appropriate background information and suggested questions would be furnished to a SAC (special FBI agent in charge) contact who has cooperated previously in this program."

The memo does not indicate who the contact was or whether he was furnished with the "suggested questions."

On Feb. 20, 1967, the Washington office of the FBI authorized the St. Louis office to proceed with the plan to have a Globe-

'We were tipped off that Aptheker was coming to town. I don't know where the tip came from; it didn't come to me.'

Democrat reporter interview Walker.

On March 17, 1967, the St. Louis office informed Washington that someone on the Globe-Democrat "was contacted in accordance with recent letter. He was most receptive and cooperative."

The memo went on to inform Washington that the March 11-12 edition of the newspaper contained an article based on an interview with Walker.

In July, 1967, the St. Louis office sent a memo to Washington listing the published interview with Walker as an example of the "tangible results" of the counter-intelligence operation in St. Louis.

The memo says, "The steady publicity over the past few years, pointing to varied CP (Communist Party) activity and identifying CP leaders, has had its effect. An example of such publicity, referred to earlier in this letter, was the bureau-approved counter-intelligence action involving an interview with Walker by a reporter for the St. Louis Globe-Democrat, St. Louis daily newspaper. An ensuing article in the 'Globe' 3/11-12/67 identified Walker as head of the CP in Missouri and as admitted member of the executive committee of SLCPV (St. Louis Citizens for Peace in Vietnam).

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MLK EXHIBIT F-516

UNITED STATES GOVERNMENT

MLK Ex. F-516

New Left

Memorandum

TO : DIRECTOR, FBI

DATE: 5/28/68

FROM : SAC, ST. LOUIS (100-21213) P

SUBJECT: COUNTERINTELLIGENCE PROGRAM
INTERNAL SECURITY
DISRUPTION OF THE NEW LEFT

ReBulet to Albany, 5/10/68.

New Left activity in the St. Louis Division is concentrated in the headquarters city. Principal organizations involved in this movement are as follows:

Action Committee to Increase Opportunities for Negroes (ACTION);

Students for Democratic Society (SDS);

St. Louis Draft Resistance (SLDR);

The Committee to Support Draft Resistance (CSDR).

ACTION is basically a racial type organization. It consists of a small group of individuals who split from the St. Louis Chapter of the Congress of Racial Equality (CORE) several years ago in belief that CORE was not sufficiently militant. Its activities are irregular, depending almost entirely on its chairman [redacted] Communist Party efforts to cultivate him have so far appeared unsuccessful; however, some influence is exerted through ORVILLE LEACH, veteran Communist Party member, who is chairman of the Community Relations Committee of ACTION.

An immediate Counterintelligence Program concerning the latter three organizations would be restricted because these organizations are all campus-type organizations and Washington University and St. Louis University will close for summer vacations in the first week of June. These organizations will be virtually out of existance until the schools reopen in September.

2 - Bureau (RM)
1 - St. Louis
HCJ:mjb
(3)

MCT REC-12 100-449698-42

62 MAY 31 1968

54 JUL 5 1968

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

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SL: 100-21213

St. Louis has pending investigations on these four organizations and their leadership and will be alert to any circumstances or conditions which might be utilized to good advantage for Counterintelligence purposes.

In the past this office has used to good advantage anonymous mailings in connection with Communist Party Counterintelligence. However, at this time the office has no specific publications in mind which might be suggested for Bureau approval.

The feeding of well chosen information to the St. Louis Globe Democrat, a local newspaper, whose editor and associate editor, are extremely friendly to the Bureau and the St. Louis Office, has also been utilized in the past and it is contemplated that this technique might be used to good advantage in connection with this program.

With specific regard to the St. Louis Draft Resistance, which is a one-man organization headed by [redacted] a Washington University graduate student, the following circumstances occurred:

[redacted] turned in his Selective Service draft card at a public meeting on [redacted] Investigation at his local board determined that a few days later he wrote to the board requesting a duplicate card. If this type of information could have been publicized, it might have pointed out the insincerity of [redacted] Nothing, however, was done at the time because of the confidential nature of draft board records and the fact that publicity may have jeopardized prosecution presently pending against [redacted]

St. Louis will carefully analyze these organizations under this program in an effort to affect the disruption of the New Left and specific suggestions of Counterintelligence action will be submitted to the Bureau for approval by separate letter.

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MLK EXHIBIT F-517

MLK Ex.F-517

SAC, St. Louis (100-21213) 10/18/68

Director, FBI (100-449698)

COINTELPRO - NEW LEFT

Reairtel 10/4/68 captioned "Students for a Democratic Society, IS - SDS."

Authority is granted to contact Mr. [redacted] in the event information is received that a specific high school is being targeted for organizing by the SDS. This may be done only in the event that such a contact will not jeopardize your investigation of SDS or your sources therein.

Enclosed herewith are one copy of a pamphlet entitled "Students for a Democratic Society, Front Runner of the New Left" and ten copies of a leaflet entitled "Campus or Battleground? Columbia is a Warning to All American Universities." As these publications may be of value to [redacted] in providing him with background on the SDS, you may furnish copies of this material to him at that time.

During your contact with [redacted] you should impress upon him that the Bureau's interest in this matter is to be kept in strictest confidence.

100-449698-42-7

Enclosures - 11

RHH:jes
(5)

EX-102 REC-51 100-449698-585

24 OCT 21 1968

NOTE:

By reairtel St. Louis reported that SDS locally has announced its intentions to make inroads in local high schools. In one effort at one school SL notified [redacted] the [redacted], who conducted an expose which countered further attempts by SDS to infiltrate this school. SL suggested that should information be received concerning efforts by SDS to infiltrate other high schools, this information be furnished to [redacted] who would use it to frustrate their efforts by exposing them in his paper. The "St. Louis Globe-Democrat" has been especially cooperative

NOTE CONTINUED PAGE TWO

OCT 21 1968 MAIL ROOM TELETYPE UNIT

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Letter to SAC, St. Louis
RE: COINTELPRO - NEW LEFT
100-449698

NOTE CONTINUED:

with the Bureau in the past. Its publisher Mr. [redacted] is on the Special Correspondents List. The information contained in enclosures contains background on SDS which can be of value to Mr. [redacted] It contains public source material. We have previously submitted these documents to outside agencies.

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MLK EXHIBIT F-518

MLK Ex. F-518

UNITED STATES GOVERNMENT

Memorandum CONFIDENTIAL

TO : DIRECTOR, FBI (100-3-104-42) DATE: 10/14/66

FROM: SAC, ST. LOUIS (100-16708)

SUBJECT: COMMUNIST PARTY, USA
COUNTER INTELLIGENCE PROGRAM
[redacted]
IS - C

Re Bureau letter, 9/13/66.

[redacted]

There have been some minor complaints among various CP members who feel he is currently devoting an excessive amount of time to "peace" activities especially in The St. Louis Citizens for Peace in Viet Nam.

[redacted]

In June, 1966, the St. Louis Division received Bureau authority to send an anonymous letter to GUS HALL, General Secretary, CP - USA, complaining that delegates from St. Louis to the National Convention were selected in undemocratic fashion. The anonymous letter said that one delegate is a "sloppy narcotics user" while another individual under consideration is an "ex-con rumored mixed up in narcotics". The former individual is [redacted] for the W.E.B. DuBois Clubs of America and a CP youth leader, while the latter is [redacted] This letter was designed to embarrass [redacted] primarily with the National CP leadership since HALL is reported to be intensively opposed to the use of narcotics by Party members. HALL did discuss the anonymous letter with [redacted] but the details of

2 - Bureau (RM)
1 - St. Louis

WAH/jtc

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) OF [illegible] DATE 5-18-77 [illegible]

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[redacted] 100-16708 LANSBERG

this conversation are not known. [redacted] was transferred to Detroit shortly after his return from the National Convention and [redacted] appears to have dropped from the local Party scene.

LANSBERG

Possible additional counterintelligence action against [redacted] has been considered carefully and discussed among special agents conversant with local Party activities. Consideration is being given to requesting Bureau authority for a published feature article in the "St. Louis Globe-Democrat", St. Louis daily newspaper. Appropriate background information and suggested questions would be furnished to an SAC contact who has cooperated previously in this program.

The Bureau will be advised when it is felt the time is propitious for such action. In the meantime, inner Party activities will be scrutinized carefully and continually for possible other type counterintelligence action.

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MLK EXHIBIT F-519

UNITED STATES GOVERNMENT MLK Ex. F-519 CONFIDENTIAL

Memorandum

TO : DIRECTOR, FBI (100-3-104-42) DATE: 7/14/66

FROM : SAC, ST. LOUIS (100-16708)

SUBJECT: COMMUNIST PARTY, USA
COUNTERINTELLIGENCE PROGRAM
INTERNAL SECURITY - C

Re St. Louis letters to Bureau 4/14/66 and 6/15/66, St. Louis airtel to Bureau 7/12/66, Bulet to St. Louis 4/26/66 and Burad to St. Louis 6/21/66.

POTENTIAL COUNTERINTELLIGENCE ACTION

[redacted] described in St. Louis letter 4/14/66 as a recent releasee of the Missouri State Penitentiary where he reportedly served time for a narcotic violation, has now been identified as [redacted]. He has been using the name [redacted] interchangeably. The Kansas City Division has advised he was released from the Missouri State Penitentiary 11/26/65 where he was serving a seven-year sentence for robbery. He is described as a [redacted] that he has prior arrests for suspected stealing and suspected robbery. No dispositions are shown.

It appears therefore that information which was circulating among Communist Party (CP) members that he served time for a narcotics violation is not true. Other information which has been developed now casts some doubt on statements by [redacted] received his initial indoctrination in Marxism at a class held in the Missouri State Penitentiary. It may be noted that the Kansas City Division in its letter 6/16/66 states [redacted] served part of his robbery sentence at reformatories and away from the Missouri State Penitentiary.

[redacted] activities in the CP will be followed closely for possible counterintelligence action based on his past criminal record.

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY BUAIRTEL 5/19/77 755/pp
PAGE(S) OF Classification

Classified by [redacted]
Exempt from GDS, Category 8
Date of Declassification Indefinite
5/5/77

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F165

JUL 25 1966

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[redacted] IN-16705

We will continue to watch the CP's involvement in The St. Louis Citizens for Peace in Vietnam. A cominfil investigation is being conducted regarding this organization. [redacted] has been very active in this group and has encouraged other members to be similarly active.

CALIFORNIA L.A.

PENDING COUNTERINTELLIGENCE ACTION

[redacted]

TANGIBLE RESULTS

ONE OTHER MAN TO CONVENTION — Floyd WAHL (COUNT MAN 1 20

An anonymous letter was sent GUS HALL, General Secretary, CP-USA, on June 22, 1966. This letter is described in St. Louis letter June 15, 1966. Upon his return from the National CP Convention, [redacted] stated HALL discussed this letter with him and gave it to him. [redacted] furnished no other details regarding his conversation with HALL and it is not known to what extent, if any, HALL queried [redacted] regarding the possibility that narcotics users and an ex-convict are being placed in positions of leadership by the CP in St. Louis. [redacted] expressed a desire to determine the identity of the writer of the letter. He did not indicate what action, if any, he might take if the culprit is uncovered.

It appears therefore that the full impact of this counterintelligence action may well lie in the future.

As a result of the second proposed counterintelligence action recommended in St. Louis letter June 15, 1966, an article appeared in the "St. Louis Globe Democrat", July 2-3, 1966, containing a photograph of RONALD LANDBERG, DCA Coordinator and CP member, with the headline "DuBois Man Attends Red Convention— Ronald Landberg Observer at Party Meeting in N.Y." The article

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[redacted] 100-16708

states LANDBERG admitted representing St. Louis at a National DCA Convention in Chicago and then traveled to the CP Convention in New York as an "unofficial" observer. The article contains an insert "See Editorial Page 2F".

An editorial in this issue of the newspaper is titled "The Communist Line" and states the implications of the LANDBERG story are clear; that they forecast the CP line for the next few months in DCA "and other organizations".

It appears possible that adverse publicity of this nature may well stifle efforts of DCA to launch units in the St. Louis area, particularly at the local colleges and universities.

In a recent press interview following LANDBERG's return to St. Louis, he announced that he has been transferred to Detroit by DCA. He in effect conceded failure in the St. Louis area, complaining of an excessive number of right-wing organizations and local conservatism.

It is not known to what extent, if any, our counter-intelligence action may have been instrumental in his decision to leave St. Louis.

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MLK Exhibit F-520

'I'm Not Firing It—I'm Only Pulling the Trigger'



ST. LOUIS GLOBE-DEMOCRAT - MARCH 30-31, 1968

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GLOBE-DEMOCRAT PUBLISHING CO.
Twelfth St. at Delmar (I) Published Daily, Monday through Friday, and Weekend GArfield 1-1212
G. DUNCAN BAUMAN, Publisher
HAMILTON THORNTON, Editor of the Editorial Page
GEORGE A. KILLENBERG, Managing Editor MARTIN L. DUGGAN, Associate Managing Editor
BEN MAGDOVITZ, Advertising Director

The Globe-Democrat is an independent newspaper printing the news impartially, supporting what it believes to be right and opposing what it believes to be wrong without regard to party politics.

THE REAL MARTIN LUTHER KING

The Rev. Martin Luther King has long posed as America's foremost exponent of non-violence to advance the cause of civil rights for Negroes.

Surrounding himself with a sanctimonious air and basking in the aftergiow of his Nobel Peace Prize, he has assumed an attitude of injured innocence when violence erupts after his inflammatory speeches and when he organizes and leads protest marches—such as the most recent uprising in Memphis, Tenn.—that explode into violence.

* * *

Memphis was Chicago and Birmingham all over again. King came into Memphis when it already had become a racial tinderbox. The need was for a call to reason; striking Negro city sanitation workers already were in a rebellious mood.

Rev. King knew that the Memphis march could push the tense situation above the boiling point. He had made advance plans for this. When 20 or 30 youths broke away from the march of some 6000 Negroes and started smashing windows and looting, King sprinted down a sidestreet to an awaiting automobile and sped away.

It seems to us this was but one of many instances where the Kings, the Carmichaels and the Browns have hotfooted it to safety and then blamed everyone but themselves for events of a "long, hot summer." Obviously summer is not needed, nor the reason for such riotous outbreaks.

* * *

It is time that all Americans look at Martin Luther King and see him not as they wish him to be, but as he is. By his actions he is proving to be one of the most menacing men in America today.

Rev. King is more dangerous than Stokely Carmichael because of his non-violence masquerade. He continues to talk non-violence even as it erupts all about him. He purports to be genuinely distressed when it breaks out after his incendiary speeches or during marches he leads.

This deception no longer hoodwinks intelligent Americans. Still Rev. King goes on.

Memphis could be only the prelude to a massive bloodbath in the national's capital in several weeks as Rev. King moves ahead with plans for a "camp-in" of 3000 Negroes to pressure Congress into passing a special $30 billion welfare program for the poor, including a guaranteed income.

In an attempt to enforce his dictates on Congress, King has said his "Poor People's Army" may stage sit-ins at the Department of Health, Education and Welfare, Department of Agriculture and Department of Labor. As a "last resort," he says he may use "human barricades" to block the bridges and other arteries coming into Washington in order to halt the machinery of government in Washington, D.C.

* * *

Rev. King also has been reported meeting with black power militant H. Rap Brown and with Stokely Carmichael, who toured the Communist world vowing to overthrow the "imperialist, capitalist, racist structure of the United States."

A King lieutenant is quoted as saying, "It may be necessary to create such disruption and disturbance in the system that it will have to reform itself or destroy us."

The Johnson Administration, of course, should not permit Martin Luther King to carry out this seditious "camp-in." Every government has the inherent duty to protect itself, and ours had better not lose any more time in exercising this fundamental obligation.

This is not a matter of race. Responsible Negroes have disavowed Rev. King.

* * *

In criticizing King's plans for the "camp-in," Roy Wilkins, executive director of the National Association for the Advancement of Colored People, told the Reader's Digest that King is "bowing to the trend" of rights militants to give once peaceful demonstrations an "alarming twist."

"Today," says Wilkins, "the goal seems to be not the exercise of freedom to dissent, but the disruption of services to other citizens. Obviously, there is present today the threat of bodily harm. This is not freedom of speech but Mafia-like dictatorship."

This is the real Martin Luther King—a man who stoops to using anti-Democratic and dictatorial means to try to force his will on the highest legislative body in the United States, a man who hides behind a facade of "non-violence" as he provokes violence.

Rev. King has lost all claim to being a responsible leader of his people. Unless he is checked, he could wipe out most of the impressive civil rights gains made by Negroes in recent years and further divide Americans at a time when unity and moderation are desperately needed.

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MLK Exhibit F-521

UNITED STATES GOVERNMENT

Memorandum

TO: Mr. Sullivan DATE: 3/28/68

FROM: G. C. Moore

SUBJECT: SANITATION WORKERS STRIKE
MEMPHIS, TENNESSEE
RACIAL MATTERS

A sanitation workers strike has been going on in Memphis for some time. Martin Luther King, Jr., today led a march composed of 5,000 to 6,000 people through the streets of Memphis. King was in an automobile preceding the marchers. As the march developed, acts of violence and vandalism broke out including the breaking of windows in stores and some looting.

This clearly demonstrates that acts of so-called nonviolence advocated by King cannot be controlled. The same thing could happen in his planned massive civil disobedience for Washington in April.

REC-19 EX-105 157-9146-38 5 APR 2 1968

ACTION:

Attached is a blind memorandum pointing out the above, which if you approve, should be made available by Crime Records Division to cooperative news media sources.

Enclosure ENCLOSURE

TDR:fhd (6)

1 - Mr. DeLoach
1 - Mr. Sullivan
1 - Mr. Bishop
1 - Mr. G. C. Moore
1 - Mr. Deakin

APR 5 1968

APR 1 1968

RACIAL MATTERS

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Martin Luther King, Jr., President of the Southern Christian Leadership Conference, injected himself into the sanitation workers' strike in Memphis, Tennessee, and the result of King's famous espousal of nonviolence was vandalism, looting, and riot.

Previously, King involved himself in this strike, called for a general strike, and called for a mass march. Today he led the mass march in an automobile at the head of the line. Negroes began shouting "black power" and trouble began. King, apparently unable or unwilling to control the marchers, absented himself from the scene; window breaking and looting broke out.

Police officers were forced to use gas to break up the march and to control the crowd. It was necessary to activate the National Guard. Martin Luther King claims his much-heralded march on Washington, scheduled for April 22, 1968, will also be "nonviolent." He says he has persuaded militant black nationalists to abandon violent extremism in Washington, D. C., during the march. Memphis may only be the prelude to civil strife in our Nation's Capitol.

157-9146-38
ENCLOSURE
1381
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APR 4 1968

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MLK Exhibit F-522

An Editorial

FOR HANOI? OR FOR AMERICA?

The St. Louis Globe-Democrat and the St. Louis Post-Dispatch are unmistakably opposed philosophically; i.e. on matters of government, especially fiscal responsibility; on matters of welfare, particularly where immorality is involved, and on other notable issues. Many fine newspapers throughout the nation share the views of The Globe-Democrat.

The Globe-Democrat accepts the inevitability that reasonable persons, and thus, reasonable media organizations, will differ. Difference of opinion is indigenous to a rational world.

Thus, The Globe-Democrat has refrained, as a matter of policy, from commenting — favorably or unfavorably — on the conduct or opinions of other members of the media.

In Wednesday's issue, the St. Louis Post-Dispatch published a cheap shot, a biased and slanted item about The St. Louis Globe-Democrat. In its normally hypocritical manner, the Post-Dispatch presented material about The Globe-Democrat as a news story, when in fact it was an editorial in a bogeyman's costume. Had the Post-Dispatch had the journalistic character and professionalism to publish its Federal Bureau of Investigation story as an editorial, The Globe-Democrat would have respected the afternoon paper's prerogative to express its opinion, and we would not have commented about it.

The Post-Dispatch editorialized story said The Globe-Democrat in recent years had published news material about student dissidents, especially in St. Louis County at Lindbergh High School. The Post-Dispatch story said the student dissident stories were "planted" by the FBI and implied they were the result of "conspiratorial" ties between The Globe-Democrat and the FBI. The story blatantly implied a nefarious alliance between The Globe-Democrat and the FBI for unworthy purposes.

It is most certainly true that The Globe-Democrat has published news stories in the past about dissident student activities; in the St. Louis area, in the Midwest and throughout the United States and the world. To the best of my knowledge and recollection, these stories originated in the normal manner incident to any news story: from an interested reader who notified the city editor, a parent, a student, a witness or scores of other sources.

For the Post-Dispatch news story to state that the FBI arranged stories in The Globe-Democrat through contacts with the publisher of The Globe-Democrat is a villainous lie typical of the depraved thinking of a Communist "Big Lie" technique — designed to undermine the fabric of a country. It is true that I personally know J. Edgar Hoover, the long-time, respected director of the FBI, and enjoyed an hour or more visit with him in Washington only a few days before his death in May of 1972. It is a privilege to identify Clarence M. Kelley, present FBI director and former chief of police of Kansas City, as a friend. Neither Mr. Hoover nor Mr. Kelley at any time provided me any information relative to any news stories, past or present. Mr. Hoover and Mr. Kelley have never at any time communicated news material to, or made any request of Martin L. Duggan, editor of the editorial page of The Globe-Democrat, or George A. Killenberg, managing editor of The Globe-Democrat.

We are at a loss to account for the FBI memoranda, unless the explanation is that some overzealous agent sought to advance himself by taking credit for what The Globe-Democrat produced in its normal pursuits.

In the normal course of community, social and business activities and news work, we have known a succession of FBI agents in charge in the St. Louis office. At no time has any of these men

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of impeccable character and ability ever "planted" a story in The Globe-Democrat by way of my office or that of Mr. Duggan's or Mr. Killenberg's. Quite the contrary, the St. Louis office of the FBI has consistently maintained a frequently frustrating reluctance to release news material to The Globe-Democrat.

The Post-Dispatch story, to the contrary, emits a barnyard stench which is a measure of a good deal of that paper's pretense at news coverage: Rot.

This is an appropriate occasion to offer a statement expanding on The Globe-Democrat's news and editorial policy, expressed daily in our masthead. The Globe-Democrat's purpose is to serve the interests of our community, state and nation. The Globe-Democrat's intention is to be supportive, generally, of community institutions. It is not, as it appears to be with the other daily in St. Louis, nitpickingly destructive, denigrating and demeaning by repeated irresponsibility and uninformed criticism. We believe in the United States of America.

We believe in the integrity and the future of the United States, including the integrity and objectives of the FBI. During the late 1960s and early 1970s when universities were being bombed and burned, and in some cases innocent citizens murdered; when banks were being bombed and burned; when a hall in Congress was bombed; when peaceful, personal access to national political conventions was being denied to orderly Americans, The Globe-Democrat believed and still believes that it was the duty of the FBI to apprehend those threatening the internal security of the nation.

If The Globe-Democrat played a constructive role during this period, this newspaper is proud of its participation and contribution.

The Globe-Democrat cherishes its role as a supporter of the American system. The Globe-Democrat suggests that the frequently slanted news coverage in the Post-Dispatch, most especially its recent 10-part, Page One Dudman series paying tribute to North Vietnam's oppressive and dehumanizing leadership out of Hanoi, is a shameful disservice to St. Louis and America.

We prefer pro-Americanism.

G. DUNCAN BAUMAN
Publisher
St. Louis Globe-Democrat

Chairman STOKES. Mr. DeLoach, at the conclusion of a witness' testimony before our committee, the witness is entitled to 5 minutes. During the 5-minute period either the witness or his counsel may address the committee and in any way amplify or further expand upon your testimony before the committee. I would extend to either you or your counsel at this time 5 minutes for that purpose, if you so desire.

Mr. DELOACH. Mr. Chairman, I simply would like to state I appreciate the respect shown me by this committee, and I hope I have been able to be of some service to the committee and to the Congress, and that is all I have to say, sir.

Chairman STOKES. We certainly thank you very much, Mr. DeLoach, for your appearance here and for the testimony you have given us.

There being nothing further at this time, you are excused, sir.

Mr. DELOACH. Thank you, sir.

Chairman STOKES. The Chair at this time desires to make a statement.

During the Kennedy assassination hearings, when we turned to evidence of association and its implications for conspiracy, it occurred to me that it might be appropriate to discuss certain general principles that seem applicable. "Conspiracy is founded in association," I said then, "but more than association is required to establish conspiracy." I hoped at that time to assist those who followed

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our hearings or read our record to understand the significance of what we were doing.

It seems to me now that it would be appropriate to discuss for the record the moral or legal standards the committee might want to use in evaluating the evidence on the ultimate question, as it has been put to us, did the FBI kill Dr. Martin Luther King, Jr.?

Our earliest legal traditions, those rooted in English common law, reflect an abhorrence of the unjustifiable taking of a human life. Lord Coke, a 17th century textbook writer, formulated the classic definition of murder:

> When a man of sound memory and of an age of discretion unlawfully kills any reasonable creature in being and under the king's peace with malice aforethought, either expressed or implied by the law * * *

Much of our legal learning on homicide has been based on the concept of malice aforethought. The distinction between murder and manslaughter turned on it: unjustified killing with malice aforethought constituted murder; unjustified killing without malice aforethought constituted manslaughter. Behind all of this legal thought has been our traditional Judeo-Christian teachings; they are the bedrock on which our law ultimately rests. Men act freely, and they are responsible for the results of their actions. They ought not harm one another, and the ultimate harm that you do to another is deprive him of his life.

Modern legal thinking treats homicide accordingly. The model penal code of the American Law Institute embodies generally accepted definitions of the elements of criminal homicide—state of mind, conduct, causation and result. These same elements are reflected in mature moral thought.

Homicide is not a simple concept. Questions of degree are involved. Degrees of legal homicide are based, to begin with, on state of mind. A death that is consciously brought about—a murder, in the traditional sense—is termed intentional homicide. Reckless homicide, that is, a death not intended but consciously risked, when it does occur, is what has traditionally been called manslaughter. And there is a third classification in modern law: Unjustifiable conduct, under circumstances where death might occur, should have been foreseen, and does occur; it is called negligent homicide.

On this last point, additional comment is necessary. There are sound reasons in morality and law not to permit the imposition of personal or criminal liability based on a standard of negligence. I recognize, of course, negligence is a familiar standard for the imposition of civil liability—money damages assessed for harm done, even wrongful death.

But civil liability is a thoroughly different matter from criminal liability. It often embraces little more than a shifting of the burden of risk of injury, a risk that can best be met by insurance. Someone, usually the person with the deepest pocket, may pay damages, but no one goes to jail. Yet personal or criminal liability, it is argued, ought to rest on subjective factors, that is, intent or conscious risk taking, and not be assessed on an objective standard, that is, a standard that speaks in terms of what a person should have known.

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It is not necessary to belabor the argument. Suffice it to say that these considerations have not carried the day in our society, so the concept of criminal negligence is part of our legal framework. It is widely employed, particularly where deaths occur in the operation of motor vehicles.

Getting to the subject at hand—the role of the FBI in the King assassination—the facts that have been developed before the committee are literally unprecedented. Never before has an agency of our Government, least of all a police agency, apparently set out to destroy a prominent citizen, perhaps not directly to kill him, but to destroy his moral standing nevertheless. Heretofore, our law in the area of reckless or negligent homicide has dealt with the conduct of private citizens, usually engaging in ordinary occupations, such as operating an auto on the highway, hunting with a dangerous weapon, providing medical treatment, and so on.

Unusual cases have, of course, been brought before the courts that have involved operating a night club where numerous patrons die in a fire; playing Russian roulette, where players are held responsible for the death of another; participating in a drag race in which a death occurs.

Analogies between these usual or exceptional cases and the evidence in these hearings are strange and uncomfortable, but compelling.

Can it legitimately be said that the FBI, like the night club owner, consciously risked or should have foreseen, not a fire in a firetrap, but that others might be inflamed by its unlawful propaganda and do what the Bureau itself did not do: Fire a deadly shot into Dr. King?

Can it legitimately be said that the FBI, like the player of Russian roulette, consciously risked or should have foreseen not that one chamber of the revolver would be loaded but that others might be encouraged by its unlawful participation in another kind of roulette in which the stakes included Dr. King's life?

Can it legitimately be said that the FBI, like the participants in a drag race, consciously risked or should have foreseen, not that high speed racing can culminate in a fiery accident, but that others might be encouraged by its unlawful participation in a dangerous political contest to take Dr. King's life by violence?

I do not know how far these general principles should be extended here, but I do feel that they are applicable. We face an unprecedented challenge. We have no clear-cut guides available. Yet we must decide.

Other factors, too, must be considered. Apart from state of mind, the nature of one's conduct in the commission of a homicide can also affect how responsibility is assessed. The law has always taken very seriously the consequences of conduct that is unlawful, and it has easily, perhaps too easily, found responsibility for ensuing deaths.

If the conduct is otherwise felonious—as in the case, for example, of an armed holdup—and it results in a death, it is termed a felony-murder. If, on the other hand, the conduct is only a misdemeanor, a resulting death is termed a misdemeanor-manslaughter.

How do we apply these principles here? Do we place special emphasis on the illegal character of the FBI conduct?

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The basic meaning of causation is not difficult to comprehend. A human being must always be held responsible for the consequences of his conduct, even when his conduct is not the sole factor in bringing about a result for which he can be held legally responsible.

The possibility of joint responsibility has always been recognized, although difficult questions are raised when more than one individual's conduct contributes to the result, say a death. Should it be held that the death was jointly caused? Or should the conduct of the actual perpetrator be held to be the intervening and, therefore, the sole cause?

Responsibility for a death is always assessed based on the interplay between state of mind, conduct, cause, and result. These elements have been applied consistently to all persons in that they stand equal before the law. Given a certain age and a degree of mental and physical capacity, every person has to be held to the same minimum standard of responsibility.

This being said, however, certain classifications of people have been held to a higher degree of responsibility: Parents with respect to their children; guardians with respect to their wards; trustees with respect to their beneficiaries; Government officials with respect to citizens. This is merely another way of saying that larger responsibility goes with higher authority.

What I have outlined here are some of the moral and legal ideas upon which our moral and legal concepts of responsibility are based. They are raised here with the thought that they may be appropriate as a framework for questions we ought to try to answer as the committee analyzes the evidence presented in these hearings: Did responsible officials of the FBI intend by their conduct to bring about Dr. King's death?

Did FBI officials recklessly engage in provocative conduct, consciously risking Dr. King's death, even though they did not intend to bring it about?

Can we say that these FBI officials should have known that their conduct was unjustifiably risking Dr. King's death?

Should the committee take special note that the conduct of the FBI in this conspiracy of harassment of Dr. King was not only unjustified as policy, it was also illegal and unconstitutional?

Did the conduct of the FBI contribute in any significant degree to the sequence of events that occurred in Memphis and led to Dr. King's death, that is, did they help create the moral climate in which such an act was not only thinkable, but could be thought of as a justifiable course of conduct?

If so, to what degree did the conduct of the FBI so contribute?

Should the actions of those persons who may have actually plotted Dr. King's assassination and carried it out be considered intervening causes in the chain of events that could be tracked, even in part, back to the FBI itself?

Would they have acted as they did without regard for the conduct of the FBI?

I realize, of course, that I have posed questions that are easier to ask than to answer. I know, too, that we have no precedents here to give us firm guidance and the answers that we give will be debated for years to come.

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Yet we have no choice but to do the best we can with what we have available to us. I hope that these standards and questions may serve as an acceptable moral or legal framework for our analysis when the committee comes to grips in its final deliberation with the ultimate question which might well be rephrased: Should the FBI bear some responsibility for the death of Dr. King?

The Chair recognizes the gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

I have no prepared remarks, yet I would like to point out that I think this select committee has operated with great harmony during your chairmanship. I would hope that we could continue in that category.

I don't necessarily take exception to the statement of the chairman. However, I did want to point out that this does not necessarily represent the conclusions nor necessarily the views of all members of the select committee.

I would hope that the media in handling this and that the American people listening to these hearings recognize that the chairman in making this statement was primarily posing questions that must be resolved ultimately by the whole committee.

Now, in listening to this, and the chairman did afford me the courtesy of showing me this statement prior to making it, I would describe the statement as a scholarly dissertation replete with professional theories of law, morality and rationalization.

I would hope that no one would come to any thought that this select committee may have arrived at conclusions and are now seeking through testimony and theories to justify any such a conclusion.

There are, however, what I would consider provocative wordings in these rhetorical questions such as "responsibility for a death is always assessed based on the interplay between state of mind, conduct, cause, and result," et cetera, of mature moral thought.

A question was asked, but it almost was in the terms of a conclusion which I am sure the chairman did not mean to convey that any conclusions have been reached, but it does mention the fact that conduct of the FBI in this conspiracy of harassment was not only unjustified as policy, it was also illegal and unconstitutional.

I would like to have the record quite clear, Mr. Chairman, that this was put in the form of a question that we must resolve rather than a conclusion of the Chair or of the select committee.

Chairman STOKES. I would certainly concur with the gentleman's statement and underscore the fact that the Chair nor members of this committee have yet had an opportunity to deliberate on these questions.

What the Chair hoped to do was to put into some perspective the scope of the discussion and dialog which I feel that the committee must ultimately come to grips with in terms of its firm conclusions.

If there is nothing further at this time, the Chair would like to announce that the committee would like to meet for a very brief open session in room 304 immediately, it will be open session but it will be immediately after we recess here, in room 304. It should not take us very long at all.

If there is nothing further before the committee at this time, the Chair will adjourn until 9 a.m. tomorrow morning.

[Whereupon, at 1:14 p.m. the committee adjourned, to reconvene at 9 a.m., Tuesday, November 28, 1978.]

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INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

TUESDAY, NOVEMBER 28, 1978

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON ASSASSINATIONS,
Washington, D.C.

The select committee met, pursuant to adjournment, at 9:11 a.m., in room 345, Cannon House Office Building, Hon. Louis Stokes (chairman of the select committee) presiding.

Present: Representatives Stokes, Devine, Preyer, McKinney, Fauntroy, Sawyer, Ford, Fithian, and Edgar.

Also present: G. Robert Blakey, chief counsel and staff director; Peter Beeson, staff counsel and Elizabeth L. Berning, chief clerk.

Chairman STOKES. The committee will come to order.

The Chair recognizes Professor Blakey.

NARRATION BY PROF. G. ROBERT BLAKEY, CHIEF COUNSEL AND STAFF DIRECTOR

Mr. BLAKEY. Thank you, Mr. Chairman.

Over the past 4 days of hearings, the committee has heard evidence relating to the performance of the FBI. The committee, however, must go beyond the FBI and examine the conduct of the Department of Justice, for the Bureau is in law, if not always in fact, a subsidiary agency of the Department.

The committee has taken a hard look at how the Department—more specifically the Attorney General—exercised supervision over the FBI in the surveillance of Dr. King and the investigation of his assassination.

By way of background, the position of Attorney General was created by law in 1789; its incumbent was to be the chief legal officer of the U.S. Government. Not until after the Civil War, however, did the role of the Attorney General begin to acquire its modern institutional forms. Since the post was (and is) appointive, the Department of Justice was established in 1870, to insure continuity from one administration to another. Over time, the Department has increasingly taken the lead in major Federal prosecutions and other Federal legal matters.

Yesterday the committee heard a summary of a staff report on the FBI investigation of the King assassination, one that identified a variety of possible deficiencies in that investigation. The purpose of today's hearing is to consider the extent to which the Department itself must share the blame for investigative failures, if such are found to be the case by the committee, lack of concern for

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individual rights and organizational problems. Copies of the report have been made available to today's witnesses.

The report raised a number of questions, although, obviously, how they are settled is up to the committee.

For example, the investigation was apparently hampered from the beginning by a strained relationship between the FBI and Justice. No formal mechanism was established for the transfer of information, and unilateral decisions were made by Bureau personnel, to name but two particulars. Cooperation is, of course, a two-way street, but the responsibility for it, or its lack, must fall heavily on the agency of higher authority.

Some other problems that might not have occurred, had the Department and the Bureau established a better working relationship, and had proper leadership been exercised, are:

One, little regard was apparently shown for the constitutional rights of the defendant or his family. Ray's relatives were the target of proposed illegal electronic surveillance during the manhunt, though it was apparently never instituted.

After James Earl Ray was arrested, his communications with his lawyer were intercepted, apparently by local authorities and passed on to the FBI. Subsequent to his conviction, Ray was interrogated without being informed of his Miranda rights.

Two, following Ray's arrest, the investigation came to a virtual standstill, although questions of conspiracy at least remained open and some leads were followed out. But evidence that might have led to the discovery of a plot was in fact largely ignored by the FBI, or not imaginatively sought.

Three, not used were those investigative resources peculiarly available through the Justice Department, including interrogation under oath in Federal grand juries, immunity grants, and lawful, court-ordered electronic surveillance.

At the time of the assassination of Dr. King, the Attorney General of the United States was Ramsey Clark, who, when word first was flashed from Memphis, declared an intention to be directly involved on a daily basis, given the importance of the case.

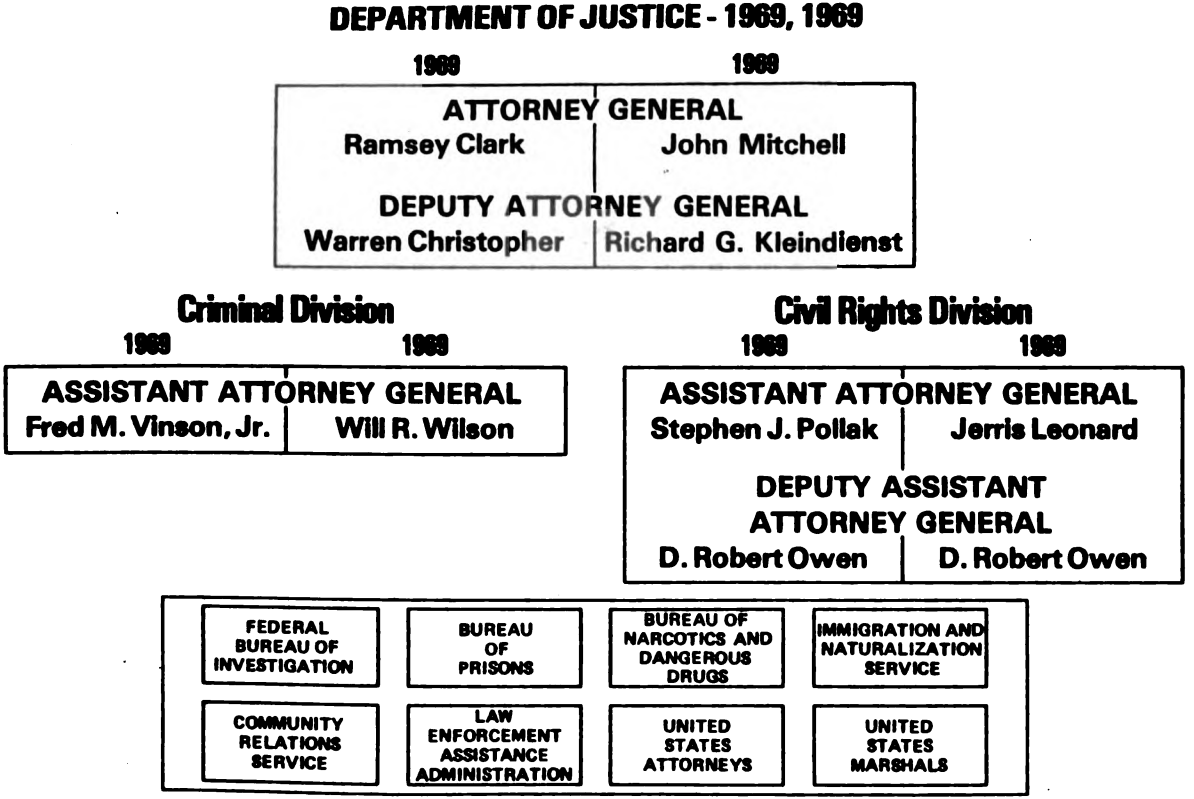
He assigned responsibility for the investigation to the FBI, and he ordered that responsibility within the Department be shared by two Assistant Attorneys General, Stephen Pollak of the Civil Rights Division and Fred Vinson of the Criminal Division.

It would be appropriate at this point, Mr. Chairman, to enter into the record MLK F-514, and appropriately display a departmental organization chart, and appropriately display MLK exhibit F-515.

Chairman STOKES. Without objection it will be entered into the record at this point.

[The information follows:]

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MLK Exhibit F-514

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Mr. BLAKEY. Until Ray was arrested in London on June 8, 1968, departmental attorneys were little involved in the case, even though the department had within it a tradition of successful collaboration in conspiracy investigations in the antitrust and organized crime fields. When it was necessary to extradite Ray from England, Mr. Vinson went to London to oversee the proceedings, although it is somewhat unusual for the Department to handle extradition in a State murder case. It did so because there was an allegation of conspiracy to violate civil rights, a Federal crime (18 U.S.C. Sec. 241) and because two States—Tennessee and Missouri—were active in the case.

From Ray's apprehension forward, the role of the Department of Justice was most conspicuous for its absence.

In January 1969, the Nixon administration came to power. While stated policy was to pursue conspiracy leads, Attorney General John Mitchell, in fact, apparently did not participate actively in the case. Mitchell apparently did not argue with the FBI's lone assassin conclusion, and Ray was, after all, in prison.

Assistant Attorney General Jerris Leonard of the Civil Rights Division did propose that Ray be interviewed in connection with a conspiracy investigation. But no representative of his office was present for FBI interviews, and a suggestion by Leonard that Ray appear before a grand jury on the conspiracy charge was never followed through.

Ramsey Clark is a key official whose exercise of responsibility as Attorney General must be carefully examined.

Mr. Clark was appointed in 1961 Assistant Attorney General in the Land and Resources Division of the Justice Department. Even in this capacity, he worked extensively in the Kennedy administration's high-priority civil rights program in the South.

Mr. Clark was named Deputy Attorney General in 1965 and Acting Attorney General in 1966. He held the top position in the Department from 1967 to the change in administration in January 1969. He is now in private practice in New York City.

It would be appropriate at this time, Mr. Chairman, to calls Mr. Clark.

Chairman STOKES. The committee calls Mr. Clark.

Will you stand, raise your right hand, and be sworn?

Do you solemnly swear the testimony you will give before this committee is the truth, the whole truth, and nothing but the truth, so help you God?

TESTIMONY OF WILLIAM RAMSEY CLARK, FORMER ATTORNEY GENERAL OF THE UNITED STATES

Mr. CLARK. I do.

Chairman STOKES. Thank you. You may be seated.

The Chair recognizes staff counsel, Mr. Peter Beeson.

Mr. BEESON. Thank you, Mr. Chairman.

Mr. Clark, will you state your full name for the record, please?

Mr. CLARK. My full name is William Ramsey Clark.

Mr. BEESON. Would you give the committee a brief rundown on your professional background up until the time when you left the Department of Justice in January of 1969?

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Mr. CLARK. Well, I finished law school at the University of Chicago, December 1950; returned to Texas, took the bar and began practicing in 1951; remained in general practice in Texas until 1961 when I joined the Kennedy administration as Assistant Attorney General. I remained Assistant Attorney General until February of 1965 when I became Deputy Attorney General. I remained Deputy Attorney General until September, roughly, of 1966. I became Acting Attorney General. I was nominated to be Attorney General in February of 1967.

Mr. BEESON. From that time until the change of administrations in January of 1969 you were Attorney General of the United States, right? As Deputy Attorney General from February of 1965 until September of 1966, who was the Attorney General at that time?

Mr. CLARK. Nicholas Katzenbach.

Mr. BEESON. Mr. Clark, I would like to direct your attention to the time of the assassination of Dr. King in April of 1968. I wonder if you would give the committee a brief description of your initial official reaction as Attorney General of the United States on hearing the news of Dr. King's assassination in Memphis?

Mr. CLARK. Well, it is hard to have an official reaction to such a tragedy. My recollection is that we were having a staff meeting in my office discussing the usual miscellany. A phone call came in which is fairly rare. You know, when I have all these people in there they don't interrupt these meetings all the time.

I was told that Dr. King had been shot and seriously wounded. I think that call was from Jim Lowry who was a young man working in the Community Relations Service.

We stayed in the office for what seemed an awfully long time and received numerous calls, including a number of calls from the hospital in Memphis, if not directly or indirectly they were being communicated to us contemporaneously and we finally were told that Dr. King had died.

Mr. BEESON. What action, if any, did you take to investigate the matter, Mr. Clark?

Mr. CLARK. I authorized an immediate Federal investigation under the then Section 241, Title XVIII, which was we believed a rather inadequate statutory provision. We had congressional recommendations to enlarge it at the time.

We sent a formal letter that evening, I believe, to the Director of the FBI to make an exhaustive investigation and during the course of the evening which I spent in my office at the Department I decided to go to Memphis personally. I flew down early the next morning.

Mr. BEESON. You mentioned that the statutory provision, 18 U.S.C. 241, you described it as somewhat inadequate. Do you recall any significant concern on your part or the FBI's part that there was not a clear statutory jurisdictional basis for Federal investigation?

Mr. CLARK. We had an obligation to proceed by law. I think throughout the investigation the lawyers particularly were concerned about the factual adequacy of our investigation under the laws that existed; 241 required evidence of conspiracy among other things, but it seemed so inherently a civil rights matter in a

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nonlegal sense at least, this great leader of our civil rights movement assassinated, that I don't believe any legal concerns that we had impeded our pursuit of the facts.

Mr. BEESON. You mentioned that the next morning you went to Memphis. What was the purpose of that trip and who did you go with?

Mr. CLARK. The purpose was to be sure that everything possible was being done in a fairly difficult context and to be sure that people understood we cared. The people that went with me were Roger Wilkins who was the Director of the Community Relations Service; Clifford Alexander who is the Chairman of the Equal Employment Opportunity Commission; Deke DeLoach who was an Associate Director of the FBI.

I called Mr. Hoover early that morning, maybe two or three, to tell him I wanted to take a high official of the FBI with me.

That is all I can remember right now.

Mr. BEESON. For purposes of the record, Mr. Clark, I believe Mr. DeLoach's title was Assistant to the Director and not Associate Director. Mr. Tolson was Associate Director at that time.

Mr. CLARK. They use a little different terminology. I never bothered to get it straight.

Mr. BEESON. Do you recall a news conference at the airport in Memphis after arriving there, Mr. Clark?

Mr. CLARK. I recall a sea of press and being involved in the middle of it. I don't recall a stated press conference in the sense that it was preplanned. I think it was unavoidable, the focus of the country's attention was on that place and matter.

Mr. BEESON. You were reported to have stated during the meeting with the press at the airport that: "All of our evidence at this time indicates that it was a single person who committed this criminal act." This was a statement that you were making on the 5th of April, the day following the assassination of Dr. King.

Do you recall making that statement or one similar to that?

Mr. CLARK. There were several meetings with the press on that day. I think during the course of that day probably more than once I stated that from the evidence presented to me there was nothing indicating more than a single actor. That remained my evaluation of the evidence through various encounters with the press over the next several days.

Mr. BEESON. What was the purpose of making a comment on the state of the evidence at such an early stage? As I imagine you know, that comment and similar comments have been referred to by some as an initial official effort by the Government to hide involvement of others.

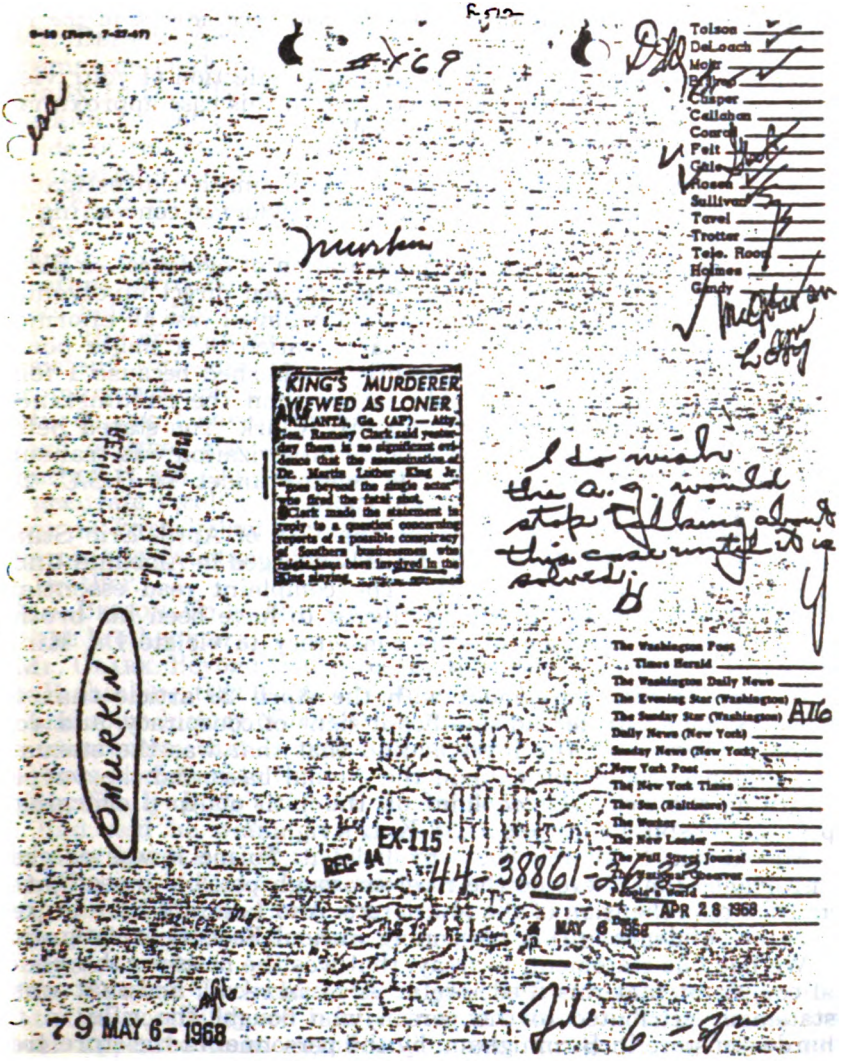
Did you consider comments of that type possibly backfiring in that way when you made it?

Mr. CLARK. The considerations were quite different at the time. I believe in the importance of the integrity of the investigation. I also believe in the public's right to know something that concerns it desperately and the public's desperate concern about the murder of Martin Luther King which was one of the finer reflections on our national character in my time impelled me to tell them what I knew. I believed it was important then. Hindsight does not change my view.

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Mr. BEESON. Mr. Clark, I would like to read to you from a copy of an article in the Washington Star that appeared on April 28, between 3 and 4 months following the assassination. This article is found in MLK exhibit F-512 if the committee clerk will give Mr. Clark a copy of it.

[The information follows:]



MLK EXHIBIT F-512

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Mr. BEESON. I misspoke myself. It was 3 or 4 weeks after the assassination.

If you could read with me, the article is headlined "King's Murderer Is Viewed as Loner," dateline, Atlanta.It reads:

> Attorney General Ramsey Clark said yesterday there is no significnt evidence that the assassination of Martin Luther King, Jr. "goes beyond the single actor" who fired the fatal shot.
>
> Clark made the statement in reply to a question concerning reports of a possible conspiracy of southern businessmen who might have been involved in the King slaying.

Do you consider this article an accurate reflection of your views of the evidence as the case developed and in this case approximately a month after the assassination itself?

Mr. CLARK. Yes.

Mr. BEESON. At any time during the assassination investigation, did your views change on the status of the evidence concerning the conspiracy issue?

Mr. CLARK. I don't recall any presentation of evidence, as distinguished from circumstances, that ever implied direct involvement of another person, and simultaneously I believe I saw an enormous amount of evidence of the direct participation of a single person whose identity was fairly consistently established because I felt I should go on the facts available rather than the circumstances.

Mr. BEESON. Let me ask you this, Mr. Clark: You stated before the day of the assassination an official authorization was transmitted to the FBI to investigate this matter under 18 U.S.C. 241, conspiracy to violate Dr. King's civil rights.

Approximately 2 weeks later, on the 17th of April, Eric Starvo Galt, an alias for Mr. Ray, was formerly charged in Alabama under the provisions of 18 U.S.C. 241. The complaint read essentially charging Mr. Ray and a person alleged to have been his brother with a possible violation of—the conspiracy to violate Dr. King's rights.

In view of your agreement with the April 28 article that the evidence demonstrated no significant signs of conspiracy, and your feelings throughout the investigation that that was the status of the evidence, could you explain the factual basis and the purpose for filing the Federal complaint on the 18th of April charging a possible conspiracy to violate Dr. King's rights?

Mr. CLARK. I can tell you why I did it. To me it was of great importance that there be the most thorough possible investigation and the apprehension of the murderers. And I did not have a great deal of confidence in that happening without Federal investigation.

We had one statement, hearsay, that was the basis for the Federal complaint that was filed insofar as I can recall, and that was a statement attributed to the person who bought the rifle in the hardware store in Birmingham, by the personnel in the store from whom he purchased it, that he and his brother were going hunting in Wyoming, or that his brother did not like the gun sight, or something like that.

Now that was the factual basis on which I was able to sign that complaint or authorize its signature. I do believe that I was personally directly responsible for its being filed whether I signed it or not. Without that allegation, I don't know what I would have done.

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That was the basis on which I invoked Federal jurisdiction and the authority to continue the FBI in the investigation.

Mr. BEESON. Would it be fair to conclude that you did not credit the factual basis underlying the complaint?

Mr. CLARK. I thought it was at the very least suspicious, but I didn't think I had to be the judge and jury and executioner on that issue. I believe then and now, always, in a healthy skepticism and try to avoid being misled by assumptions.

Mr. BEESON. Again, to clarify the record, the statement of the Aeromarine clerk attributed to Mr. Ray was, as it was reported initially to the FBI, that Mr. Ray stated when he exchanged the rifle and bought a more powerful rifle that was ultimately found outside of the rooming house, that he exchanged the rifle after a conversation with his brother, hence the reference to the brother, reflected in an FBI interview of Mr. Wood, the clerk at the Aeromarine.

Do you recall any additional evidence of references by Mr. Ray to a brother surrounding his trip East to Atlanta, Ga. approximately weeks before the assassination of Dr. King, or at any other time during the pre-assassination period which might have—which were consistent with—this reference to a brother by Mr. Ray in the Aeromarine Supply Co.?

Mr. CLARK. I have a broader recollection than you state for the record of what was said about a brother in the hardware store. Whether it has just grown or turned in my mind or whether it is an accurate recollection I can't say, but it was a fairly elaborate story as I recall being told to me that he was going hunting in Wyoming or Montana, but I think Wyoming was mentioned, with his brother.

Mr. BEESON. To be fair, there are several versions, in interviews, of that brother story.

Mr. CLARK. Beyond that, I recall, apparently being told, because I recall thinking that I knew that he had brothers. That they—like he had some history of maybe petty crime, that they were a part of his awareness, that he referred to his brothers, talked with his brothers from time to time.

Specifically, I don't think I can recall being told or knowing that he had said he was going to Atlanta to be with his brother. I probably knew it, that that had been alleged. But the only awareness I retain is that he had brothers that he referred to from time to time and that we were not able to find any proximity between them and him before the time of or after the assassination in terms of days or weeks.

Mr. BEESON. Do I characterize your testimony fairly in saying that the possibility of family involvement in the assassination never appeared to be significant to you during the course of the investigation?

Mr. CLARK. I think you do. I think that is right. The feeling that I have now is that it was one of those sad and troubled families that had members that got caught up in things like that.

Mr. BEESON. Mr. Clark, do you recall any dissent within the FBI on the conspiracy issue or is your recollection that their view of the evidence was essentially consistent with yours?

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Mr. CLARK. I don't recall anyone from the FBI suggesting evidence or even a strong view that there was a conspiracy.

Mr. BEESON. Would you characterize the FBI's willingness to investigate conspiracy possibilities in this investigation? Were they open to pursue conspiracy leads in the investigation?

Mr. CLARK. The thing that I recall—and these things do get embellished in your mind—is suggestions very early on of every conceivable type of conspiracy. I remember the suggestion that a Soviet freighter had landed in Mobile and somebody slipped off the side to come up and kill Dr. King. I remember suggestions that his close associates had done it, the Ku Klux Klan had done it, the FBI had done it, pick your favorite target.

The nature of the events and the emotions involved conjures all that up. I would be sure that the major purpose of the FBI was to try to catch the person who pulled the trigger.

I think simultaneously, however, it was concerned and investigated the possibility of economic support and even direct participation, although the evidence of any direct participation was so noticeable by its absence. I think that particularly Steve Pollak of the Civil Rights Division expressed a continuing concern that there be a full conspiracy investigation and I assume that until this day from time to time, the FBI goes out and tracks down some allegation of conspiracy.

Mr. BEESON. Let me shift the focus of the questioning somewhat.

As we have established, this was investigated as a possible civil rights violation. You referred to Mr. Pollak as head of the Civil Rights Division within the Department of Justice. I believe that Mr. Fred Vinson, who was the Assistant Attorney General of the Criminal Division, was also brought into the case at an early stage to review reports along with you and Mr. Pollak.

Do you recall any other Department of Justice attorneys who carried significant responsibilities within the assassination investigation?

Mr. CLARK. Well, I think there were a number who spent a great deal of time on it. I am sure the Deputy Attorney General, Warren Christopher, was fully and contemporaneously apprised, as were the three of us, myself, Mr. Vinson, and Mr. Pollak. I think their principal assistants, Bob Owen, perhaps Telly Kozsak, in the Criminal Division were constantly involved and concerned.

Mr. BEESON. What did you consider to be an appropriate role for the Department of Justice attorneys to play in the ongoing investigation of the FBI?

Mr. CLARK. This seemed at the time to be the largest, most urgent, and perhaps difficult investigation within my experience. Unlike President Kennedy's assassination, there was not an immediate apprehension of the person accused. The country was in a turmoil. We spoke of 100 cities where pain from the murder had caused rioting. The manpower of the FBI was enormous, and in my judgment, as far as I can tell, certainly my desire was unsparingly employed.

My opinion as to both the proper and most effective way to pursue such an investigation as this was to spur the FBI on as effectively as we could and review what they did as quickly as possible. The capacity to suggest is fairly limited realistically—

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alternatives, different courses of investigation. But it seemed to me to fall in the general area of a criminal investigation, in which the FBI would ordinarily pursue and complete an investigation before it refers it to the legal staff, so to speak, for prosecutorial determination.

Here I thought it was important that we have a more contemporaneous opportunity to evaluate its progress and try to establish that.

Mr. BEESON. The investigative files reviewed which were developed during the investigation indicate that, can be taken to indicate that, on a day-to-day basis the FBI's field investigation was directed and focused out of FBI headquarters in Washington. The Department of Justice attorneys and yourself received a substantial amount of paperwork in the form of monthly reports from field offices, formal letterhead memorandums, which would sum up the resolution of certain investigative leads.

The paperwork which appears to have passed on a daily basis is far more superficial than that which came periodically on a monthly basis or after the resolution of some specific lead.

Would you agree with the assessment of the investigation which I have given to you, the fact that day-to-day conduct was exclusively or primarily in the province of the FBI with the Justice Department and yourself remaining in the background to be informed but not taking an active part within the investigation?

Mr. CLARK. I think that is certainly correct. I don't think the memos necessarily reflect the true nature of the flow of communication. I doubt if on a working day—and they tended to run six or seven a week—went by from the April 4 to the June 9 in which I did not have some direct oral communication about the progress of the investigation. I have not seen government by memorandum working too well.

Mr. BEESON. Did you ever consider the possibility of having a departmental representative review the incoming AIRTEL's, memorandums, along with the FBI in order to maintain a more contemporaneous idea of the investigation?

Mr. CLARK. No.

Mr. BEESON. In retrospect, would you consider that an advisable thing to do? Do you think that would be a wasted effort?

Mr. CLARK. Knowing what I know tells me it would have been helpful and it would have probably been costly in terms of already strained relations.

Mr. BEESON. In terms of appearing to attempt to supervise too closely the ongoing FBI investigation?

Mr. CLARK. In terms of directly injecting or more directly injecting lawyers into the progression of FBI investigation.

Mr. BEESON. On the same general line, Mr. Clark, let me ask you a few background questions and then get into specific questions on the use of the grand jury in this investigation.

How extensively was the grand jury used during your term as Deputy Attorney General and Attorney General in the criminal investigations generally? By this I mean as a means of investigating the case, as opposed to a receptable for the presentation of evidence?

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Mr. CLARK. It is hard to know how to characterize it. It would vary with the type of crime. I would say in an antitrust violation they might use a grand jury fairly extensively. In a bank robbery not at all. We had investigative usage of grand juries, but overwhelmingly they screened evidence, developed and even packaged long before a lawyer at the Department of Justice ever heard of the alleged crime.

If you went through the 90-odd Federal judicial districts, I would assume that the vast majority of the grand juries in their daily operations did no real investigative function. They reviewed evidence that was developed by investigators and presented to them through witnesses.

Mr. BEESON. What do you consider the ideal characteristics of a case which would merit grand jury investigation?

Mr. CLARK. Well, I think it is rather hard to determine facts sitting around in a room talking. It is certainly hard to find fugitives that way. So what the grand jury has really come down to is the use of coercion to testify. The grand jury has one advantage over the investigator and it may have some psychological advantage, but one—and a disadvantage to others is quite possible.

But the one clear advantage is that it can cause punishment to be inflicted for refusing to answer like granting immunity where the fifth amendment is invoked or by simply referring for contempt where that does not become an issue.

So its utility is where you have recalcitrant witnesses, sometimes where you have great difficulty getting documentary evidence, analyzing documentary evidence because of its completeness, where you believe people are concealing things and documents and the intimidating quality of the questions before the grand jury might elicit that.

Overwhelmingly, I believe the purpose of the grand jury is the protection of the innocent from the overzealous prosecutor.

Mr. BEESON. If evidence of a crime were in the hands of people with criminal backgrounds not prone to cooperate in a field interview with the FBI, would this be one situation where a grand jury might be effectively utilized?

Mr. CLARK. Yes; where you have a recalcitrant witness. Sometimes it helps. Sometimes they will do as Sam Giancanna did and just sit in jail for 18 months.

Mr. BEESON. Specifically in a case such as the murder of Dr. King, if there had been indications of involvement of hate groups, or hate-type organizations, again you are dealing there with individuals who will probably not cooperate in a field interview; is that correct?

Mr. CLARK. Well, assuming your hypothesis, yes.

Mr. BEESON. So, again, assuming the hypothesis, that would be an appropriate area for a grand jury investigation?

Mr. CLARK. Yes; if those were the facts, if you had people who were not talking because of some affiliation or association. The fact here, as I recall, is that there was never any suggestion that the grand jury would have any utility, that someone was not talking. I recall no requests that a grand jury be utilized. We were running all around the country trying to find somebody and we were not going to find them in a grand jury room.

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Mr. BEESON. Do you consider evidence reliable which is taken under the grant of immunity?

Mr. CLARK. I think it is very difficult evidence. It has a potential for distortion. It is involuntary. An individual under those circumstances may not, either unintentionally or intentionally, give you the full truth as they see it.

Mr. BEESON. Mr. Clark, I believe that during your administration as Attorney General you developed what was known as the strike force approach to the investigation of organized crime cases; is that correct?

Mr. CLARK. That is right.

Mr. BEESON. Is it not one of the components of the strike force approach to achieve early involvement of attorneys along with investigators, in the evaluation of evidence, the formulation of strategic decisions, the targeting of individuals in the investigative process?

Mr. CLARK. Yes; the theory of the strike force is that there has been some corruption or infiltration of some agency's criminal justice and therefore you need a coordinated team approach to liberate, so to speak, the captured elements. That involves the selected use of Federal, State and local police and investigative agencies and quite frequently a high and early use of a grand jury.

Mr. BEESON. Would this be an investigative grand jury?

Mr. CLARK. Preponderantly, yes.

Mr. BEESON. Did you ever consider implementing the strike force concept within the Civil Rights Division of the Department of Justice for the purpose of investigating conspiracy cases?

Mr. CLARK. I think it was February 8, 1968, at Orangeburg, S.C., 3 students of the South Carolina State College were shot and killed and 27 were seriously wounded that we know of because they were hospitalized.

We discovered it and several hundred law enforcement personnel were involved, including the presence of the FBI, National Guard, State police, county sheriffs, local police.

After considerable difficulty and finally learning of the involvement of the FBI, we took that particular investigation essentially away from the FBI and investigated it with young lawyers and others from the Civil Rights Division. So we had direct experience in that sort of thing.

I would not recommend it in many cases. It is a very, very difficult thing to do. The capacity of the entire Civil Rights Division did nothing else. It is very limited. Its experience in investigation was hardly extensive. But in Orangeburg it was essential because the failure of the FBI to reveal candidly its early presence and the horror of the scene.

In an investigation as sweeping as the murder of Dr. King, the decision that you could not use the FBI would have left you in extreme difficulty.

Mr. BEESON. If I understand the Orangeburg situation that you are describing, that was not a classic example of a strike force approach so much as a step that you took to remedy a specific problem in that case.

Mr. CLARK. That is the reason that we did it. The strike force approach, as far as I know, is as such limited to organized crime.

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Mr. BEESON. But the strike force approach would assume cooperation between the FBI and Department of Justice attorneys in the organized crime investigation and not a replacement of the FBI?

Mr. CLARK. Sadly, the history of the FBI's role in strike forces tended to be nonparticipation. It is a fairly well known history. Mr. Hoover gave many reasons, but those that seemed to have the greatest strength were unwillingness to risk his manpower with other personnel, particularly where corruption was involved, and the sharing of the fame, success.

Mr. BEESON. Then would it be fair to conclude that one reason that the strike force concept did not spread was because of a perceived reluctance on the part of the investigative arm of the FBI to participate in that type of approach?

Mr. CLARK. Well, it may have spread further even with that. I think as time went on the FBI tended to get onboard because at least in the early years it seemed to be a winner. Indictments were returned and successful prosecutions completed. Still, it was very difficult for the FBI to engage in that sort of sharing arrangement.

Mr. BEESON. Was the heavy involvement of the Department of Justice attorney successful in the *Orangeburg* case?

Mr. CLARK. No. I say that with the greatest respect for all that were involved, but the prejudice—my interpretation—the prejudice was so powerful we had great difficulty persuading the Federal judge to convene a grand jury. Two successive grand juries did not obtain an indictment, although we had testimony of officers emptying six-shot service revolvers at helpless students yards away.

I signed an information, a painful comedown from the dimension of the crime, and some very able young lawyers in the Civil Rights Division went down to try the case but were unable to secure convictions.

Mr. BEESON. Mr. Clark, let me shift to one other possible investigative technique available in 1968, that of electronic surveillance. Will you start off by giving your views in general on the use of electronic surveillance in criminal investigations to the committee?

Mr. CLARK. Well, I opposed, as Attorney General, the use of electronic surveillance as un-American, if you will, as inconsistent with the idea of individual freedom, as an improper way for the Government to proceed against its people, against the meaning of human dignity.

President Johnson sent up a Right to Privacy Act which we struggled to secure passage for that failed that would have prohibited wiretapping. As Attorney General I had little knowledge of the actual practice until I became Acting Attorney General.

I think as far as I can tell, I essentially succeeded in eliminating the use of wiretapping in what you might call domestic affairs and in greatly curtailing its use in international or foreign national security affairs.

Mr. BEESON. Did you perceive of any investigative losses involved in that decision?

Mr. CLARK. Well, we try to tell ourselves we are right so I perceived just the opposite, substantial gains across the board.

My view was and is that in addition to being unacceptable as contrary to the spirit of the American Bill of Rights, it was terribly wasteful, inefficient, and finally corrupting investigative tech-

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niques, the idea of having grown people sit around listening days on end to what other people may or may not be talking about, hoping they will say something they should not, is not the way to prevent or control crime, that in fact it is wasteful of resources. They could be out protecting the people.

Mr. BEESON. Isn't it a fact, though, Mr. Clark, that the nature of certain criminal offenses, and specifically conspiracy which is often based really on conversations, requires the use of electronic surveillance, or to state it otherwise, isn't it at least far more difficult to prove an offense which is based solely on conversations together with an overt act, of course, without the ability surreptitiously to overhear these conversations?

Mr. CLARK. Well, the crime is the overt act, not the conversation, because we have a first amendment. I would prefer to see us investigate the overt acts and proceed on acts. Conspiracy may be hard to prove anyway.

It is my judgment a testament to the intelligence of the American jury that most of the major conspiracy prosecutions of the Nixon years failed on the conspiracy counts. They could not get convictions in Chicago; they couldn't get convictions in Harrisburg, Gainesville, or any of those places. There is something insidious about that use of conspiracy law and wiretap tends to compound it.

I have looked at the logs of more wiretaps than a person who cares about freedom ought to have to, both in office and since. I am constantly amazed at the religious fervor of those who favor wiretapping because I don't see the evidence that it is effective if you are willing to engage in worse than a dirty business.

Mr. BEESON. In your experience as a prosecutor, you have no recollection of cases where the evidence was based substantially on the interception of conversations through wiretapping, and in fact cases that could not have been brought without the use of wiretapping?

Mr. CLARK. I don't know of any such cases. No one has pointed any out to me. It is interesting to observe, and this can be read several different ways, that of the literally dozens of cases in 1966 and 1967 in which lawyers in the Department of Justice went before courts, including the Supreme Court of the United States, and said to our great embarrassment, we have discovered the presence of illegal electronic surveillance or wiretapping—and there were at least 35 such cases on remand to consider whether the wiretap produced evidence or leads that tainted the trial—we did not find a single case.

Maybe we should have, but I prefer to believe that the FBI was fair about it and that there was in fact no utility. All it did was jeopardize good prosecutions.

We ought to believe we can find facts and move on them and not have to sit around and listen to people's conversations to enforce the law.

Mr. BEESON. Approximately 2 months after the assassination of Dr. King, the Omnibus Crime Control and Safe Streets Act was passed, which provided a statutory basis for legal or authorized electronic surveillance—electronic surveillance which would have been conducted under the scrutiny of a Federal magistrate or district judge and with the authorization of the Attorney General.

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Following the passage of title III, were your views on the utility or the propriety of electronic surveillance in any way affected, or did they remain the same?

Mr. CLARK. Well, my views remain the same. My conduct may be questionable. I refused to use title III, did not authorize its use, during my remaining time as Attorney General. I justified it legally by saying it was discretionary. I was not mandated to use wiretapping, that I would either follow the law or resign if I were, but that in the exercise of my discretion I declined to use it.

Perhaps there really wasn't an exercise of discretion, in the sense that I looked at the case to decide because of a predisposition against the use of wiretapping.

Mr. BEESON. Had the FBI considered the use of the provisions of the new statute in this investigation or any other criminal investigation, you would have prevented that use, is that correct?

Mr. CLARK. I think so. If we wanted to conjure up all the horribles we can think of, you might come up with one where I would authorize it, but I doubt it. But the FBI hadn't waited for title III. There were a number of occasions in which it asked me to approve wiretapping or electronic surveillance of Dr. King before his assassination, including, I believe, as close to the assassination as April 2, 1968. I declined in those cases.

Mr. BEESON. We perhaps will get into that area a bit later.

Let me ask you to refer to Martin Luther King exhibit F-507, if I could. This is a copy—I believe you have seen this document before, Mr. Clark—it is a copy of an FBI memorandum to you, Attorney General, on May 13, 1968, approximately 5 weeks into the assassination investigation, in which they request your authorization for the use of electronic surveillance during the investigation of the assassination, essentially in order to ascertain the location of the fugitive, James Earl Ray.

When I asked about it previously, you didn't have any specific recollection of receiving this request. Is that still the case now?

Mr. CLARK. That's a hard question. I mean, you are talking about mental processes. You know, I have no doubt that I had this sitting in my desk drawer for some time.

Mr. BEESON. Was it ever your practice to solicit the views of the FBI on the legality of proposed electronic surveillance that they submitted to you, to ask them to analyze the legality of electronic surveillance before transmitting a request to you?

Mr. CLARK. There were several things that I did: I told them to always consider the relative importance of prosecution and discovery. This is in the national security field, obviously, because that was the only place that I was really considering wiretapping, because an authorization could well destroy the possibility of a legal prosecution, and sometimes I would override them on that ground, that I didn't think it was important, as we know—that we know certain information that we preserve a right to prosecute, why, there was some indication that there might be a serious Federal crime committed.

As far as just asking them for their view of the legality of a wiretap, I guess I felt as competent as they to evaluate that.

Mr. BEESON. Did you ever feel it would be useful to have them, by some sort of internal regulation, go through the process at least

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of analyzing the legality of specific proposals before submitting it to you, to acquaint them with the laws, to force them to face the possible prejudice caused by a specifed wiretap proposal?

Mr. CLARK. We did that in a number of areas. I can recall, I think, John Doar working at great length on the law of arrest, which is such a critical and difficult area, and a number of others. Particularly in the urban riot situation, the use of deadly force, we spent a great deal of time with them, trying to narrow and discipline the circumstances under which enforcement officers were authorized to use "deadly force," as it is called, which means shoot somebody or hit them hard and in a way it might kill them.

As to wiretapping, before the Omnibus Crime Control Act, June 1968, the legality was so very ambiguous, anyway, that the utility of an effort to train or discipline on the law would be rather meaningless. As Attorney General, I had a hard time explaining how you could justify under the Constitution of the United States a wiretap on a foreign embasssy—as an illustration—except by precedents. They have done it since Robert H. Jackson. So I don't know where that would have gotten us.

I rather think there was considerable legal work in the Criminal Division, and with the FBI, on legal procedures under title III of the Omnibus Crime Control Act after it became law.

Mr. BEESON. This specific proposal came before title III was enacted. A review of FBI files indicates that they did perform an internal analysis of the legality of the proposal, the constitutionality of it, and possible prejudice that it might do to the case, and came to the conclusion in the memos—I believe it is a fair summary of Mr. DeLoach's testimony yesterday—that in fact, at least according to the FBI's internal analysis, that proposal would, if implemented, have been unconstitutional and illegal as to the targets of the electronic surveillance.

Do I take it from your testimony that there were at least no internal procedures in effect in the Department of Justice in May of 1968 which were violated by their submission of that proposal to you, notwithstanding their own analysis of its illegality, or in submitting the proposal to you and withholding their analysis on its legality?

Mr. CLARK. I assume at all times, for all people knowingly recommending the violation of constitutional rights is unacceptable, and I don't know what kind of Ten Commandments you put out to prevent that.

The cause was probably this: The FBI's reputation was on the line because of its failure to apprehend someone more quickly, and that was the source of enormous agitation; and it may well be that this memo reflects greater interest in apprehending someone so the FBI has done its job than in a successful prosecution, because I think by May 13 the press was beginning to react unfavorably about the failure of the investigation to find the person that at least I had said earlier we had on the run.

Mr. BEESON. Just one final line of questioning, Mr. Clark.

You have referred previously to strained relations which existed between the FBI and the Department of Justice at the time of the assassination investigation, something which at least would have been a consideration, had you ever considered inserting a depart-

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mental representative into the FBI to review incoming communications from the field. What was the cause of the strained relations, and how did it manifest itself?

Mr. CLARK. That's kind of a big question.

I guess I believe that there was always considerable tension between the FBI and the lawyers in the Department of Justice. "Time dissipates to shining ether the solid angularity of fact," and it became popular in later years to say that the relationship between Mr. Hoover and my father was always a bed of roses. But not only do I remember otherwise, from teenage experience, I have heard otherwise, both from my father and from Mr. Hoover. It's not all unhealthy and I would say here, as I have said other places many times, that more often than not Mr. Hoover was right about it, because he was dealing in highly sensitive information about people that had to be used with absolute integrity if we were to have a system of law, freedom under law.

I came to the office of Attorney General after Robert Kennedy and Nicholas Katzenbach, and those were fairly turbulent times between—in the relationship between the FBI and the Department of Justice. I came in particularly at a time when we were going through the very painful process of disclosing illegal FBI electronic surveillance in scores of cases—I referred to it earlier—and nobody enjoyed that, but least of all the FBI.

I came in with a Director who was Director of the FBI before I was born, and I think he rather wondered who this new kid was, saying you can't wiretap here and you can't blackbag here. I had never heard the phrase "blackbag" at the time; but they wanted to enter some places without a warrant. I said you can't do that because there is a fourth amendment to the Constitution, and I think there was some resentment about that.

But then, at least as I sense the epoch now, for all the turbulence of the early sixties, it had a glorious quality about it. I mean, the civil rights movement was in the ascendency and there was a belief that we would overcome, and in the years when I was Attorney General, riots and violence and the fear of crime were high; and I think those things combined to make for a very difficult relationship between the FBI and the Department of Justice.

I think it can be overstated. I think at many levels there was a fine working relationship. I think at many levels there was a respect and, efficiency with Mr. Hoover, my relationship was always cordial, although we both understood profound differences. I think he understood my belief that whatever his contributions earlier, he had stayed on the job too long.

Mr. BEESON. In reviewing the history of the investigation, there is an absence of at least some investigative approaches which would have required close cooperation and collaboration among the Department of Justice attorneys and the FBI. For example, grand jury immunity, perhaps participation of the Department of Justice attorneys in significant interviews, such as the interview of Mr. Ray after his guilty plea, no evidence of an attempt to implement the type of strike force concept of earlier involvement, and closer involvement, of attorneys.

Is that situation understandable in terms of the strained relations that you are describing now, or is it simply a fact that to the

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best of your recollection this investigation just did not warrant those investigative approaches?

Mr. CLARK. Well, you lumped a whole lot together there.

As I said earlier, I do not recall any suggestion that a grand jury would have utility, any proposal that a certain person be put before a grand jury. The impression I had was that we had hundreds, maybe even thousands, of FBI agents trying to act like hippies—which they couldn't do, because they came from a different background—to see whether they could pick up a trace of a guy who led us to believe he might be in hippie areas of different towns, of hundreds of agents looking through millions of passport applications, and things like that.

I didn't see a grand jury utility. It never—nothing I ever heard or saw or have seen indicates it would have had any utility.

On your other questions, I don't—I don't know what we could have contributed by having lawyers closer in than we did. The average FBI investigation is turned over to the Department of Justice lawyers as a fait accompli. You walk into the attorney's office with the file and say, "Here's the file. This kid stole a car"—whatever it is. This is not an analogy, merely to show a practice.

Now, here you had the need to have the most highly motivated investigation that you could have, and to create any disruptive quality by trying to inject people in, like you lack confidence in what they are doing and/or you are trying to overdo, my sense was our need was to motivate them to show our great concern, to review what they did, if we had ideas or suggestions to let them have them, but above all to have them out on the streets looking hard.

Mr. BEESON. Mr. Chairman, I have no further questions of the witness.

Chairman STOKES. Thank you, counsel.

At this time the full committee will suspend for about 5 minutes, for the purpose of permitting the King subcommittee to conduct a meeting in the same room here, which will be a public meeting.

So we will ask at this time if the witness will just remove himself from the witness table for a few moments, until we can transact this other business.

The full committee is in suspension.

[Whereupon, at 10:35 a.m., the proceedings were suspended.]

Chairman STOKES. The full committee will now come to order.

The Chair would request the witness to resume his place at the witness table.

[Whereupon, Ramsey Clark, former Attorney General of the United States, having been duly sworn previously, resumed the stand and testified further as follows:]

Chairman STOKES. The procedure at this point will be that the Chair will yield himself such time as I may consume, after which the committee will resort to the 5-minute rule.

TESTIMONY OF RAMSEY CLARK—Resumed

Chairman STOKES. Mr. Clark, let me first establish your period of service within the Justice Department. My understanding is that during most of 1965 and 1966 you were Deputy Attorney General under Attorney General Katzenbach. In the latter part of 1966 you

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became Acting Attorney General, and in early 1967 you were confirmed as Attorney General, and you held that position until January of 1969; is that correct?

Mr. CLARK. That's correct.

Chairman STOKES. Now I would like to focus questions on the activities of the Department's major investigative agency, the FBI, during that period.

You were, of course, aware that the FBI had a Domestic Intelligence Division, that the responsibilities of that Division included investigation of individuals and organizations posing threats to national security within the United States; is that correct?

Mr. CLARK. That sounds correct. I am just puzzled about whether another division had some jurisdiction over threats to national security within the United States but that is essentially right.

Chairman STOKES. Would you tell the committee what steps, if any, you took in order to remain informed of the day-to-day activities of the Domestic Intelligence Division, if you took such action?

Mr. CLARK. You mean generally?

Chairman STOKES. Yes, sir. I guess, essentially what I am requesting of you is whether you set up some procedure whereby they were to keep you informed of their activities, whether or not this would have been on a daily basis of some kind.

Mr. CLARK. Well, they informed me of their activities essentially through the Director, I would assume, that what they chose to tell me came through memos that were at least processed through the Director's office.

I don't recall any distinct method of communication for any division of the FBI, except with reference to particular cases where there would be necessary communication between, say, the Criminal Division and the Internal Security Division and agents working on the case.

I think all the divisions reported as to their general activities through the Director.

Chairman STOKES. Did you know Mr. Sullivan who was head of that division?

Mr. CLARK. I came to know him at some time. I certainly knew the name. Whether I would recognize him if I saw him is questionable.

I endeavored early as Attorney General to establish a system of regular meetings with assistant directors, and Mr. Hoover expressed his desire that that not be done. My hope was that the assistant attorneys general and the assistant directors would have regular lunches in my office, with Mr. Hoover and Mr. Tolson, so we would get to know each other better.

Mr. Hoover said that he thought that would be difficult for him and a bad policy, and I dropped the idea.

Chairman STOKES. Did you read into that anything other than what he said?

Mr. CLARK. No. I thought it was his view of administration and the relationship that he thought most effective between the FBI and the Department of Justice. I disagreed, but I didn't believe that while he was Director I could meaningfully establish a relationship over his opposition.

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Chairman Stokes. Mr. Clark, were you confident during your years as Deputy Attorney General and Attorney General that you had a thorough knowledge of the operations of the Domestic Intelligence Division?

Mr. Clark. I never thought about it that way certainly, but if any Attorney General was ever confident that he had a thorough knowledge of what the FBI was doing, I would question his intelligence. I knew the six preceding Attorneys General and for reasons of affinity and consanguinity had great respect for them, and had occasion to ask them from time to time how much of their attention they were able to devote to the FBI; and none of them ever suggested more than 5 percent.

The FBI was running 700,000 or 800,000 investigations a year when I was Attorney General, to 7,500, 7,700 agents, and it would have been impossible, if you did nothing else, to know what the divisions were doing. It's a rare Attorney General, literally, who could sit down and name the divisions of the FBI.

Chairman Stokes. And that would be a situation you would think that nothing could be done about?

Mr. Clark. I think something could be done about it probably. I shouldn't distinguish the Federal Bureau of Prisons from the FBI or the Immigration and Naturalization. I would say our ignorance of the Immigration and Naturalization substantially exceeded our ignorance of the FBI. It has to do with the nature of the Office of Attorney General and the capacity of an individual in a short and hectic period of time to master a huge bureaucracy, that there was not enough knowledge, was and is, in my judgment.

We tried to correct that in a number of ways. I think the major effort was an effort to institute what we called then the PPBS, Planning, Programing, and Budgeting, something that came out of Mr. Hitch's activities over at the Department of Defense, and was urged generally on executive agencies by the then-called Bureau of the Budget; and while Planning, Programing, and Budgeting didn't really fit precisely into law operations, it had high utility in helping you find out what you were doing, and why, where your resources were allocated.

We tried to initiate PPBS and we believed—I say "we"; I certainly believed, and, I think, the handful of people that were involved with me—that it would help us learn more about the FBI and indeed help the FBI learn more about the FBI; and we started down that road, but not a great deal of progress was made.

Chairman Stokes. Well then, if I understand your testimony, essentially you are saying that it pretty much leaves the FBI and some of these other agencies to operate under their own autonomy and without real supervision or jurisdiction of the Attorney General's Office; would that be correct?

Mr. Clark. In the daily activities, that's correct.

Chairman Stokes. Then, again speaking in general terms, were you aware, during your years as Attorney General and Deputy Attorney General, of the counterintelligence programs, of COINTELPRO conducted by the FBI?

Mr. Clark. The COINTELPRO came into my vocabulary in the early or midseventies. The idea that the FBI ever engaged in disruptive activities never occurred to me, and had it, I think I

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would have acted. It is something I feel pretty strongly about; it is no proper function of Government.

Chairman STOKES. Let me ask, how did the COINTELPRO program come to your attention?

Mr. CLARK. Through the press, I believe. People started talking. There were documents leaked, both selectively and unselectively, and it became a part of the vocabulary.

Then through a number of lawsuits and investigations, publication of a little paperback called "COINTELPRO," as I recall, I came to know more and more about it, or at least have more information, accurate or not, about it.

Chairman STOKES. Now, Mr. DeLoach, who was assistant to the Director in the FBI, was your primary source of contact with the FBI, was he not?

Mr. CLARK. For daily activities he was.

Chairman STOKES. And in the course of this liaison between the Bureau and yourself, in his capacity as the liaison person, then are we to assume that Mr. DeLoach never briefed you about the COINTELPRO program?

Mr. CLARK. I have no recollection, and every confidence that my recollection is adequate, that there was ever the mention of the word "COINTELPRO" or any description of any of the disruptive or illegal activities of COINTELPRO made to me by Mr. DeLoach or anybody else while I was in the Department of Justice, from 1961 to 1969.

Chairman STOKES. I would like now to direct your attention to the FBI's investigation of Dr. King and his organization, the Southern Christian Leadership Conference.

When did the FBI's use of electronic surveillance against Dr. King and the SCLC headquarters first come to your attention?

Mr. CLARK. I have not been able to establish the date clearly. The occasion I remember vividly. I was Deputy Attorney General and it was late in the evening, and I was sitting up in my office, and John Doar came up, handed me an FBI memo and said, "What do you make of that?" And I looked at it and said, "Well, I guess you're saying it looks like this must have been picked up by electronic surveillance?"

He said, "That's what it looks like to me." And I said, "I'll go up and talk to the Attorney General about it."

I had been around for a long time, even before 1961, in a sense, but I must say the idea that the FBI would have wiretapped Dr. King was unbelievable. I worked for 4 years with Bob Kennedy, loved the man, had the highest respect for him, but this just was so inconsistent with my perception of how he saw Dr. King, how the FBI functioned, that I couldn't believe it.

I went up, however, and talked to Mr. Katzenbach, showed him the memo, and he said, roughly, "Well, there has been a problem. It's cleared up now and you don't need to worry about it." My guess is that that was August or September of 1965, and having plenty of problems and being told that this one was over, and that apparently being the fact, I didn't worry about it anymore until the disclosures came out.

When I became Acting Attorney General, I found some of the files in rather chaotic condition, and particularly those relating to

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how the Attorney General retained information about authorized electronic surveillance.

My impression, roughly, was that Bob Kennedy must have been sitting there in the Attorney General's Office and the secretary would come by and Bob would sign something, put it in his pocket or stick it in his desk. We would find them all over the place.

The problem I have is, how do you know what has been approved and what is going on?

We began to organize them, even though it was my belief—I had been told by the President I wouldn't be Attorney General, but it seemed like I could do something while I was sitting around; and one of the things we tried to do was organize those files, and discovered the authorization of wiretap on Dr. King, as I recall, in October of 1963, and some others.

Chairman STOKES. Did it ever, Mr. Clark, come to your attention that the FBI was briefing Members of Congress, the White House, members of the press, private citizens, on the activities of Dr. King, based upon wiretaps?

Mr. CLARK. Mr. Chairman, from early youth I had witnessed how the FBI would operate on the Hill and with the White House—I remember the Harry Dexter White case well—and knew its relationship with the chairman of the Appropriations Subcommittees of the House of Representatives, the chairman of the Appropriations Subcommittees of the Senate, others.

Apparently many people knew—for whom I had and have the greatest confidence and respect—Bob Kennedy, Burke Marshall and others, became aware in 1964-65 that there had been preparation of memorandums and dissemination of them, perhaps playing of tape recordings. I don't know why. I guess I was just down working on something else. I don't think I was aware of it until I read about it in the papers later on.

Chairman STOKES. In 1966, after becoming Attorney General, I believe that you systematically reviewed all wiretapping done by the FBI in the recent years and found additional evidence of electronic surveillance on Dr. King. Would that be correct?

Mr. CLARK. That's correct. As best I recall, I found three one-page memos that appeared to have been authorized, that is, signed, by the Attorney General, in 1965, bugs, as I recall, as distinguished from wiretap, and on hotel rooms.

Chairman STOKES. In uncovering this evidence, were you made aware of the stated purpose for which these bugs were being placed?

Mr. CLARK. The memos themselves said very little, I'm sure. I had come to believe—and I am sure it was from conversations with some of the principals—that it related primarily to a belief in the FBI that the Communist conspiracy, so to speak, was infiltrating the civil rights movement, and particularly the Southern Christian Leadership Conference, and influencing Dr. King, and that for a variety of reasons that involved protecting the civil rights movement, protecting Dr. King, and perhaps placating the Bureau, and perhaps avoiding a controversy before an election year, 1964, that the original wiretapping was done.

My view has always been that when Bob signed that—Bob Kennedy—that he must have intended to take it off soon. Within a

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month, his brother was murdered, and he just didn't think about things like that for a while; so it stayed on for quite a long period—1965, when I assumed, and I think I had the impression from conversations and all relating to the same sort of thing, although the nature of them had an inherent improbability about it, very unattractive.

Chairman STOKES. How about after you had become Attorney General, did the FBI come to you with requests that they be permitted to put electronic surveillance on Dr. King in his home at Atlanta, on the SCLC in Atlanta?

Mr. CLARK. They sent memos out. Mr. Hoover didn't like to be told no, directly, which is understandable, and when he thought he was going to get a "no," he would send them over; and rarely would he go to battle.

I can only remember one time when he asked me to reconsider breaking and entering. I don't believe he ever asked me to reconsider a wiretap directly and personally; but I got, I would say, at least four requests from the fall of 1966 through April 2, 1968 to authorize electronic surveillance of Dr. King.

I imagine it was on his quarters, his home, or his church; but I cannot tell you at this moment that I specifically recall that.

Chairman STOKES. The last request would have been 2 days prior to his assassination?

Mr. CLARK. If that's the date—and I think it is—that is available to the committee, I'm sure.

Chairman STOKES. What was your reaction to these requests? What action did you take relative to the requests?

Mr. CLARK. I guess I didn't like it at all. There were many requests that I turned down, and the range—I can only go on memory; somebody could look—was quite wide and in various investigations.

I have learned that apparently I turned down a request on Fred Hampton, for instance. At the time, and until his murder, I think probably the name meant nothing to me. I turned down in the low scores altogether, and some it would be very difficult to explain, like Abba Eban, and things like that; but the King one was special, both because of the shock that I had when I had learned that he had been earlier wiretapped, my disbelief that there could possibly be any justification for it, and it was not anything I was willing to consider.

Chairman STOKES. With reference to these four requests you have spoken of, and the last of which you believe was on April 2, which would have been a couple of days prior to the assassination, was the FBI still at that time basing the purpose upon communism and infiltration of Communists in the civil rights movement, et cetera? What is your best recollection?

Mr. CLARK. My best recollection is that at least the last several, or at least the last one, had to do with the Poor People's Campaign, and an incredible fear of, a paranoia, literally—that wasn't peculiar to the FBI by any means—about the possibility for violence.

We had had tragic urban riots in 1967, Newark and Detroit, in the late summer. We had had major magazine articles. I remember Life magazine with a picture of snipers on top of buildings, saying this was all planned; and Spiro Agnew holding a press conference

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as Governor of Maryland saying the same people that provoked the riot in Newark provoked the riot in Detroit, fantasizing like that.

I think we had hearings that Senator McClellan conducted that were credible in terms of the fear that they reflected and provoked irrationally about the potential for violence from these poor people coming to the Nation's Capital.

I think that the last request—I would be surprised if they didn't have "Poor People's Campaign" written up at the top, and didn't state that there was concern that there was going to be deliberate provocation of violence, and there would be preventive measures.

My view about the importance of preventing riots is pretty well known, and that would have been a natural appeal.

Chairman STOKES. Mr. Clark, are you familiar with the press conference in which Mr. Hoover described Dr. King as being the most notorious liar in the world?

Mr. CLARK. Well, I'm certainly familiar with that incident, yes.

Chairman STOKES. And did you ever have occasions to talk with Mr. Hoover, during which discussions he would describe to you his feelings toward Dr. King?

Mr. CLARK. I had a number of occasions to listen. I didn't do a lot of talking, simply because there was some—I just had some sense that there was a preoccupation here by an older person, and that maybe you could let him let a little steam off by just expressing his views; but that he had a personal dislike for Dr. King was well known to me.

Chairman STOKES. In terms of the dislike you describe, would you describe it as being intense dislike bearing on hatred? How would you describe it?

Mr. CLARK. Trying to analyze it, it had to me qualities of racism. I know that's a hard word, but Mr. Hoover came from an older generation; he was raised in a southern city, if you will, segregated city, it came from his views of the clergy, which I would call strict, roughly, I guess, came from his—it's hard to talk about a person like this. He was a very able man, but he had some preoccupations with sex, and I saw these coming together. It caused him—then the prominence of Dr. King, the international recognition. I have often thought perhaps the nonviolence—he didn't like that, really, because in his value system power was right; but, anyway, these things caused him in a very uninhibited way to express a personal belief that Dr. Martin Luther King was not a good person; and he knew that I disagreed with that, but that didn't inhibit him from saying his thing.

Chairman STOKES. From expressing himself.

Mr. Clark, we have received, during the past week or so, testimony relating to the attitude of the FBI toward civil rights violations. We have had some testimony that in terms of investigating civil rights violations that they engaged in foot dragging. On the other hand, we have had some testimony that agents did a good job and that they were consciencious about investigating civil rights violations, et cetera.

It seems to me you would be in a unique position to be able to assess the attitude and the performance of the Bureau with reference to investigating civil rights violations. You have already made some reference to the Orangeburg, S.C., situation.

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I would ask you at this time if you would elaborate a little more for us in terms of your own assessment of their performance?

Mr. CLARK. Well, first, I think that all those characterizations that you gave are true. You just have to realize how many investigations and how many people were involved; and, first, how the FBI as an institution adapted to change, to new laws, new national moods, and institutionally how it was structured.

I believed at the time, and still do, that the resident agent policy of the FBI was a very serious handicap to its effective investigation of many civil rights violations. In a very rough way, the resident agent policy permitted some agents to opt to remain in a location, rather than adventure to higher opportunities. This would mean agents would work for 20 years in the same town, same area.

It had some very efficient aspects. You get to know the sheriff pretty well and the chief of police, the judges, and all the rest; but it had some great handicaps, too: One, if there are prejudices in the community, that makes it likely that rights of some citizens would be violated. You will tend to identify with those prejudices.

Second, it is hard to attack the person that has helped you in picking up all those Dwyer Act convictions. So the resident agent policy which Mr. Hoover changed in the early sixties, particularly in the South, was a great handicap. You can't change attitudes overnight. Many of these attitudes were deeply ingrained.

I think the FBI came to civil rights investigation with great concern. To a considerable degree they were in the numbers game. They justified their existence by running up high statistics on easy marks like stolen automobiles. If they had to put a lot of manpower into a single investigation, such as whether a couple of deputy sheriffs beat up a Black prisoner in a county prison somewhere, it didn't help them that much; it didn't show that much; it made it difficult for them to appear well in the other statistics.

Still, I believe that Mr. Hoover sensed the need to get on top of civil rights investigation and did some rather remarkable things. I always thought one of the great persuasive feats of contemporary American history was President Johnson's persuading Mr. Hoover to go to Jackson, Miss., to open an FBI office. The meaning and impact of that was very important to FBI agents, and Black folks, and to American citizens generally.

The investigation of the Klan—the infiltration, I guess you would have to say today, of the Klan—I don't know enough about it to have final judgments, but rather remarkable from what I have seen in terms of expeditions and effectiveness.

If I had to judge their coming to investigate, of comparing their investigation of civil rights cases with their investigation of organized crime, I come to a surprising conclusion, and that is that they came with a little greater speed and effectiveness to the investigation of civil rights violations than they did to organized crime. It took a long time to get into—Mr. Hoover at one time saying there is no organized crime. Still, there would be many illustrations where an agent simply wouldn't do a good job investigating a public accommodations title II allegation, and many others.

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It was necessary, I think, for us to keep pressure on to expand and extend and make more effective commitments of resources to civil rights investigation, but I guess I think it moved fairly well.

Steve Pollak can probably tell you a lot more about that.

Chairman STOKES. Let me ask you this: We have heard over the past several days the testimony of a prolonged and intense effort by the FBI, not only in the early part of the sixties but also in 1967 and 1968—which is during your own tenure as Attorney General—of their efforts to destroy Dr. King as the leader of the civil rights movement in this country.

The methods that they used were immoral and often illegal, certainly went far beyond any legitimate investigative mandate.

As Attorney General and head of the Justice Department, the FBI, at least on paper, was under your control. Additionally, you were personally aware of Mr. Hoover's deep dislike for Dr. King. You had first-hand knowledge of their past use of electronic surveillance against Dr. King. You had received several additional requests yourself involving the wiretap of Dr. King throughout the years, your years as Attorney General, and I would ask you: In light of this, would this not have caused you to try and delve further into this kind of activity on the part of the FBI in order to put a stop to something that was going on in a situation where you were the ultimate authority, at least programmatically?

Mr. CLARK. Well, first there seems to be an assumption there that I was aware of unlawful conduct regarding Dr. King. That is an incorrect assumption. I wasn't.

I believed, and I am not yet fully persuaded otherwise, that the FBI didn't disobey instructions.

You know, you would often wonder, when you turned down a wiretap, whether that would mean some agent in the field would go to some local police counterpart and get them to install the surveillance.

As of this time, I haven't found that occurring on any of the matters that I turned down. I believe that Mr. Hoover would be extremely cautious about risking the reputation of the FBI in unlawful activity.

I think one thing we tend to miss is how many shared his prejudice, Mr. Chairman. We like to wonder why the Attorney General of the United States didn't know what was going on. Why didn't those Members of the Congress to whom you have alluded say something about it.

Did they enjoy what they heard? Did they appreciate the confidence? What about the editors and others? The fact is that he was—Mr. Hoover was working in an environment of pervasive prejudice, and he wouldn't have risked the thing that he loved the most otherwise.

I think facts that have been revealed about conduct of the FBI toward Mr. King, Dr. King, show how very fragile freedom and the rule of law are in the United States of America.

I hope this committee, beyond its specific assignments, will help enact a law to control the FBI because if investigative agencies don't function in accordance with law, there is no law.

The ability of the Presidential appointees and sometime bureaucrats to control all that enormous machinery is nonexistent where

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the law isn't clear and specific, and the operations open, and the citizenry supportive.

It is imperative that we recognize that.

Chairman STOKES. I think I have just one further question I would like to get your views on, something I think that disturbs a lot of people.

We received testimony a few days ago from a former FBI agent assigned to the Atlanta field office. He told us of how the news first came across the radio, that station, that Dr. King had been shot.

Another agent in this same office—and this office, of course, had the primary responsibility of investigating Dr. King, they were involved in the surveillance on him—that the agent, upon hearing the news, exclaimed, they got Zorro, they got the SOB.

A few moments later, when the news came across that he was dead, he said this man literally jumped with joy, exclaimed his satisfaction over the fact that King was dead.

There is some concern over the fact that, considering this, considering the attitude of Mr. Hoover, which was well-known throughout the Bureau, all the agents knew of this dislike that he had for Dr. King—and I guess my question goes to the efficacy of letting an agency which had targeted Dr. King in the way that it had, an agency which had him under the kind of investigation they had him under, then be assigned the task of investigating his death.

Does it seem to you that under such circumstances, that such an agency would in fact perform a top-notch job on a man who they demonstrated such dislike for during his lifetime?

Mr. CLARK. Let me qualify the first by repeating that at the time I was unaware of the extent of the targeting that we now know about.

It is a hypothesis contrary to fact to ask what would I have done had I known about it because I believe hopefully I would have done something long before. Perhaps resign had I known about it.

My judgment under the circumstances was that the FBI would be motivated to try harder to solve this case than probably any in its career because in an unusual set of ways both its effectiveness and its credibility were on the line.

The public knew that the Director had called, as I did, Dr. King the most notorious liar in the world. Many leaders knew rather directly of his great personal distaste for Dr. King. A failure to perform here would have had profound impact on the public confidence in the FBI.

We ought to look at alternatives, too. There was an important investigation that required an enormous amount of personnel. It consumed a great amount of time, energy, and money.

What could you put together and what would the losses be in trying to substitute alternatives. Would you put the Secret Service on it? Put the Border Patrol on it? GSA's custodian employees? What would you really suggest out of the 20-odd Federal investigative agencies?

You know, I read in the paper that your committee had faulted the FBI's investigation here. I think it made an extraordinary effort. Nothing that I have seen has changed that view.

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It arrested a man finally, as to whom there is very substantial direct evidence that he was at least in the environs and had done a lot of things that seemed to be related to the possibility.

I enjoy admitting mistakes. I can't tell you that I am able to say that this was one. I believe that the judgment was right, that the FBI pursued this with keenest desire and made a prodigious effort, and without a lot of breaks that you often get, finally apprehended someone who pled guilty.

I regretted at the time, I regret still, that there was a plea of guilty. I thought history was entitled to more. Although I think an individual has a right to plead guilty if he chooses that the public can't deny to satisfy its concern for history.

I would like to see that trial happen. I would like for history to be more assured. But history is rarely assured about assassinations. There is something in us that finds some so horrible and unacceptable.

I think the FBI was probably the only available agency. To sit here now and think of the appearance of conflict of interest is to ignore some overwhelming facts: That it had the confidence of the vast majority of the people of the United States—that is my judgment—to a higher degree than it had mine; that it had the confidence of the President of the United States; that it had some 7,700 agents that were pretty darned good investigators.

We needed them in an emergency. We used them.

Chairman STOKES. Thank you very much.

I have no further questions.

At this time the Chair recognizes the gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. Thank you, Mr. Chairman.

It is good to have you here today, Mr. Clark.

I wanted to clear up one point for the record which I may not have understood correctly in the first place.

You mentioned that when Robert Kennedy was Attorney General he had a habit of signing papers and you would find the papers stuffed in his pockets, or in drawers, in his desk. Is that right?

Mr. CLARK. Let me restate that and say that it is probably an unfair characterization. He was a bundle of energy and impatient with details. Filing wasn't one of his personal strengths.

My impression coming in later—and it was augmented by what I had seen—I had seen him walking around with paper sticking out of his pockets, you know, and they looked kind of crumpled.

But the characterization that I made was based upon coming in more than 2 years after he left office, and trying to reconstruct his methodology in approving wiretaps and bugs.

That became a fairly significant and essentially, I think, unrelated reason, that there was a controversy at the time between Mr. Hoover and Robert Kennedy as to who authorized all these bugs that had been placed on people that were allegedly involved in organized crime.

I felt an obligation to the Department and the former Attorney General and the Director to find out what I could about it.

We found copies of these things scattered hither and yon. I mean, as I recall, we found some in a desk that he had used. We found some in files where they would never have been found

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except by careful review. There was no systematic treatment of them.

The reason in part I think was, you see, unlike all the other flow of material that would come through the Attorney General's office, where all the secretaries and everybody would have some obligation to stamp them and initial them and everything else, approval of wiretapping and bugs would come directly from the Director of the FBI to the Attorney General.

Usually in his day I think they were carried over by Courtney Evans probably. So, it was just the two of them there. Mr. Evans was going to return back to his office in a few minutes, and Bob signed the thing without anybody present except himself often—himself and Mr. Evans.

Then he would leave hurriedly to go to the White House or someplace and he would stick it in a drawer. There was no systematic filing or recordkeeping. He kept no ledger, for instance, that we ever found that said I authorize this such and such a date this, such and such a date.

So, I don't know how he could tell what he had done except by memory.

Mr. PREYER. Well, the only question I wanted to clear up was to make sure there was no implication that some of these orders which he may have signed he was reserving final judgment on, that he put them in his pocket, say, or in his desk drawer in order to give them more attention or more consideration.

You are not raising any question that these orders were effective when you found them or you were not specifically raising any question that he did not intend to authorize the wiretap on Martin Luther King?

Mr. CLARK. No. His signature is on that. I am sure that I saw that.

Mr. PREYER. I think most of your testimony is clear on that, but——

Mr. CLARK. I think I can help. The papers that I am referring to were nearly all carbons. We still used carbon in those days. The original would be returned to the FBI.

It is a request—I think this is one right here, exhibit F-507. Usually they had a place for your signature. Maybe this is not really one, but they would send an original and a carbon.

What we found in the files was the carbons. Sometimes they would indicate by initials that they had been signed, and sometimes you couldn't tell. So, I don't, you know—as to many I really don't know whether they were signed. I know they were apparently received, and presumably signed.

Mr. PREYER. Thank you.

I have just one other question, Mr. Chairman.

This is a law school question, a hypothetical question. I put it to you because of your reputation as a lawyer and as a former Attorney General. You may want to think about it further before responding to it.

There has been evidence presented to the committee here that the FBI, in an unprecedented way, one agency in this country, set out to destroy the moral standing of a respected citizen in this country, Dr. Martin Luther King.

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You were not involved in that in any way, as it has been made clear here today.

The question I would like to put to you, assuming this evidence is true, that the agency set out to destroy a prominent citizen by destroying his moral standing in the community, and assuming, further, that the person or persons involved in the assassination of Dr. Martin Luther King were influenced by this FBI propaganda, do you think the agency, the FBI, should bear some responsibility for the death of Dr. Martin Luther King on the grounds of criminal negligence; that is, by analogy to the case of Russian roulette, where the players are guilty of murder, even though they do not fire the actual shot?

Mr. CLARK. Responsibility is a difficult word. Criminal negligence seems the wrong analogy because there was conduct, there was malfeasance, but it is primarily not a legal question.

I see it this way. There are moods in the life of a nation that create higher probabilities of good and bad conduct. In the intensity of the sixties, with all the potential for violence, a deliberate effort to destroy the moral standing of an individual could be a causative factor, weighted with many others in enabling an individual to assassinate that person.

If I had a particular hatred, if that hatred was reinforced by public expression and private conduct of a highly respected person or agency, my self-justification in committing such an act could be enhanced.

But it seems to me that the most important thing is not trying to weigh that responsibility, because I don't think we have the capacity to sort out all the elements and attribute weight to them.

The important thing to me is that in a society that seeks freedom for its people under the rule of law such conduct by a government agency is absolutely intolerable.

Those who care about government of the sort that we preach of should work now to see that we practice as we preach, that public funds never again be expended to investigate and destroy the character or seek to destroy the character, because I believe more than ever now the American public understands and respects Dr. Martin Luther King, Jr. for the enormous moral force that he was.

He told us that social change was essential to justice, that nonviolence was the only acceptable and humane way of achieving it. Those seem to me to be the two great lessons we need to learn.

But for government to be involved in an effort of that sort is totalitarian and impermissible.

I queried as long ago as 1950 in a book called "Crime in America" that I wrote whether—and this was just based on the belief that there had been private communications to the President—the history of the civil rights movement, which to my lights is the noblest quest of the American people in my time, more so than the peace movement, it was a quest for equality, motivated by principal—whether the history of the civil rights movement was altered and its purpose severely damaged by conduct of the FBI in informing, misinforming the President about Martin Luther King, Jr.

Mr. PREYER. Thank you, Mr. Clark.

Chairman Stokes. The time of the gentleman has expired.

The gentleman from Ohio, Mr. Devine.

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Mr. DEVINE. Thank you, Mr. Chairman.

Mr. Clark, you have made some very interesting answers here today. I want to make sure that I understood you correctly.

I believe in response to a question by our chairman, Mr. Stokes, relative to whether or not the FBI was reluctant to investigate civil rights matters, was your response generally to the effect that as times changed, and the Bureau found it necessary to change its posture, that they moved more rapidly in investigating civil rights matters than they did, for instance, in organized crime?

Is that an accurate assessment of your remarks?

Mr. CLARK. Very nearly. What I was really trying to say was not with reference to specific investigations but the totality of the commitment of the Bureau.

I believe we could demonstrate with a study which I have not made that the FBI moved with greater speed and effectiveness into a new field, investigation of civil rights violations, than it did into another new field, investigation of organized crime activities.

Mr. DEVINE. Thank you.

Now the other thing that I made a note about—and I want to make sure was accurate—you said that the FBI was motivated harder to solve this case than any other case, due to its reputation.

Is that an accurate assessment of what you said?

Mr. CLARK. Yes.

Mr. DEVINE. Mr. Clark, do you feel that you were intimidated by J. Edgar Hoover?

Mr. CLARK. I never thought so.

Mr. DEVINE. Do you think any Attorney General, any of the Attorney Generals were? I am quite sure your father wasn't.

Mr. CLARK. No, I don't think my father was.

Mr. DEVINE. The reason I ask this question is when you look at the chart over there, the FBI was an arm, simply an arm of the Justice Department. You also had jurisdiction of the Bureau of Prisons, Immigration and Naturalization, U.S. attorneys, U.S. marshals—LEAA now.

Isn't it a fact that the Director of the Federal Bureau of Investigation serves at the pleasure of the Attorney General, whoever he or she may be?

Mr. CLARK. The fact, no.

Mr. DEVINE. Pardon.

Mr. CLARK. It is not a fact, no. It may be the law.

Mr. DEVINE. Well, let's get back to intimidation. What do you mean by that?

Mr. CLARK. I mean I think some Attorneys General weren't at all pleased. But they had the technical legal power. I suggested—and it has been recorded before—to President Johnson—I felt that Mr. Hoover had been in office too long. I came to believe that in the early, midsixties.

Later on I suggested that the need to coordinate and standardize the various Federal investigative agencies was such that it might be helpful to have Mr. Hoover end his service by reviewing all of the agencies, as to jurisdiction, performance, and the rest, and move him up and out of the FBI.

Mr. DEVINE. Well, maybe——

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Mr. CLARK. That wasn't at all acceptable to the President. I don't believe he really seriously considered it.

Mr. DEVINE. There are a number of people who feel that Mr. Hoover served too long, perhaps beyond the time that he should have.

But if memory serves me correctly, he was appointed as Director of the Federal Bureau of Investigation by Harlan F. Stone, who at that time was Attorney General of the United States, and that each succeeding Attorney General renewed that appointment.

With the inherent right to appoint is the inherent right to remove. I was just wondering why, if these Attorneys General prior to and succeeding you did not move in that direction, were you not intimidated in some way?

Mr. CLARK. First, I don't think that they were in any technical sense reappointments. I recall no reappointment. The only question that I recall is that when Mr. Hoover became 70 there was a requirement for him to remain in office, that the President waive some Civil Service rule, that he had done I think with General Hershey, and perhaps some others—did not do with James B. Bennett, I remember—and that was done.

Mr. Hoover had become an institutional force. The power of an Attorney General in political terms to remove him was very limited, if it existed.

Finally, in performing your duty under the law, you have an obligation to recognize the power of the President, too. If the President in fact wanted Mr. Hoover as Director of the FBI, he had the power to effectuate that.

Mr. DEVINE. I think we all recognize that Mr. Hoover had a powerful influence on the Congress, on the President, and on the American people. Any move by an Attorney General to have him dismissed would have probably created quite a problem across the Nation.

I was wondering if in your knowledge whether you or any of your predecessors or any of your successors ever made a recommendation to the President that he be removed or step aside.

Mr. CLARK. I am not aware of any. There was a widespread belief that after the 1964 election President Kennedy might have removed him, or not renewed his—I think that is the same—about the same year that he reached 70—not waive the requirement of the Civil Service law.

But I am not aware of any recommendation of any sort about his removal except the one that I mentioned, about creating a new position and putting him in it for his final year.

Mr. DEVINE. Again, in another vein, my final period of inquiry has to do with your aversion to electronic surveillance or wiretaps.

Is your objection to that, in addition to the waste of manpower, the fact that although there may be a legitimate national security reason or an effort to solve a serious organized crime problem that an electronic surveillance picks up extraneous material that is unrelated to the offense and, therefore, is an invasion of the privacy of the American citizen?

Mr. CLARK. That is only part of it. Basically it is the practice of Big Brother. I don't believe that that is the American way.

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I think we can solve crime and prevent crime without engaging in such methods, and that the very acceptance of the methods will undermine our commitment to freedom finally.

Mr. DEVINE. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. Yes.

Mr. Clark, as one who was deeply involved in the movement of the sixties, you know that I know that you enjoyed the reputation for integrity and sensitivity to the goals of the movement.

Certainly your statement about Dr. King's relevance to this century before this committee is indicative of your feeling now and then that he was perhaps the most important man with the most important message for this, the most violent century in the history of mankind.

You have stated that while you were not aware of the COINTELPRO program, as you have since come to learn of it, you were aware of what you call—some of the intolerable practices of the FBI with respect to Dr. King in April of 1968; were you not?

Mr. CLARK. Well, I think you would have to tell me what you meant by some of the intolerable practices.

Mr. FAUNTROY. You were aware that electronic surveillance and coverage of Dr. King had been effected by the FBI, that they had produced documents and tapes and were attempting to persuade public officials and the press to utilize them.

Were you not aware of that in April of 1968?

Mr. CLARK. I was aware that there had been authorized wiretapping and bugging. As I stated earlier, I do not believe I was aware of the use of tapes, the playing of tapes, although I think others were and had endeavored to put an end to it—Burke Marshall, Bob Kennedy—at an earlier period.

Now, why——

Mr. FAUNTROY. You were not aware of efforts to approach Members of the Congress, White House personnel, members of the press, to suggest things that would destroy Dr. King's effectiveness as a civil rights leader by FBI people?

Mr. CLARK. I was aware that the FBI was in various ways approaching for various purposes many Members of the Congress and that it was always vitally interested in the press and what the press said about it.

I was not aware of any organized effort, any repetitious effort. I think I would have assumed that they appealed to the prejudices of some. But I had no notion that there was a campaign systematically conducted to destroy his reputation.

In fact, I rather believed that after the confrontation with Bob Kennedy that that had pretty much dissipated.

Mr. FAUNTROY. You were aware of Mr. Hoover's practices with respect to Members of the Congress on other matters. You were aware of what I think history will record as the pathological contempt and hostility that Mr. Hoover had for Dr. King.

Did you have any indication of that in 1968?

Mr. CLARK. I was very much aware of Mr. Hoover's very low opinion of Dr. King. I was aware of his personal inability to stop talking about it.

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Mr. FAUNTROY. I take it it was for that reason that you felt that an FBI investigation of the assassination would be rather thorough, for the reason that you felt the FBI would feel obligated to do it to protect its reputation.

Mr. CLARK. I think that was an augmenting motivation.

Mr. FAUNTROY. Well, then, how do you explain the failure of the FBI to pursue the conspiracy aspects of the assassination, if because of their past reputation with respect to Dr. King they had something to prove about their innocence in this question.

We have a chart there which shows the amount of money and amount of mileage committed by the FBI to the investigation of the death of Dr. King. It shows enormous amounts of money and time spent up until James Earl Ray was apprehended, and then a dramatic dropoff.

Our investigation indicates that the FBI did a thorough job in terms of identifying the suspect and bringing him—and arresting him and bringing him to the country.

If the motivation which led you not to feel that you had to take a hand as Attorney General in this was that you felt the FBI would do a thorough job to protect its own reputation, how do you explain that they did such a poor job in the conspiracy aspects of the investigation?

Mr. CLARK. First, I hope that nothing I have said has implied to you that I decided not to take a hand.

I believe that I had said, although it might have been in the executive session, that I spent more time and commitment on this investigation than any other by far and established essentially unique procedures for it, in which there were daily oral reports unprecedented in the history of the Department of Justice.

So, I did not not take a hand. I took a very direct hand and personal interest. But I didn't think I was Sherlock Holmes, and I wasn't going to take over the investigation and try to run it myself.

Now, second, you state as a conclusion that they did such a poor job on investigating conspiracy. You know all that you have heard. I don't know. I don't know what you base that conclusion on.

The charts mean nothing to me except that they spent a lot of money until they caught James Earl Ray. Perhaps they thought they had the case essentially solved then. That is a possibility.

Psychologically, I would say that once they had him arrested, at least, they felt that their reputation was secure. I think there were some very anxious moments—I know there were some very anxious moments for the Bureau in April and May, when they were concerned about delays.

I think that is really what is behind Mr. Hoover's agitation about the talk about hot pursuit, because it highlighted the fact that they hadn't caught the person they had been telling me they were going to catch right away.

But the followup on conspiracy is something I can't evaluate because I don't know what you know about what was done.

I can say this, that after the apprehension of James Earl Ray—and I think this is essentially unique, too—I sent a written memo to the Director asking him to pursue the conspiracy possibilities.

He expressed to me orally his intention to do that. I asked and assigned valuable resources and personnel, including Steve Pollak,

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to followup on conspiracy because you can't afford to leave a stone unturned in a situation like this, whatever the probability.

If history has taught us anything about assassinations it is that at least one generation goes to its rest in disbelief. Ours won't be an exception.

Mr. FAUNTROY. You indicated that obviously, therefore, that it wasn't a mistake on your part in your view not to work more closely with the FBI in this investigation. You had no alternative, as you indicated. You couldn't realistically turn to the Secret Service to do the investigtion.

But I wonder why the theory of the strike force, which you pointed out to us earlier in your testimony, did not occur to you; namely, that at least in criminal investigations, where corruption may have been a real factor, that certain agencies may be neutralized and, therefore, you form a strike force.

I wonder why you didn't think of that avenue for more direct involvement, particularly in light of what you knew about Mr. Hoover and about the tactics that the agency had been employing with respect to Dr. King at that time.

Mr. CLARK. Let me say two things.

None of the people that I worked closely with and respected so much in the civil rights movement ever suggested disability on the part of the FBI, that we ought to have somebody else.

The idea of the strike force is very similar to the idea that we should have used a grand jury, and in my opinion they are both absolutely irrelevant to this investigation.

I ought to understand what the strike force is about. I have led myself to believe I created the idea. It was for very special needs.

I have to tell you right now that had I had the full support of the FBI in organized crime investigations, the strike force would have been investigated by the FBI because it had the capacity, it had the manpower, the skill and the training.

The reasons for a strike force are totally absent here. I mean, it is a very weak analogy to say that, well, a strike force was involved in corruption in Government. What we are talking about there is payoffs for narcotics, or prostitution, or gambling, or something like that—the police or the jailers or whoever it may be.

The idea that in an emergency, with a need right now, because someone is barreling down the road at 70 miles an hour, that you try to put all these people together who haven't worked before, when you don't have a leisurely chance to convene a grand jury and come about the thing in a slow and deliberate fashion, that you are going to solve this case by bringing in postal inspection or something, or the Royal Canadian Mounted Police, is just a wrong idea.

It is an idea of someone that was at one time enchanted with the strike force. But I don't believe it has any application here.

Chairman STOKES. The time of the gentleman has expired.

Mr. FAUNTROY. May I request unanimous consent for 2 additional minutes, Mr. Chairman?

Chairman STOKES. Without objection, the gentleman is recognized for 2 additional minutes.

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Mr. FAUNTROY. My final question has to do with a comment you made about how the FBI operated on Capitol Hill. You indicated that many people understand that, or understood it.

You mentioned specifically how the FBI operated with respect to the Appropriations Committee chairmen of the House and the Senate.

With proper discretion, but with an effort to at least inform this member and the American people about what tactics—no—what steps were taken by the FBI, I wonder if you would care to elaborate on that.

Mr. CLARK. You know, I am sorry I got to barreling down the highway at 70 miles an hour again. I didn't get the question. You want me to say what——

Mr. FAUNTROY. I want you to elaborate. You said, "I knew how the FBI operated on Capitol Hill." What do you mean by that, because I am anxious to know in general terms what you meant by that.

Mr. CLARK. Well, nothing particularly ominous. I really believe in free communication, in trusting Government employees. But you watch how agriculture moves around the Agriculture Committees, you watch how the Pentagon moves around the Defense Committees.

The FBI would move in a slightly broader spectrum. It would be deeply involved in some areas—supplying even agents to help committee staff with some of its work.

Mr. FAUNTROY. What would the agents do—help them do what?

Mr. CLARK. I don't really know. This is something that I have been informed of. But I think that the Appropriations Subcommittee in the House at one time had a number of agents working on their analysis of budget—you know, they have accountants, the agents aren't people with spyglasses as far as I know—just working on the accounting and analysis of budget items.

Mr. FAUNTROY. They would go to the General Accounting Office for that, would they?

Mr. CLARK. There is a General Accounting Office; yes. Perhaps the chairman preferred the FBI. Anyway, he was using them for some reason. I think that is a fact.

Most Attorneys General have commented on the FBI going directly to the White House with information. A notable exception to the practice was Robert Kennedy. Many Attorneys General have, you know, expressed grief, agitation about it.

It involves some serious problems because you can mix politics and criminal investigations if you are not real careful. But still I was generally aware that Mr. DeLoach and other members of the White House—other members of the FBI would talk with people at the White House.

I didn't tell the President he couldn't have lunch with J. Edgar Hoover.

Chairman STOKES. The time of the gentleman has expired.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Chairman STOKES. The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Welcome, Mr. Clark. I always enjoy hearing your responses to the questions, as we did in executive session.

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I will limit my questions, Mr. Chairman, to two.

I am still interested in your elaborating somewhat more on your belief that the Bureau did all that it could be reasonably expected to do in the area of conspiracy.

This is, of course, one of the main problems that this committee is wrestling with. An awful lot of people have a great deal of difficulty accepting the fact that a fugitive from Missouri State Penitentiary could finance himself and do all these things, and go to several continents, and get passports and operate as long as he did, including the assassination of Dr. King, without some kind of assistance from somewhere.

Now, just as a general proposition, and then more specifically, if you were directing an investigation of this nature, what kinds of steps would you have personally directed be taken with regard to assessing the conspiracy angle; and second, then, do you believe that those steps or alternative steps that could be looked upon now as thorough were actually undertaken by the FBI.

Mr. CLARK. Let me say first that I did not intend to convey the impression that I believe that the FBI did all it could reasonably have done in investigating conspiracy. I don't know. You see, I don't really know how extensive its investigation of conspiracy was.

What I do think I know is that it threw an enormous amount of resources at solving the case, and that it was instructed and reflected a willingness and from time to time presented matters that indicated it examined a conspiracy.

But I don't—I can't tell you how far they went. I think they were enormously relieved when they got James Earl Ray. I can remember a couple of nights not sleeping well because one night they had found—somebody had found a body buried in a bush at Puerto Villarte, and they had to take it to Mexico City to pump the fingers up so you could get a print, because we were sure it was James Earl Ray.

Another time there was some digging over in Camden, N.J., and they thought maybe we lost him there. They were greatly relieved, and it may be there was a letdown. It may be that I sensed that possibility, or that others did, Steve Pollak, or Fred Vincent, because we did send a memo over that they should continue it.

I can't tell you whether they did all—your investigation makes you privy to far more information I think on that subject than I have.

Your question, what would I have done to investigate conspiracy is really very difficult. Naturally I feel modestly—I think I was a splendid Attorney General. But I can't tell you that I have had vast experience in criminal investigation. I haven't. I have had probably more than most who served as Attorney General, but I would have to begin as pretty much a beginner.

Mr. FITHIAN. Well, may I interrupt to just say, did I understand you earlier this morning to say in response to counsel's question that you didn't think very much of using the immunity process in questioning witnesses in order to elicit information, which some believe is a fairly valid tool in dealing with conspiracy, and maybe one of the only ones that you can actually elicit information that would lead to the apprehension of the conspirators?

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Mr. CLARK. Well, something like immunity is much closer to my experience than direct criminal investigation because when you start talking about immunity you start talking about the fifth amendment and statutes and grand juries and legal proceedings.

I question coerced testimony. I think it is undesirable. I think it is wise to seek independent evidence. The use of immunity, the last 10 years out of Government I have watched what immunity does to Harrisburg, or during the Attica trials—you read the corruption that is involved there, people dumping on each other, you know. You think you have got somebody going now because you have to make a case.

I also believe that it is incompatible with the purpose of the fifth amendment, which is to compel the State to prove its case, not to empower it to coerce the individual to make the case.

So, I am not keen on immunity. I suggested a study to abolish immunity when I was in office. We found more than 33 immunity statutes, and some of them were just wildly out of control.

As I recall at that time the FTC could grant immunity in a case involving the assassination of the President of the United States, for instance. That is lawless.

Mr. FITHIAN. One last question, Mr. Clark.

Given all the information we have, and what you discussed this morning about the role of the FBI in discrediting Dr. King, would you care to summarize suggestions.

You came on pretty strong at one point, I believe, and said that this committee had a distinct responsibility to recommend changes in the law, so that we could not have this situation develop again.

More specifically, perhaps briefly, what are those firm recommendations that many of us would like to pursue?

Mr. CLARK. They are before the Congress in the form of a draft bill that is called a bill to control the FBI, that I came down as national chairman of the Advisory Council for the American Civil Liberties Union to announce.

I will ask John Shaddock, who is the Washington representative of the ACLU, to provide you with it. But it is not dissimilar to—it contains in fact things that I had seen and worked on over many years earlier.

First, investigative techniques should arise from authorization in law. Every form of acceptable investigation should be determined by the lawmakers. We have evaded our responsibility and made the cop on the street, the agent out there, make the tough decision. That is wrong.

In a way title III was an effort to begin to regulate that. Until 1968 we had just failed to encourage, to say whether you can wiretap or not. We knew there was flagrant wiretapping, private, Federal, State, and local.

There were books written about it all over the place, an absolutely lawless invasion of constitutional rights. We didn't have the courage to come to grips with it.

We need that desperately about all kinds of technical devices. We need it about the use of informers. We need it throughout areas of conduct in investigation.

Every act authorized by police and investigators should be established in law. There should be clear areas of prohibition and strict

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punishment for prohibition. There should be openness in government because without that openness, without the opportunity to review, you can't find the misconduct.

There should, in my judgment, be sometime a Federal investigative agency review board that has the power to determine misconduct by subpena and compulsion of testimony and to take disciplinary action.

And it should be comprised of people, including people whose rights are less valued in our society than the rights of others. There is a pretty good inventory. Some of the things are fairly easy and we have tended to get done.

One of the provisions I liked best in the Omnibus Crime Control Act of 1968 was the final requirement that the Director of the FBI be approved by the Senate, because I had lived as a young lawyer through the McCarthy period and saw the possibility of someone coming in as Director there, requiring no Senate approval, no check or balance, and terrible consequences.

I think the U.S. Attorney's office should be removed from Senate confirmation because that vests political decisionmaking in the selection of the executive branch prosecutor in the area where the member that has that power is most interested, among his political contributors, and the rest.

Those are some of them. There were 20 or 30 different elements, but those are the key ones.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. I have no questions, Mr. Chairman.

Chairman STOKES. Anything further?

Mr. BLAKEY. Mr. Chairman, I wonder if I could ask just one question?

Chairman STOKES. Mr. Blakey.

Mr. BLAKEY. Mr. Clark, this is a philosophical question that you and I had discussed shortly before the hearings. There were going to be two, and Judge Preyer did such an eloquent job of asking one of them, and you did such an eloquent job of answering it, I am really hesitant to ask you the other question lest I have to follow such a performance.

Let me ask it, anyway:

I am sure you recall in 1965 and 1967 when the President's Crime Commission wrestled with some of the problems about how to investigate organized crime cases, and the organized crime task force, which you may recall that I worked for, recommended to the full commission that the sophisticated use of such things as grand jury, immunity, and wiretapping was very useful in breaking conspiracy cases. I think I recall your eloquent statement against wiretapping in the commission.

Nevertheless, the commission, at least the majority of them, did recommend to President Johnson that legislation in this area be adopted.

I think you can recall, too, a long conversation you and I had in the Wiretap Commission when the Congress, in a joint congressional-Presidential commission had the opportunity to study the 1968 act. We discussed again your philosophy.

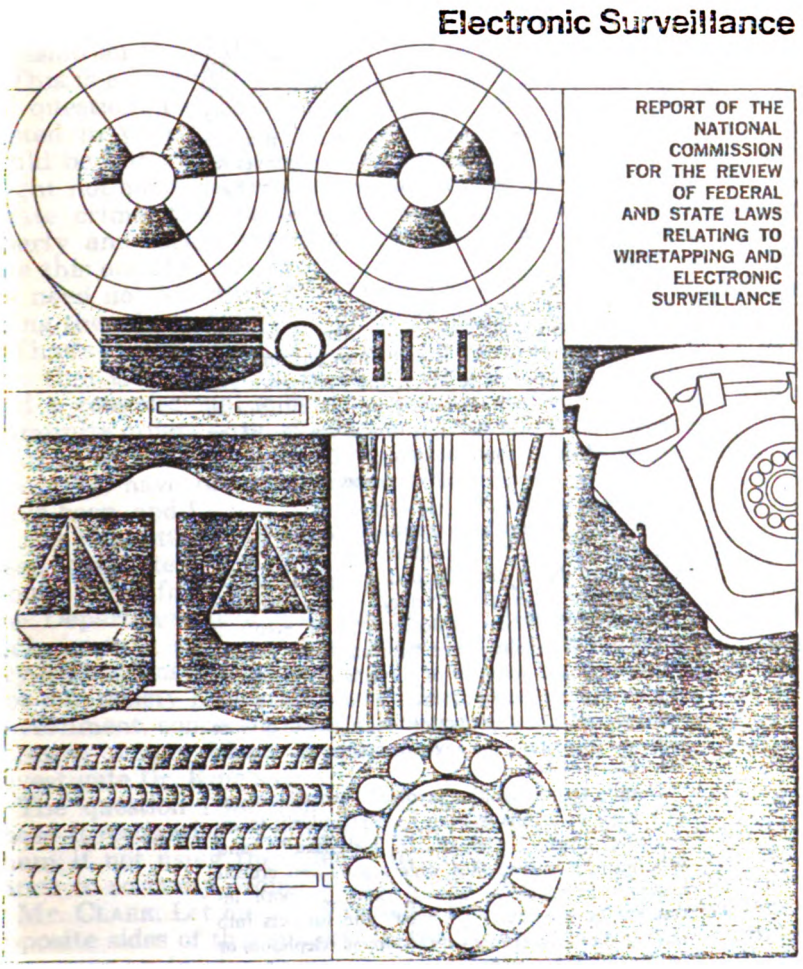
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In that connection, Mr. Chairman, I wonder if it would be appropriate to include in the record at this point as Martin Luther King exhibit F-537, a four- or five-paragraph review of the evidence taken by the Wiretap Commission of the usefulness of wiretap in homicide cases?

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

MLK EXHIBIT F-537



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(8) History crimes: As a rule, court-ordered electronic surveillance has proven useful in the investigation of offenses which are being or are about to be committed. Where the offense has already been completed, surveillance is rarely used. As one Commission witness testified, eavesdropping "can only be used most effectively where there is an ongoing conspiracy. Investigating old crimes and old events is really not what [it] is all about." [454] Thus, crimes such as robbery, rape, and murder are generally not investigated by court-ordered surveillance.

The primary problem with using court-ordered surveillance to investigate history crimes is that once the crime is completed, there is usually no further discussion of it by the participants.[455] Probable cause to believe such discussions will occur is difficult to establish, [456] as is the use of particular telephones for such conversations.[457] If the investigators have probable cause to support a surveillance order, they may be close to an arrest and eavesdropping may not be needed.[458]

On the other hand, there is some indication that courts will find probable cause in a homicide case somewhat more quickly than with other offenses.[459] Where a history offense is part of an ongoing conspiracy, probable cause about the occurrence and location of conversations may be less difficult to show.[460] This may be true, for example, of an Organized Crime contract killing.[461] Thus homicide is the history crime in which electronic surveillance is most frequently used.[462]

Some use has also been reported with reference to locating fugitives, [463] although these situations could more properly be considered ongoing offenses. In most fugitive cases, the surveillance was deemed unproductive.[464] Where evidence of past events is developed, it usually comes "fortuitously," [465] as a "serendipitous" result [466] of surveillance directed at a presently continuing offense. On occasion, a surveillance order may be obtained for a present offense with the hope that the eavesdropping will discover evidence of a past crime.[467]

Despite the difficulties involved, surveillance orders have occasionally been used effectively to investigate history offenses. In Nebraska [468] and Wisconsin,[469] surveillance orders produced crucial evidence in homicide investigations. In both instances the prosecutor "tickled" the suspects into talking about the crimes on the tapped telephones or in the bugged premises by questioning and then releasing them. Part of the probable cause statement in the Nebraska case included a psychiatrist's opinion that the defendant would react to the stimulus of interrogation in precisely that fashion.[470] Such "tickling" was also used in a theft investigation in Queens, New York. Company employees were told of the thefts, taps were put on the phones, and people started talking.[471]

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Mr. BLAKEY. Mr. Chairman, I would like, if I could, just to read part of the paragraph of that summary. It said:

> Despite the difficulties involved, surveillance orders have occasionally been used effectively to investigate history—or the—what the commission meant at this time, homicide offenses. In Nebraska and Wisconsin surveillance orders produced critical evidence in homicide investigations. In both instances prosecutors "tickled" the suspects into talking about the crimes on the tapped telephones or in the bugged premises by questioning and then releasing them.

These techniques, that is, a grand jury, immunity, wiretapping, were not employed in the King investigation. You indicated that you thought it was inappropriate, either to use them as a matter of policy, in the case of wiretapping, or that you thought there was no occasion for the grand jury or immunity.

This is a long preface for what I hope is an important philosophical question. You have suggested here today—and indeed you suggested in your "Crime in America", that measures such as this could be fairly characterized as repressive, and that a free society ought not adopt repressive measures like this in an effort to investigate crime, that in the long run there is no conflict between liberty and security, and an effort to adopt repressive measures like this out of fear leads to more problems than it solves, and that we need not pay a price in liberty or important values, that price being the adoption of these kinds of measures.

That's the preface. Let me ask you the question: If I were to tell you that the utilization of an executive session like a grand jury, and a congressional subpena, like a grand jury subpena, and the immunity orders authorized by the Organized Crime Control Act in 1970 by this committee, had developed at least the outlines of what may well have been a conspiracy in the King case—it may well have been, and I am certainly making no final judgment; that is up to the committee—may well have identified people who could have been associated with James Earl Ray in Dr. King's death and would argue from that that the failure on the part of the FBI and the Department of Justice under your leadership to utilize those techniques in 1968 may have led to the failure to solve the conspiracy dimensions of this case, would—and this is the question—would not our society have paid a very dear price in paranoia, distrust of government, concern among Black people at the fairness of justice, concern among Black people that our society cared enough to investigate Dr. King's death?

The question I am asking you is, Don't we pay a price to use these investigative techniques? Don't we also pay a price to not use them if not using them leads to failure to solve a case of importance to so many people as the death of Dr. Martin Luther King?

Mr. CLARK. Let me say, first, Mr. Blakey, you and I have been on opposite sides of this subject. In the President's Crime Commission you were an insider there, and I was an outsider. In the Wiretap Commission you again were in the position of power and I was outside, just saying what I thought; and here again, I don't—I put this by—question the wisdom of injecting these differences of view into the Martin Luther King assassination investigation. I think they are important public questions, but unrelated here.

First, the "if" that you propound is a big "if." It is like if you were beating your mother. In other words, if we solved the case—

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and God knows it is important to solve the case and know the truth always, and here more so than always—but the FBI wasn't terribly reticent about asking for things and it never suggested, except in the case of the family and for the purposes of pursuit and at the cost of the prosecution, possibly, the use of wiretap.

But, finally, what a very sad justification for wiretap, the life of Martin Luther King, whom wiretapping and surveillance so nearly destroyed. To say that it would solve his murder and therefore we should authorize it, and we can control it because his life, above all, exemplifies the capacity for misuse—I well remember Whitney Young, who served on the President's Crime Commission, who briefly, believed that wiretapping was desirable because he saw organized crime preying on his people in the ghetto by selling them heroin, and he hated it—he was a compassionate man—finally saying, after some of the revelations before Whitney died about Dr. King, how wrong he thought it was because, of course, such instrumentalities of power will be used against the wrong people.

Mr. BLAKEY. Mr. Clark, let me kind of ask the question and make a comment. You and I indeed have had this discussion on a number of occasions, and maybe it would be appropriate to say for the record, nothing that I have ever advocated in the use of wiretapping would ever justify what happened to Martin Luther King, would it, as far as you know?

Mr. CLARK. A question between justification and cause, I guess. I assume you wouldn't——

Mr. BLAKEY. I mean the kind of wiretapping that was authorized in title III would never have been permitted as against Dr. Martin Luther King?

Mr. CLARK. When was the last time a judge denied a request for an order?

Mr. BLAKEY. The question is: When was the last time that they did give one where the probable cause was not adequately established?

Mr. CLARK. It's amazing how effective we have gotten. We're never wrong. The judges always approve them.

Mr. BLAKEY. You are quite right, that we shouldn't inject the broader philosophical argument in it.

What I would comment though is that among the motivations that led the House of Representatives, not the Senate, to adopt title III was the death of Martin Luther King and Bobby Kennedy. It was repeatedly said on the floor—and I would have to add that how ironic it would be if one of the legislative motivations for enactment of title III was the death of Dr. Martin Luther King, and then it was not employed to solve his assassination, and a reasonable case could be made had it been employed in 1968 and it might well have contributed to its solution.

Thank you, Mr. Clark.

Chairman. STOKES I just have one further question, Mr. Clark, and I want to take advantage of your legal mind. This question was posed by Judge Preyer, and my question, really, is a further extension of his question:

It seems to me that ultimately one of the questions that this committee must grapple with in its ultimate determination is whether the FBI must bear some responsibility for Dr. King's

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death. In that vein, let me further extend the hypothetical question put to you by Judge Preyer. He mentioned the FBI being engaged in a program to destroy Dr. King. We know now from the evidence that that program of destruction started out firstly as an unofficial program and then became an official program of a law enforcement agency of the U.S. Government, but it went even further than that, because we have in the record memorandum and data that say after he has been destroyed—they talk of the condition that will reign in this country as relates to Negro people; it talks of the utter confusion, et cetera, et cetera.

So this law enforcement agency then arrogates unto itself the power to choose Dr. King's successor, the next man to lead the Negro people of this country. That then, to me, seems to go even further than destruction, when such an agency arrogates unto itself such unconstitutional power.

Then add to this equation that we now have in the record memorandums and data by this law enforcement agency of the United States in which Dr. King is described as being a traitor to the country, a traitor to his race, thereby attempting to set the mood of a person who has been a traitor to this country and therefore does not deserve any kind of consideration.

Add to this that there is in the record now evidence that he was described as being the most dangerous Negro in this country. Then I would want you to place it in the framework of the legal responsibility that we know, that a parent has to a child, a guardian has to a ward, that a government has to its citizens. I think it goes without saying that we are talking about a higher degree of responsibility when we talk of those trust positions.

So when we take it in the sense that what we are talking about is something that gets to the very root and fabric of a democracy, when an agency of a government that is charged with the protection of the citizens utilizes all the powers of that agency to destroy a human being, and having set that type of mood and climate, I would ask you to assume one further fact in the equation: Assume that this attitude, this destructive targeting, is known to right-wing hate groups in this country, particularly those in which monetary consideration has been offered for the death of Dr. King, would it be difficult for you to legally assess some responsibility for the death of Dr. King on the FBI, assuming all of those hypotheticals?

Mr. CLARK. Legally, yes.

Let me add to that a little bit: First, it became very clear to me that such an organization should never have the power to wiretap or bug. An agency with those qualities simply cannot be empowered with such potential invasion of individual dignity.

Let me answer rather than legally, because, see, legally to establish responsibility you would have to show that, well, perhaps as Judge Preyer was suggesting, that some level of negligence would essentially be involved in a murder, that a person intentionally acted in a way calculated to cause another to commit a murder.

Now, if you had evidence of that, legally, yes, I haven't read about that in the newspapers and I don't know of that. Morally, let me look at it for a moment with you: In a sense it is unfair to all to take the FBI out of context and examine it in some isolation, as if that were possible. We have had pervasive racism in this society

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and we have to recognize that, and there were those who knew and enjoyed what seemed to be the support of the FBI for their own racism.

And I think it's true of human nature that—as I tried to say earlier—that if I have a particular prejudice and something that my social contacts have caused me to respect—the church, the Government, patriotism—the FBI shares that, reinforces that prejudice, then that compounds my commitment and my capacity to act on that prejudice; and I think in a sense the values of the Nation created the FBI and it reflected those values; and it appealed to prejudices in us, and it in that sense certainly increased the probability of violence of this sort.

Chairman STOKES. Thank you.

Any further questions from members of the committee?

Mr. Clark, at the conclusion of a witness' testimony before this committee, under our rules, the witness is entitled to 5 minutes for the purpose of explaining or amplifying or making any further statement he so chooses relative to his testimony before our committee.

I would extend to you at this time 5 minutes for that purpose, if you so desire.

Mr. CLARK. Well, I appreciate the opportunity and commend the practice, but I have already burdened you with enough of my views for one morning.

Thank you.

Chairman STOKES. I certainly want to thank you for your appearance here this morning. You've been very helpful to the committee. It is nice to have had you here. Thank you very much.

The committee will recess until 2 p.m. this afternoon.

[Whereupon, at 12:40 p.m., the hearing was adjourned, the committee to reconvene at 2 p.m.]

AFTERNOON SESSION

Chairman STOKES. The committee will come to order.

The Chair recognizes Professor Blakey.

Mr. BLAKEY. Thank you, Mr. Chairman.

Our next witness, Mr. Chairman, is Stephen Pollak. Mr. Pollak joined the Office of the Solicitor General in the Justice Department in 1961. In 1965, he became Deputy to Assistant Attorney General John Doar of the Civil Rights Division, and he took over that division in 1967.

Mr. Pollak remained with the Justice Department until January 1969. Mr. Pollak is at present in private practice of law in Washington.

It would be appropriate at this time, Mr. Chairman, to call Mr. Pollak.

Chairman STOKES. The Chair calls Mr. Pollak.

I would ask you to please stand and raise your right hand and be sworn.

You solemnly swear the testimony you will give before this committee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. POLLAK. I do.

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Chairman STOKES. Thank you. You may be seated.
The Chair recognizes staff counsel, Peter Beeson.

TESTIMONY OF STEPHEN J. POLLAK

Mr. BEESON. Thank you, Mr. Chairman.
Mr. Pollak, would you state your full name for the record, please.
Mr. POLLAK. Stephen John Pollak.
Mr. BEESON. I wonder if I could ask you to give a brief rundown of your professional background prior to and during your association with the Justice Department, until you left in a change of administrations in 1969.
Mr. POLLAK. Yes. I began the practice of law here in Washington in 1956 with the law firm of Covington and Burling. I was with that firm until November of 1961, when I joined Archibald Cox in the Office of the Solicitor General of the United States Department of Justice.
I served in that office for two and a half or so years and then left the department to serve the Task Force on the War Against Poverty, and then briefly as the Deputy General Counsel of the new Office of Economic Opportunity.
In March, late March of 1965, Mr. Doar and Mr. Katzenbach invited me to return to the Department of Justice as Mr. Doar's deputy, and I did so and served as what is now called Deputy Assistant Attorney General through February of 1967, when President Johnson asked me to serve as his Advisor on the National Capital Area.
I served in that post through October of that year, following approval by the Congress of a plan to reorganize the District government.
In October I returned to the Department of Justice and served as the Special Assistant to the Attorney General, and then was sworn in as Assistant Attorney General in charge of the Civil Rights Division in January of 1968, January 3, I believe.
I served through the end of the administration. I believe I left office at noon on January 20, 1969.
Mr. BEESON. So that you had been deputy—excuse me—Assistant Attorney General in charge of the Civil Rights Division for approximately 3 months at the time of Dr. King's assassination?
Mr. POLLAK. Something over 3 months, that is correct. I had actually as special assistant carried some responsibilities with respect to the division because Mr. Doar was trying the so-called *Neshoba* case in Mississippi before the U.S. District Court and was not in the city.
So, I had a role supervising the division in his absence.
Mr. BEESON. All right.
Mr. Pollak, there has been some testimony before the committee already concerning a strained relationship between the Department of Justice and the Federal Bureau of Investigation at around the time of Dr. King's assassination.
I wonder if you could give the committee your conception of the relationship that existed between the Civil Rights Division and the FBI in 1968.

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Mr. POLLAK. My perception of the relationship between the Civil Rights Division and the FBI in 1968 was a product of the experience I had serving in the division in the previous 3 or so years.

That was that—for a number of reasons—that the civil rights investigations which we requested in large, large number often placed the Bureau in some positions of conflict with local police agencies, when the Bureau was called upon to investigate possible charges of police brutality.

I had the feeling at that time that the number and type of assignments which our requests called for led some in the Bureau to be less enthusiastic about those requests than they were about other undertakings.

On the other hand, I had had extensive experience with their response to our requests, and it was my belief and conclusion that they carried out our requests well and that what we were called on to do to perform our responsibility was to draw requests that set in motion the proper investigation which we wanted.

Mr. BEESON. Speaking specifically about the assassination investigation which was predicated on a possible conspiracy to violate Dr. King's civil rights, do you recall any reluctance at all on the part of the Bureau to investigate that case?

Mr. POLLAK. I don't recall any reluctance to engage in that investigation. I might say that we understood in the Civil Rights Division—and I am sure throughout the department—what the meaning of a full investigation was.

What Mr. Clark requested orally, and what I confirmed with my written request to the Director of the FBI on the evening of April 4, 1968 was a request for a full investigation.

That, in the terminology between the Department and the Bureau, meant that every lead was to be pursued, that all effort to carry forward the investigation was to be made, that nothing was to be spared.

So that in requesting a full investigation we understood that all of the bells would be clanging, and the fire engine would be moving out there to meet the responsibilities in every possible way.

My observation in the period of time after that request was made, both in oral communications and then upon receipt of written communications, was that the response was a full one.

Mr. BEESON. I believe in 1968 that a situation had developed whereby local U.S. attorneys did not become involved in local civil rights investigations under Federal statutes, that responsibility for civil rights investigations throughout the country under Federal civil rights statutes fell, with few exceptions, on Department of Justice attorneys in Washington.

Is that in fact correct?

Mr. POLLAK. That was our practice, Mr. Beeson.

We have the prosecutorial and law enforcement responsibility under the Federal statutes, and in many of the situations I guess the complexity of the investigation which had to be mounted was such that we carried it directly in Washington.

The only difference that I recall in that practice was stemmed from the southern district of New York, where I believe it was a succession of U.S. attorneys—and Mr. Morgenthau stands in my

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recollection—wanted to pursue the direction of the investigations in that jurisdiction.

There was a man or two elsewhere in the United States and my memory is in Chicago and possibly one other jurisdiction, where occasionally the direction was in the hands of the local office of the U.S. attorney. But primarily and almost exclusively the Civil Rights Division carried that responsibility.

Mr. BEESON. Was this solely because of the complexity of the cases or was it also because of the reluctance of local U.S. attorneys to become involved in local civil rights prosecutions?

Mr. POLLAK. I think that my perception is that it was also the latter. A major portion of our effort in the period of time that I served in the Department, but not exclusively so by any means—the major portion of the effort was in the States of the Deep South.

While we had good cooperation from the U.S. attorneys and their staffs in assisting us when we pursued a case, and in joining us in the courtroom with a case, we felt that the—I think we felt those U.S. attorneys and their staffs were desirous of concerning themselves with other Federal law enforcement, and we considered it a matter which we could best handle directly.

Mr. BEESON. The investigative files in the assassination investigation reflect no involvement whatsoever by local U.S. attorneys' offices, with the exception of the Birmingham office, which did receive reports because that was the jurisdiction in which the Federal complaint was filed.

But outside of the fact that they were also included in the distribution of the paperwork of the investigation, there is no other evidence of active involvement by local U.S. attorneys overseeing in this investigation.

Is that consistent with your recollection and do you consider that a defect in the investigation or not?

Mr. POLLAK. It is consistent with my recollection, and I don't consider it a defect in the investigation.

We did not consider that the investigation of the laws committed to enforcement by the Civil Rights Division had been or should be pursued through direction of the local U.S. attorneys or with particular participations of their staff up to the time that we had a case.

I might say, just to be sure that the record reflects the picture as we saw it, that U.S. attorneys in pursuit of the law cases that we brought often played significant roles.

U.S. attorney Floyd Buford of Georgia prosecuted the case against the persons charged with responsibility for the slaying of Lemual Penn on the highway in Georgia.

So that U.S. attorneys stepped forward at our request and played important roles in law cases once they were lodged. But they had not done so at the stage of investigation.

Mr. BEESON. Would you describe, please, the role which you yourself adopted in the investigation in Washington, the assassination investigation, and the role which you considered appropriate for other attorneys within the Civil Rights Division, in terms of supervising or actually participating in the day-to-day investigation of the assassination.

Mr. POLLAK. Yes.

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I saw my role as the law enforcement official within the department with prosecutorial responsibility for the statute under which the investigation and then the complaint in Birmingham was lodged; that is, 18 U.S.C. 241.

I considered that as part of that prosecutorial responsibility, I had the responsibility for supervising the investigation being carried out by the FBI for the vigor, completeness, and activity of that investigation.

I considered that D. Robert Owen, and I, my first assistant, and the staff within the division that from time to time worked on the King assassination matter, were responsible for carrying forward the supervision of the investigation so that we would be confident in the event we came to prosecute, or in the event a prosecution was to be mounted by another jurisdiction, then our fact-finding was to be made available, we would have a fact-finding record which would be full and complete and responsible.

Mr. BEESON. Would you give us, as specific as possible an idea of how you carried out your responsibilities in supervising the FBI's conspiracy investigation in this case?

Mr. POLLAK. Yes.

Of course, the investigation commenced on the 4th of April with the request for the full investigation. The conspiracy investigation was commenced at that time, since the statute that the investigation was mounted under was a conspiracy statute.

We saw the investigation commence. I myself made a trip to Memphis on the 8th of April, and met with the special agent in charge of the Memphis office, Mr. Jensen.

I might say that that trip was also related in a significant manner to the staging on that day, which my recollection is was the day before Dr. King's funeral in Atlanta—there was a march and considerable concern as to the situation in Memphis on the 8th of April, and I was there also in that connection.

But in supervising the investigation we received the reports of the Bureau orally and in significant respects in writing. We reviewed those reports.

We, as Mr. Clark said this morning, were not the directors of the investigation. It was not either by training or by experience an undertaking which we made during the investigative stage, to direct the particular steps to be taken to solve a crime.

We set it in motion. We received the reports. We made further followup requests as we thought those requests were appropriate. Indeed, as I did and Mr. Clark mentioned in this instance he did, at times subsequent to April 4.

Mr. BEESON. In terms of actually targeting specific possible conspirators in the case, identifying and then following out specific conspiratorial leads, would it be fair to state that that was at least initially solely the province of the FBI, and that your function was merely to review the leads that they had considered significant enough to follow out?

Mr. POLLAK. Certainly initially, at the earlier point, the FBI, through its investigation, came upon the leads and as the draft report, the staff report indicates, the FBI set down a 24-hour deadline for following out leads.

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Until those particular leads came to be reported to us, those leads were not known to us.

Subsequently, as the leads came to our attention through written reports and contemporaneous oral reports, we did review those reports and ascertained on the time frame forward into 1968 that various leads were followed down.

As you know, I made additional followup requests that leads should be pursued and as the year wore on, made particular requests on three occasions with specific categories of leads or incidents or questions which we thought warranted further investigation, particularly then, since Mr. Ray had been arrested, with respect to the possibility of a conspiracy.

Mr. BEESON. Do you recall any specific conspiratorial leads that you yourself asked the FBI to pursue, independent of what the FBI was doing themselves?

Mr. POLLAK. I would not recall them at this point, as far away from 1968, and indeed I do not want to suggest that I have a full recall because I do not.

But in preparing to come before the committee, and to meet with you and Mr. Sacco earlier this year, I sought to refresh myself by reviewing some of the papers.

My recollection is as to specific requests, refreshed as I have just described, includes a request of some detail stemming from an interview of one of the attorneys in our division, Mr. J. Harold Flannery, with a man named Sartor in the Memphis area, who had been said by a man named Epps, with whom I had met in Washington at the Vice President's request, to have some leads.

Mr. Flannery interviewed Mr. Sartor, a memorandum was prepared raising a number of different questions of possible conspiratorial background to the assassination, and I forwarded that to the Director, I believe, in the month of September 1968, with a request that those leads be pursued.

Of course, in the month of June and again in July I had communicated with the Director, requesting that all leads indicating the possibility of a conspiracy be immediately run down and reported.

So, Mr. Sartor request was really supplemental to what they were currently doing.

Additionally, I made two followup requests on November 7, 1968 and another one on November 15, 1968 requesting that specific matters reported in the articles in the Look magazine by Mr. Huie be pursued, particularly some of those that I recall to mind include reports of Mr. Ray's statements about the discussions with and actions with Mr. Raoul, or a Raoul, questions concerning the source of various funds, a question concerning the red automobile which had been purchased in 1967, and a number of detailed requests that were in those two requests to Mr. Hoover.

Those are the matters which I recall having raised in specific with the Director on the conspiracy——

Mr. BEESON. Let me ask you this, Mr. Pollak. You have had a chance to review a draft of, the staff report of the investigation, which at this point has tentative indications from our reviews.

The report does indicate that while numerous conspiracy leads were pursued, there was a significant failure to pursue the possibility of family involvement, despite the possession by the FBI and

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the Department of Justice, relatively early in the investigation, of a substantial amount of evidence indicating the possibility of family involvement.

Would you care to comment on that aspect of the report? Do you recall, for example, specific consideration with the FBI or within the Department of Justice of this possibility, and do you recall focusing any attention on the possibility of family involvement?

Mr. POLLAK. My recollection is that there was an enormous flow of facts or possible facts coming to us on paper and in oral reports from the Federal Bureau of Investigation.

The situation was such that we had one person in our division assigned to make a name index on multiply cards so that we could keep track of the individuals identified in the Bureau reports, and the dates in which those individuals were alleged to have taken particular actions.

My recollection includes reference to the family. I was certainly aware of Mr. Ray's family. I do not have a recollection that there was any indication that ever came to my attention in the time until I left the Department, that the family members were objects of unresolved indications that they had been a member of a conspiratorial plan to assassinate Dr. King.

I am clear that it was my perception at the time, during the period commencing on the 4th of April and running through the time that I left the division, that the FBI was responding to the requests that were made and conducting a broad-scale and a deep investigation.

I would say that my recollection includes a level of intensity of the investigation which was highest in the period until Mr. Ray's arrest on the 8th of June. I consider that something over 2-month period to have been an investigation, both into the persons responsible for the slaying, being an individual or more than one individual, and also, then, upon the identification of a single person involved, an investigation to find that single person.

I am also aware that once the arrest occurred that the—this intensity seemed somewhat to be reduced. I may draw that conclusion or recollect my drawing the conclusion 10 years ago from several facts.

One: The Bureau inquired of me in the month of July whether the complaint filed April 17 in Atlanta, the conspiracy complaint, could be dismissed.

Two: In the period immediately following Mr. Ray's arrest I prepared, and the Attorney General signed, a request to the Bureau to continue to pursue all leads with respect to the possibility of conspiracy.

At least in looking back on it I would conclude that I must have felt some need to make clear to the Bureau that it was the Division's perception that the conspiracy possibility had not been run to the ground, and that further investigation with all alacrity under the heading full investigation should continue to be pursued.

Mr. BEESON. Ultimately you were satisfied that a full conspiracy complaint—full conspiracy investigation was pursued?

Mr. POLLAK. I was satisfied that the Bureau was responding to the request for a full investigation and I considered that that investigation was ongoing at the time I left the Department.

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If I considered it had not been concluded, I would not have been prepared to dismiss the conspiracy complaint, as indeed in July of 1968 I was not prepared to agree to its dismissal.

So, I considered that the matter had not been brought to a point where it was incumbent on any of the men and women working with me to suggest to me that the time had come to close the investigation.

Indeed, I believe it is my perception that some of the particular inquiries that I had made in my requests had not finally been responded to by the time I left office.

But, I would hasten to say that the amount of paper coming in on a city-by-city or special agent in charge office basis—in other words, those monthly reports—were from each city where the conspiracy investigation was mounted—the amount of paper was so great that it was not easy to identify that each of the leads had been finally run down without very close checking.

Mr. BEESON. I understand.

One final question, Mr. Pollak.

We met once before in an interview. I believe at that time you stated that you were aware during your period as head of the Civil Rights Division of Mr. Hoover's extreme dislike for Dr. King and of the security investigation of Dr. King and SCLC for possible Communist infiltration.

My question is, did you ever consider the possibility that the FBI would be unable to pursue an objective investigation given that background of an adversary relationship against Dr. King?

Mr. POLLAK. My recollection of my awareness is this: I received during the period as first assistant, and then as Assistant Attorney General, reports of a classified nature from the FBI with respect to it, which appeared to me—and I believe they were so denominated—to concern themselves with the possibility of a Communist influence on Dr. King and his organization.

It was my perception that those reports must be flowing from a request made by some other division in Justice, and that they were being forwarded to me for information.

I was aware of that. I believe that I would say that my awareness was that those reports were reflective of an investigation in pursuit of one of the statutes of the United States.

I was not aware of any wiretapping or bugging of Dr. King. My knowledge in that respect was less than Mr. Clark has testified to this morning.

I did not know, for example, that there had been previously outstanding requests for wiretapping and the incident he spoke of respecting Mr. Doar bringing the matter up with Mr. Clark, and Mr. Clark in turn bringing it up to Attorney General Katzenbach.

The extent of my awareness was that Mr. Hoover had made critical remarks, extremely critical remarks, about Dr. King, and I was aware of that.

Now, on that background, I did not feel that the full investigation which we asked for would be carried out in less than a complete and devoted manner.

I think that I would say to some extent I had been aware that in the past there had been investigative requests which were not

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pleasing to the Bureau, and they had carried those out in what I thought was a dedicated manner.

I observed that—I mean, I had observed hundreds if not thousands of Bureau requests. I had observed the response to those requests. I had prepared lawsuits from the material they had developed, and I had found it to be of a high quality.

I did not consider that the Bureau's response to the King request would be interfered with by an attitude of the Director. Maybe I should have, but I did not consider the possibility.

Mr. BEESON. I have no further questions, Mr. Pollak.

Thank you.

Chairman STOKES. At this time the committee will operate under the 5-minute rule.

The Chair recognizes the gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. Mr. Chairman, I have no questions at this time of Mr. Pollak. We appreciate your testimony.

Chairman STOKES. The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. Mr. Chairman, I have no questions of Mr. Pollak either, but I do want to welcome him to the committee and to say to him, as I said to Mr. Clark, that during the decade of the sixties he was among the most trusted and sensitive of those in Government to our efforts to improve the quality of life for all Americans and particularly for Black Americans.

Mr. POLLAK. Might I say thank you, Congressman, very much.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

Mr. Pollak, I want to compliment you on your recall during those trying times when you were in the Department of Justice.

Let me try to summarize what I think were the most persuasive parts, or dramatic statements that you made in response to Mr. Beeson's inquiry. I believe you said that you had a feeling that the Bureau was less enthusiastic in investigating civil rights matters than others, however, that they did carry out their requests well.

I think you said you recall no reluctance to engage in those investigations and when you requested a full investigation, that your observation was that there was a full response, and, finally, that you were satisfied that the Bureau responded to the requests for full investigation.

Does that about summarize your testimony?

Mr. POLLAK. Yes; I think those points were made by me this afternoon, Mr. Devine, yes.

I might say, because it has been a background to my testimony here today, that in the Civil Rights Division we had expended a great deal of time on the so-called Neshoba case. That was the slaying of three young men in the summer of 1964 in Mississippi, three civil rights workers. That was a matter which the Bureau investigated at the Division's request, using techniques which I observed the Bureau to use in investigating the slaying of Dr. King—interview techniques—and it was an extremely difficult case to crack, according to my observation.

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The Klan or Klan-influenced people were involved, and the Bureau carried that request for investigation out. It produced evidence to the Division, the Division followed up on the evidence with attorney interviews, and presented the case to the—my recollection is—the grand jury; but I am not clear on that recollection. In any event, it was tried and a guilty verdict rendered by the Mississippi jury.

That was only one of the cases, Mr. Devine, that we had investigated through the techniques we requested the Bureau or anticipated the Bureau would use in the King matter; but we had seen those techniques work, and that was our experience.

Mr. DEVINE. Some question was raised, again by staff counsel, Mr. Beeson, relative to the participation or lack thereof by the U.S. attorney's office. Isn't it an accurate statement, Mr. Pollak, to state that the U.S. attorney's office is the prosecuting arm of the Justice Department and the Federal Bureau of Investigation is the investigative arm, and that it is the duty and responsibility of the Bureau to investigate and present the facts to the U.S. attorney, who, in turn, may or may not authorize prosecution based on whether or not he feels the facts warrant prosecution?

Mr. POLLAK. That is my perception from afar of the typical criminal case which comes across the docket of the U.S. attorney. In the civil rights investigations that we used the Bureau, those were several different kinds, Mr. Devine. We had a range of laws which gave us civil causes of action, enacted by the Congress, public accommodations, equal employment, public facilities, voting. We used the Bureau extensively in those investigations and they would customarily be asked to make a preliminary investigation; and after we had a few facts that were elicited, we would make a determination whether there was a warrant to proceed further, and then we would make additional requests.

That was primarily the way we proceeded in criminal investigations, too, and I think our role was a more involved role than the customary U.S. attorney role, where the file is presented to the attorney at the time he is ready to prosecute.

Mr. DEVINE. But the Civil Rights Division would request an investigation by the Bureau, which would be conducted, and rarely did the U.S. attorney's office initiate an investigation by its own motion; is that correct?

Mr. POLLAK. That's correct. There were some, Congressman, that were initiated in the field, rarely, but some, over police brutality, alleged police brutality, so-called 242 investigations, 18 U.S.C. 242.

Mr. DEVINE. Thank you very much.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Tennessee, Mr. Ford.

Mr. FORD. Mr. Chairman, I will be very brief.

Mr. Pollak, I would just like to follow up on a question from my colleague there: On April 8, what was the purpose of your visit to Memphis?

Mr. POLLAK. The primary purpose was to be the President's representative in connection with the matters that were scheduled to take place on that particular day. There was a significant potential that the State guard would be federalized because of the unrest, and in that situation that we had seen in 1967 and 1968,

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the President sent—in actuality the Attorney General sent—a representative of the President to be the direct liaison in the event there was a federalizing of the guard, and I went for that purpose.

Mr. FORD. As head of the Civil Rights Division, assigned out of the Justice Department, were you there working with the U.S. attorney's office, or working with the FBI at this time?

Mr. POLLAK. I flew from Washington, arriving in the early morning, either—I think it would be, I think I arrived probably at 10 o'clock on the night before and worked through most of the night, meeting the various miltiary officials and others who were involved with maintenance of law and order in that city, during this day in which Mrs. King and leaders of the civil rights movement were coming for a massive march in respect to both the sanitation men's situation and in respect to the slaying of Dr. King; and there was considerable concern over the possibility of some sort of violence, and I worked with the National Guard leaders, and had an office, temporary office, located in Mr. Robinson's office. He was the U.S. attorney.

I recall, Mr. Ford, calling on Mr. Robert Jensen, who was the special agent in charge of the Memphis office, and discussing with him the status of the King assassination investigation, but that was not the primary purpose of my trip.

Mr. FORD. Was that a request for the District Office in Memphis to get involved in the investigation of the assassination of Dr. King?

Mr. POLLAK. No; it was not, Mr. Ford. They had been requested immediately upon our request for a full investigation, and they were the case office in charge in the field.

Mr. FORD. Thank you very much, Mr. Chairman. I yield back the balance of my time.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. I have no questions, Mr. Chairman.

Chairman STOKES. Any member of the committee seeking further recognition?

Mr. Pollak, at the conclusion of a witness' testimony before our committee, the witness is entitled to a period of 5 minutes, during which time he may explain, amplify or in any way comment further upon his testimony before our committee.

I would extend to you at this time 5 minutes, if you so desire.

Mr. POLLAK. No; I have nothing further to add. I'm available to the committee. I commend the practice of affording the witness time and I believe I have said as much as you people have asked me. That's enough.

Chairman STOKES. I certainly, on behalf of the committee, thank you for your appearance here. You have certainly been of great assistance to the committee by your testimony, and we appreciate your presence. Thank you.

The Chair recognizes Professor Blakey.

Mr. BLAKEY. Nothing.

Chairman STOKES. There being no further witnesses to come before the committee this afternoon, the committee will adjourn until 9 a.m. tomorrow morning.

[Whereupon, at 2:55 p.m., the hearing was adjourned, the committee to reconvene on Wednesday, November 29, 1978, at 9 a.m.]

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INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

WEDNESDAY, NOVEMBER 29, 1978

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON ASSASSINATIONS,
Washington, D.C.

The select committee met, pursuant to adjournment, in room 345, Cannon House Office Building, Hon. Louis Stokes (chairman of the select committee) presiding.

Present: Representatives Stokes, Devine, Preyer, McKinney, Fauntroy, Sawyer, Ford, Fithian, and Edgar.

Also present: G. Robert Blakey, chief counsel and staff director; Gene Johnson, deputy chief counsel; Ron Adrine, staff counsel; I. Charles Mathews, special counsel; Edward Evans, chief investigator; and Elizabeth L. Berning, chief clerk.

Chairman STOKES. The committee will come to order.

The Chair recognizes counsel for the committee, Mr. Gene Johnson.

NARRATION BY GENE JOHNSON, DEPUTY CHIEF COUNSEL

Mr. JOHNSON. Thank you, Mr. Chairman.

Dr. Martin Luther King, Jr., was one of the most prominent leaders of the civil rights movement in the 20th century. For this, he was hated by his enemies almost as much as he was admired by those who associated themselves with his vision of America.

As we have seen, he was personally opposed by powerful Government officials, notably J. Edgar Hoover, and he was ideologically opposed by factions of Black militants for his commitment to nonviolence.

The most extreme hostility toward Dr. King apparently lay in groups of white supremists and conservative businessmen who were convinced he was attempting to establish a new social and economic order in this country and that in his international stance he was playing into the hands of the Communists.

It was bad enough from the standpoint of racist resistance to Dr. King that he would win battle after battle in his campaign for equality for Black Americans. It was intolerable that he would broaden his objective to include international peace and an end to economic injustice.

Threats to Dr. King were commonplace. He narrowly escaped death in a stabbing incident in New York in 1958, and in the 1960's FBI intelligence reveals he was the target of violence by the Ku Klux Klan and other hate groups.

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By the time of his assassination, no less than 50 threats on his life had been recorded by the FBI.

It is not surprising that literally dozens of conspiracy allegations have come to the attention of the committee and have been considered in its investigation. Some of these allegations were checked by the FBI in 1968. Others have come to light more recently.

In deciding which of them to pursue, the committee evaluated the various allegations in terms of inherent credibility and their temporal relationship to the assassination.

In the case of those that seemed based on misrepresentations, or stemmed from the imaginations of the mentally ill, or that substantially predated the murder of Dr. King, a followup investigation was not made or was strictly limited.

Conspiracy leads to which significant resources were allocated included the following:

One, a report of a price being placed on Dr. King's head in Atlanta in 1967.

Two, information that a businessman with organized crime connections was involved in a conspiracy.

Three, evidence that a narcotics trafficker might have come in contact with Ray from time to time in his period leading up to the assassination.

Four, an allegation that policemen in Louisville, Ky., may have made an offer to kill Dr. King.

Five, reports that a standing money offer for killing Dr. King had been circulated at the Missouri State Penitentiary.

But the conspiratorial allegation that has received the most attention from the committee originated in St. Louis earlier this year, when the FBI advised it of a memorandum containing information on a concrete offer to pay money to kill Dr. King.

Mr. Chairman, the next witness has asked under rule 6.3(2) that there be no media coverage; that is, no TV, radio, pictures, or recordings.

It would be appropriate at this time, Mr. Chairman, to enter an order to that effect.

Chairman STOKES. The witness, having invoked his rights under rule 6 of this committee, the pertinent part of which reads as follows:

> No witness served with a subpena by the committee shall be required against his or her will to be photographed in any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

In addition, the witness has further requested that the same provision apply to the hallway which is immediately adjacent to the hearing room.

The Chair at this time requests a complete compliance with the request of this witness, both in the hearing room and in the adjacent hallways.

The Chair would like to also announce that the witness now entering the room will be under U.S. marshal security. Therefore, all persons in the room are requested anytime the witness is either entering the room or leaving the room to remain seated, in order

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that marshals may be able to execute the kind of security that has been requested by this witness.

The Chair at this time would call Mr. Byers.

Mr. JOHNSON. It would be appropriate, Mr. Chairman, that Russell George Byers be sworn.

Chairman STOKES. Mr. Byers, would you please stand, raise your right hand and be sworn.

Do you solemnly swear that the testimony you will give before this committee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BYERS. I do.

Chairman STOKES. Thank you. You may be seated.

Mr. HAMILTON. Mr. Chairman, before we proceed, I would like to make a motion on behalf of Mr. Byers.

Chairman STOKES. Would the gentleman please identify himself for the record, please.

Mr. HAMILTON. Excuse me, Mr. Chairman. My name is James Hamilton. I am representing Mr. Byers in this hearing.

I would like to make a motion on behalf of Mr. Byers that this session be adjourned to executive session. The basis for this motion is the committee's rules, rule 3.3(5), which says that if the committee determines that evidence or testimony at any investigative hearing may tend to defame, degrade, or incriminate any persons, it shall receive such evidence or testimony in executive session.

I think that it is apparent that the testimony that Mr. Byers gives this morning will tend to defame or degrade both himself and others.

Now, I realize that the practice has been to have an open session after an executive session has been held first where testimony that might have this effect will be given.

But I suggest to the committee that the language of the rule is such that it indicates that, even if there has been a prior executive session, whenever evidence shall have this tendency the committee should continue to take such testimony in executive session.

I am sure the committee knows that there are prominent Supreme Court cases—*Yellin* v. *United States, Cojak* v. *United States,* to give only two—which indicate that a congressional committee must follow its own rules.

I would request that the committee follow what appears to be the clear language of this particular rule and adjourn this particular session to executive session.

Chairman STOKES. Does counsel for the committee, Professor Blakey, desire to be heard on the motion?

Mr. BLAKEY. Yes.

Mr. Chairman, as I am sure counsel for Mr. Byers will recall the statement of Mr. Justice Frankfurter that very often a page of history is worth more than a page from a dictionary in interpreting legal documents.

The provision to which Mr. Hamilton refers was placed in the House rules and, of course, they appear in our rules as a derivative of the House rules, as part of a code of fair procedure.

In House Resolution 151, placed in the House rules on March 23, 1955, the rules were explained at that time in the Congressional

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Record, and I am referring now to the Congressional Record of the 84th Congress, first session.

I would like to quote a comment made by Congressman Hardy and Congressman Brown of Ohio. Congressman Hardy first noted—and I am quoting now from page 3572 and 3573—that "* * * the rule was only designed to protect an individual other than the witness."

So, to the degree that Mr. Hamilton's motion relies on the self-incrimination of the witness, it is inapposite.

Mr. Brown of Ohio explained the operation of the rule in essence saying that the contemplated procedure was when evidence was taken in a public session that apparently would defame or incriminate that the committee should go into executive session to evaluate it.

Then he said, and I quote:

> Then if they determine that there is some ground for a charge against you, they can have all the open sessions they want to have.

Later on he says, and I quote:

> What does it say here. They consider that in executive session. Then they come back into open session. After they have got their information and they decide that there is substance to the charge, or my charge against you, then they go—they can go ahead and have all the open hearings they want.

I would argue, Mr. Chairman, that in light of this legislative history to the House rule, which would obviously also be legislative history to this committee's rule, that the fact that this committee has heard from Mr. Byers in executive session in May 1978 and has had an opportunity since that time to evaluate his testimony, that an executive session at this time would be not required under the rule and would be inappropriate.

Chairman STOKES. Thank you.

Does counsel have anything further?

Mr. HAMILTON. Mr. Chairman, may I make two brief points.

First of all, Mr. Byers' testimony this morning will have a tendency to defame and degrade others besides himself. The second point I would make is that I think that the legislative history that Mr. Blakey is quoting from is at best ambiguous.

There is also a statement in the same history, the same colloquy before the House, by Mr. Miller of Maryland, where he indicates—and I am abbreviating the quotation—that:

> Certainly the language here does not indicate how it would be possible to bring out evidence that you knew was going to degrade somebody except in executive session. I do not see any language here that permits that.

So, I think at best the legislative history is ambiguous and I would suggest that in any event the clear language of the rule should be followed and, consequently, that this session be held in executive session.

Thank you, Mr. Chairman.

Chairman STOKES. Does counsel for the committee have anything further?

Mr. BLAKEY. No; Mr. Chairman. I think the previous remarks are adequate for the Chair's rule.

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Chairman STOKES. Mr. Hamilton, I believe that you have been provided with a copy of the legislative history as prepared by the Library of Congress on this subject.

Mr. HAMILTON. That is correct.

Chairman STOKES. All right.

The Chair has listened carefully to both your motion and arguments in support of the same. The Chair would have to rely upon the legislative history as the Chair understands it, and as has been referred to here by counsel for the committee.

I would again underscore the statement of Mr. Brown of Ohio on the floor during the colloquy which occurred on this legislation at the time it was considered in the House, which I would refer to once again, where Mr. Brown of Ohio says:

> What does it say here. They consider that in executive session. Then they come back into open session after they have got the information. If they decide there is some substance to your charge or my charge against you, then they can go ahead and have all the open hearings they want.

This, it seems to me, would be determinative of the situation here. The committee having entertained testimony of the witness in prior executive session, therefore it would seem to me at this time that the committee can, in compliance with the statements made by Mr. Brown of Ohio, hold all the open hearings the committee desires. The Chair would therefore overrule your motion.

Does counsel have any further objections?

Mr. HAMILTON. No, Mr. Chairman, we are prepared to proceed.

Chairman STOKES. Thank you.

Prior to proceeding the Chair would like to make a statement for the record. The Chair would like to express its deep appreciation and gratitude to Mr. Hamilton for representing Mr. Byers here at this hearing today.

Mr. Hamilton is representing Mr. Byers pursuant to a request of the D.C. Bar Association that Mr. Byers made in accordance with our committee rules.

He was obtained by the D.C. Bar Association on very short notice, and we deeply appreciate Mr. Hamilton's appearance here today. His appearance, in this committee's opinion, reflects the highest spirit and character of the members of the District of Columbia Bar Association and its public interest section.

At this time the Chair recognizes counsel for the committee, Professor Blakey.

Mr. BLAKEY. Thank you, Mr. Chairman.

Mr. Byers, would you state for the record your name, please.

TESTIMONY OF RUSSELL GEORGE BYERS

Mr. BYERS. Russell Byers.

Mr. BLAKEY. Mr. Byers, have you and your counsel been supplied a copy of the committee's rules?

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Have you read them?

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Do you understand them?

Mr. BYERS. As well as I can.

Mr. BLAKEY. Mr. Byers, you are appearing here today pursuant to subpena, are you not?

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Mr. BYERS. That is correct.

Mr. BLAKEY. Mr. Byers, do you know John Kauffmann?

Mr. BYERS. I am going to refuse to answer on the grounds it may tend to incriminate me.

Mr. BLAKEY. Mr. Byers, would you intend to claim your privilege against self-incrimination to all other questions in this hearing?

Mr. BYERS. That is correct.

Mr. BLAKEY. Mr. Chairman, in light of the representation of the witness I would ask that the order of the U.S. District Court for the District of Columbia conferring immunity on Mr. Byers dated November 8, 1978, be marked as Martin Luther King exhibit F-570, be inserted in the record at this point, and made available to the witness.

Chairman STOKES. Without objection, it is so ordered. It may be made a part of the record and provided to the witness and his counsel.

[The information follows:]

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MLK Exhibit F-570

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Application of UNITED STATES HOUSE OF REPRESENTATIVES SELECT COMMITTEE ON ASSASSINATIONS	Misc. No. 78-0337

FILED

NOV 8 1978

JAMES F. DAVEY, Clerk

ORDER
CONFERRING IMMUNITY UPON AND
COMPELLING TESTIMONY FROM RUSSELL GEORGE BEYERS

The United States House of Representatives Select Committee on Assassinations having made written application, pursuant to Title 18, United States Code, Sections 6002 and 6005, for an order conferring immunity upon Russell George Beyers and compelling him to testify and provide other information before the Subcommittee on the assassination of Dr. Martin Luther King, Jr. of the Select Committee on Assassinations or the full Select Committee, and the court finding that all procedures specified by § 6005 have been duly followed, it is hereby, this 8th day of November, 1978,

ORDERED, that Russell George Beyers in accordance with the provisions of Title 18, United States Code, Sections 6002 and 6005, shall not be excused from testifying or providing other information before the Subcommittee on the Assassination of Dr. Martin Luther King, Jr. of the Select Committee on Assassinations or the full Select Committee on the grounds that the testimony or other information sought may tend to incriminate him.

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ORDERED FURTHER, that Russell George Beyers appear when subpoenaed by said Subcommittee or Committee and testify and provide such other information that is sought with respect to matters under inquiry by said Subcommittee or Committee.

AND IT IS FURTHER ORDERED that no testimony or other information compelled under this order (or any information directly or indirectly derived from such testimony or other information) may be used against Russell George Beyers in any criminal case, except a prosecution for perjury, giving a false statement or otherwise failing to comply with this ORDER.

United States District Judge

Dated: NOV 8 - 1978

Mr. BLAKEY. Mr. Chairman, I would note for the record that Mr. Byers and Mr. Hamilton are now reading the order of the court.

Chairman STOKES. It may be so noted.

Mr. BLAKEY. Mr. Byers, have you and your counsel had an opportunity to examine this order?

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Has your counsel instructed you on its legal meaning?

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Mr. Chairman, I would ask that the court's order be communicated to the witness and the witness be directed to answer the previous question.

Chairman STOKES. Mr. Byers, in light of the order which you have just read, by which immunity has been conferred upon you, the Chair would at this time direct you to answer the questions put to you by counsel.

Mr. BLAKEY. Let me state for the record, Mr. Byers, once again what the question was.

Do you know John Kauffmann?

Mr. BYERS. I did.

Mr. BLAKEY. Mr. Chairman, I would ask that Martin Luther King exhibit F-571 be inserted in the record at this point and be appropriately displayed on the easel.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[The information follows:]

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MLK EXHIBIT F-571

Mr. BLAKEY. Mr. Byers, can you see Martin Luther King exhibit F-571 from your seat?

Mr. BYERS. You are talking about the photograph to my right?

Mr. BLAKEY. Yes, sir.

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Can you identify that individual?

Mr. BYERS. It is John Kauffmann.

Mr. BLAKEY. Mr. Byers, let me direct your attention to approximately the spring of 1967. Did you have a conversation with John Kauffmann at that time in which he inquired of you whether or not you wanted to earn $50,000?

Mr. BYERS. That is correct.

Mr. BLAKEY. As a result of that conversation, what did you do?

Mr. BYERS. I went with him to meet another man.

Mr. BLAKEY. Mr. Chairman, at this point I would ask that Martin Luther King exhibit F-572 be inserted in the record and appropriately displayed on the easel.

Chairman STOKES. Without objection, it may be entered in the record at this point.

[The information follows:]

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MLK EXHIBIT F-572

Mr. BLAKEY. Mr. Byers, can you see what has been marked as Martin Luther King exhibit F-572 from your seat?

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Can you identify that individual?

Mr. BYERS. It looks like a picture of Jack Sutherland. But I have only seen Jack Sutherland twice in my life.

Mr. BLAKEY. Did you have a conversation with Mr. Sutherland?

Mr. BYERS. I did.

Mr. BLAKEY. What did he say?

Mr. BYERS. He offered me $50,000 to arrange to murder Martin Luther King.

Mr. BLAKEY. In 1967, did you know who Dr. Martin Luther King was?

Mr. BYERS. No.

Mr. BLAKEY. Did Mr. Sutherland tell you who he was?

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Mr. BYERS. He told me he was a civil rights leader.

Mr. BLAKEY. Did you ask Mr. Sutherland where he was going to get the money, come up with the $50,000?

Mr. BYERS. Yes. It struck me rather strange. He told me it belonged to a secret southern organization that could raise the money.

Mr. BLAKEY. What did you do then?

Mr. BYERS. I declined the offer.

Mr. BLAKEY. Where were you when this offer took place?

Mr. BYERS. Mr. Sutherland's home.

Mr. BLAKEY. Was Mr. Kauffmann also present?

Mr. BYERS. That is correct. He was.

Mr. BLAKEY. Did you and he then leave together?

Mr. BYERS. That is correct.

Mr. BLAKEY. Did you have any conversation with Mr. Kauffmann?

Mr. BYERS. I told him I wouldn't be interested and we dropped it from there.

Mr. BLAKEY. Did you ever see Mr. Sutherland again?

Mr. BYERS. I seen him one time later at a water company meeting at House Springs, Mo. It was either House Springs or High Ridge. It is two little towns that is close together.

Mr. BLAKEY. Did you have any conversation with him at that time?

Mr. BYERS. No; I did not.

Mr. BLAKEY. Mr. Byers, how long after the Sutherland meeting did you remain associated in any way with Mr. Kauffmann?

Mr. BYERS. I can't place a date, but it wasn't too long.

Mr. BLAKEY. You subsequently broke off whatever relationship you had with him?

Mr. BYERS. That is right.

Mr. BLAKEY. Following the assassination of Dr. Martin Luther King on April 4, 1968, did you tell anyone about your meeting with Mr. Sutherland?

Mr. BYERS. Yes, I told a gentleman about it.

Mr. BLAKEY. And who was that——

Mr. BYERS. You say after the meeting or after the assassination?

Mr. BLAKEY. No, this is after the assassination. I will back up. After the meeting with Mr. Sutherland, did you tell anyone about that meeting?

Mr. BYERS. No.

Mr. BLAKEY. OK. After the assassination—which was my original question—did you have any conversation with anyone about the Sutherland offer?

Mr. BYERS. Yes, I did.

Mr. BLAKEY. Who was that?

Mr. BYERS. It was Murray Randall.

Mr. BLAKEY. And what was your relationship to him at the time?

Mr. BYERS. He was my attorney.

Mr. BLAKEY. What did you tell him?

Mr. BYERS. I told him I had had a proposition to arrange to murder Mr. King for $50,000.

Mr. BLAKEY. Why did you tell him?

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Mr. BYERS. He was my lawyer. You had to tell somebody. You know, it just struck me rather strange. The man got killed, and I had the offer.

Mr. BLAKEY. Did you ask him whether you were in any way involved in the assassination?

Mr. BYERS. Well, I ran it by him one reason for that. He told me at the time the man had confessed to the killing or had been apprehended and he told me evidently there was no substance to it, just to forget about it.

Mr. BLAKEY. His advice to you then was that you were not involved in the assassination that occurred in Memphis?

Mr. BYERS. That is correct.

Mr. BLAKEY. Did you have any other reason for discussing the Sutherland offer with Mr. Randall?

Mr. BYERS. None that I can think of.

Mr. BLAKEY. Have you ever told anyone else about the Sutherland offer?

Mr. BYERS. Yes; I told another gentleman about it.

Mr. BLAKEY. And who was that?

Mr. BYERS. Mr. Weenick.

Mr. BLAKEY. And what was his relationship to you?

Mr. BYERS. He was my lawyer after Mr. Randall became judge, and I was a friend of Mr. Weenick's before that time.

Mr. BLAKEY. What was the context within which you had a conversation with Mr. Weenick?

Mr. BYERS. Please repeat the question.

Mr. BLAKEY. What was the context in which you had a conversation with Mr. Weenick?

Mr. BYERS. I told him the same basic story that I told to Mr. Randall.

Mr. BLAKEY. Did you ask him for legal advice?

Mr. BYERS. The same way; yes.

Mr. BLAKEY. And what was his legal advice to you?

Mr. BYERS. Basically the same answer, because it was much later when I told him of the offer. I told Mr. Randall first and then some years later I told Mr. Weenick.

Mr. BLAKEY. Mr. Byers, have you furnished this committee with attorney-client waivers for Mr. Randall and Mr. Weenick?

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Mr. Byers, do you know John Paul Spica?

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Who is he?

Mr. BYERS. He is my brother-in-law.

Mr. BLAKEY. Did you ever tell Mr. Spica of the Sutherland offer?

Mr. BYERS. No; not until the time I got the subpena to come up here. When I got—the time I got the subpena, I mentioned it to him at that time.

Mr. BLAKEY. You did not tell him anytime from 1967 until April 4, 1968?

Mr. BYERS. To the best of my knowledge, no, because he was incarcerated at the time.

Mr. BLAKEY. Mr. Byers, do you know Robert Regazzi?

Mr. BYERS. Yes, sir.

Mr. BLAKEY. Who is he?

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Mr. BYERS. Well, who he is I don't know. He is just——

Mr. BLAKEY. What relationship, if any, does he have to you?

Mr. BYERS. You mean as far as being a relative?

Mr. BLAKEY. Friend, business associate.

Mr. BYERS. I installed a cigarette machine in Mr. Regazzi's seafood store about 2 years ago, and that had been the first time I had seen him in maybe 10 years.

Mr. BLAKEY. Did you know him in the period between 1967, when you had the Sutherland offer made to you, and April 4, 1968?

Mr. BYERS. I did, but I can't remember, recall running into him at that time. I met Mr. Regazzi in about 1963, 1962, roughly.

Mr. BLAKEY. Did you ever tell Mr. Regazzi of the Sutherland offer in the period of time between 1967 and 1968?

Mr. BYERS. Not that I could remember.

Mr. BLAKEY. Mr. Byers, do you know Dr. Hugh W. Maxey?

Mr. BYERS. I know who he is, but I do not know him.

Mr. BLAKEY. Who is he?

Mr. BYERS. He was a prison doctor.

Mr. BLAKEY. Do you know if Dr. Maxey had any relationship to Mr. Kauffmann?

Mr. BYERS. Supposedly very close friends.

Mr. BLAKEY. Mr. Byers, why didn't you tell the police, the FBI or other law enforcement officials of the Sutherland offer in 1968 after the assassination of Dr. King?

Mr. BYERS. Because I thought the man was crazy that made me the offer, and after it happened I didn't want to be involved.

Mr. BLAKEY. Mr. Byers, did you volunteer this information to this committee?

Mr. BYERS. Volunteer what information?

Mr. BLAKEY. About the Sutherland offer. Did you come to us or did we come to you?

Mr. BYERS. Oh, you come to me with the subpena.

Mr. BLAKEY. In fact, did you cooperate with this committee when its investigators first contacted you?

Mr. BYERS. I don't know what you mean by cooperating.

Mr. BLAKEY. Did you tell——

Mr. BYERS. I let them enter the home.

Mr. BLAKEY. Did you tell them the story the first time they talked to you?

Mr. BYERS. No, no.

Mr. BLAKEY. In point of fact, you were subpenaed before this committee to appear in executive session on May 9, 1978, weren't you?

Mr. BYERS. That is correct.

Mr. BLAKEY. Did you decline in that executive session to testify unless you were granted immunity?

Mr. BYERS. Absolutely.

Mr. BLAKEY. Was your testimony compelled under a grant of immunity at that time?

Mr. BYERS. That is correct.

Mr. BLAKEY. Mr. Byers, did you tell the same story to this committee in May—on May 9—that you are telling this morning?

Mr. BYERS. To the best of my knowledge, yes.

Mr. BLAKEY. Was it the truth, then?

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Mr. BYERS. That is right.

Mr. BLAKEY. Mr. Chairman, I have no further questions.

Chairman STOKES. The Chair at this time recognizes the gentleman from the District of Columbia, Mr. Fauntroy, for such time as he may consume, after which the committee will operate under the 5-minute rule.

Mr. Fauntroy.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Thank you, Mr. Byers, for appearing again before the committee, this time in public session.

Mr. Byers, Professor Blakey has developed from you the broad outlines of your story. Nevertheless, I would like to ask some more detailed questions.

Mr. BYERS. OK.

Mr. FAUNTROY. The first is when did you first meet John Kauffmann?

Mr. BYERS. When did I first meet him? That is going back a long ways, so I am going to give you a rough idea. I would say maybe 1957, 1956, 1955, somewhere in that area.

Mr. FAUNTROY. And under what circumstances do you recall having met him?

Mr. BYERS. I was a friend of his brother's, his brother Nigel. He would come to his brother's house, and that is how I met him.

Mr. FAUNTROY. Where did he live at that time?

Mr. BYERS. You mean Mr. Kauffmann?

Mr. FAUNTROY. Mr. Kauffmann.

Mr. BYERS. John Kauffmann?

Mr. FAUNTROY. John Kauffmann.

Mr. BYERS. The same place he lived until he died, Jefferson County, Imperial, Mo.

Mr. FAUNTROY. I see. And where did he work?

Mr. BYERS. He told me he was a stockbroker when I first met him. I never bought no stock from him, so I wouldn't know.

Mr. FAUNTROY. And what other kinds of business enterprise did you come to know him through?

Mr. BYERS. He dabbled in real estate, just various different things.

Mr. FAUNTROY. Where did he live actually?

Mr. BYERS. He lived at that motel, in Jefferson County, Imperial, Mo.

Mr. FAUNTROY. Do you recall the name of the motel?

Mr. BYERS. Oh, I think they called it Bluff Acres or—he had an office there with a string of names on it as long as your arm. Probably all phony. I don't know.

Mr. FAUNTROY. Bluff Acres Motel in Barnard, Mo.?

Mr. BYERS. That is right, Barnard, Imperial.

Mr. FAUNTROY. You say he dabbled in real estate and represented himself to you as a stockbroker?

Mr. BYERS. That is correct.

Mr. FAUNTROY. What was your relationship with him?

Mr. BYERS. You are talking about in 1955 or 1967?

Mr. FAUNTROY. Throughout the period, what was your relationship with him?

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Mr. BYERS. Well, sometimes I would drive him to where he would have to go. He had sort of a bad leg. He would ask me to run different errands on real estate transactions. Just generally a little bit of everything.

Mr. FAUNTROY. Did you engage in any criminal activity with him?

Mr. BYERS. Not with him. I left some possessions there that may not have just been so-so.

Mr. FAUNTROY. Well, you know, you can be rather candid with us. Just sort of tell us.

Mr. BYERS. Stolen cars. I used his motel. And other stolen objects.

Mr. FAUNTROY. So that you would steal cars and leave them—and other things, and leave them at the motel?

Mr. BYERS. Absolutely.

Mr. FAUNTROY. With his acquiescence or with his acceptance?

Mr. BYERS. As long as I paid the rent.

Mr. FAUNTROY. I see.

Do you know of any other criminal activity that Mr. Kauffmann was engaged in?

Mr. BYERS. I didn't hear the last part of that question. Any other criminal activity he was what?

Mr. FAUNTROY. Engaged in.

Mr. BYERS. Well, I come to find out he dealt in drugs, and when I found out he dealt in drugs, that is when we split.

Mr. FAUNTROY. Tell me how you found that out and why you split.

Mr. BYERS. Well, he owned a company called Fix-A-Co.

Mr. FAUNTROY. Fix-A-Co?

Mr. BYERS. F-I-X dash A dash C-O. And he told me one day all the money he was making in drugs, which come as a shock to me. He told me that he discovered Fix-A-Co company had a drug license and he could then buy drugs legitimately and sell them the other way.

So, when he informed me of that, we had a little falling out. I says I will see you later. I didn't go round anymore.

Mr. FAUNTROY. You say it was Fix-A-Co?

Mr. BYERS. That is right.

Mr. FAUNTROY. You bought a fix there?

Mr. BYERS. You get a fix with Fix-A-Co.

Mr. FAUNTROY. I see. Why did you split?

Mr. BYERS. Well, I am scared of the drug penalty. I am not a drug dealer. There is two ways out in that. Either you get killed or you go to the penitentiary.

Mr. FAUNTROY. I see. Well, do you know of any other criminal activity in which Mr. Kauffmann was engaged?

Mr. BYERS. Not that I can think of at the time.

Mr. FAUNTROY. Did any other people hang around his motel or avail themselves of the services that he provided you, for example?

Mr. BYERS. Well, he always engaged a lot of exconvicts which he had brought in from the Missouri State Prison. So, what their transactions was I don't know.

Mr. FAUNTROY. Under what circumstances did you understand a motel owner would be engaging exconvicts?

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Mr. BYERS. He had them work at the motel. You know, they would clean up, they would rent the rooms at nighttime. He had other pieces of real estate where they would go and do some work.

Like I say, we never really got into that. You know, I mean people like that, you don't ask their business, they don't ask your business.

Mr. FAUNTROY. I see. How did you understand those exconvicts came to work for him?

Mr. BYERS. He had an arrangement with Dr. Maxey at the Missouri State Prison the way he told me. I don't know this to be true, but he had an arrangement and Dr. Maxey would always give him one or two released at a time to him, to come to him.

Mr. FAUNTROY. And Dr. Maxey was his friend within the Missouri State Penitentiary?

Mr. BYERS. That is what he told me. That is what he led me to believe.

Mr. FAUNTROY. Did you and the people who hung around the motel ever discuss criminal activities?

Mr. BYERS. I don't believe so. I didn't have that much to do with them. I would come and stay pretty well to myself.

Mr. FAUNTROY. Did you have the idea that you were the only one who was engaging in some criminal activities which he covered with his motel?

Mr. BYERS. At one time I thought so, until I found out he dealt in dope, and then I didn't have a doubt.

Mr. FAUNTROY. When you met Kauffmann, and he raised the $50,000 with you, what time of day was it?

Mr. BYERS. It was in the evening.

Mr. FAUNTROY. And where were you?

Mr. BYERS. At Mr. Sutherland's home.

Mr. FAUNTROY. That was the first time he raised it with you, at Sutherland's home?

Mr. BYERS. No. He talked about $50,000?

Mr. FAUNTROY. Yes.

Mr. BYERS. It was earlier in that day. We were someplace and he said to me, he said, "How would you like to make $50,000." I says, "What do I have to do?" He says, "Meet me tonight, and I will take you somewhere."

So about 6:30 that night I met him and we proceeded to drive in my car to Mr. Sutherland's house.

Mr. FAUNTROY. And was anyone else present at Mr. Sutherland's house?

Mr. BYERS. Mrs. Sutherland—she was introduced to me as Mrs. Sutherland—was there at the time. But we were just introduced. She had no conversation, no nothing, and she went to another part of the house.

Mr. FAUNTROY. I wonder if you could describe the house. You say you drove there in a car with Mr. Kauffmann.

Mr. BYERS. That is correct.

Mr. FAUNTROY. After earlier in the afternoon he had apprised you of an opportunity to make $50,000?

Mr. BYERS. That is correct.

Mr. FAUNTROY. Tell us a little bit about the house.

Mr. BYERS. You mean about the contents?

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Mr. FAUNTROY. Mr. Sutherland's house.

Mr. BYERS. OK. Mr. Sutherland met us at the door with a pair of like overalls and a hat. Looked like a Confederate hat, with crossed swords. He took us to a den with a Confederate carpet, Confederate flag, bugles, swords, and all the paraphernalia hanging on the wall.

Mr. FAUNTROY. I see. You say that the only other person you saw in the house was his wife, who then left and went to another part of the house.

Mr. BYERS. That is correct.

Mr. FAUNTROY. So you are now in the den.

Mr. BYERS. With Mr. Kauffman, Mr. Sutherland, and myself.

Mr. FAUNTROY. The three of you. Now, did Mr.—and it is at this point that the offer was made?

Mr. BYERS. After a slight conversation, exchanging of a joke of some kind, you know, and an offer of a drink, we got down to business.

Mr. FAUNTROY. Well, who stated the purpose for which you would receive $50,000?

Mr. BYERS. Mr. Sutherland.

Mr. FAUNTROY. Mr. Sutherland. Can you just recall roughly what he said to you?

Mr. BYERS. Well, we got into it. We got down to business. I said, "What do I have to do to make this $50,000?" He says, "Either arrange or kill Martin Luther King." At that point I said, "Who is Martin Luther King?" I didn't know who he was.

Mr. FAUNTROY. Well, did he appear serious when he made the offer.

Mr. BYERS. Dead serious.

Mr. FAUNTROY. To your knowledge, was either Mr. Kauffmann or Mr. Sutherland given to playing practical jokes?

Mr. BYERS. Not for $50,000. They didn't joke like that.

Mr. FAUNTROY. So you took them as being dead serious.

Mr. BYERS. Absolutely. Why would they waste my time and take me at 6:30 in the evening to play a joke on me?

Mr. FAUNTROY. Are you aware of any social or political views that Mr. Kauffmann had?

Mr. BYERS. Any social what?

Mr. FAUNTROY. Social or political views. Or racial views.

Mr. BYERS. No. We never really got into those. I understand after I quit associating with the man he was a Wallace supporter. They had a Wallace campaign or something.

Mr. FAUNTROY. What about Mr. Sutherland?

Mr. BYERS. He was a Wallace man, too.

Mr. FAUNTROY. Well, do you know why Mr. Kauffmann would have taken you to Mr. Sutherland?

Mr. BYERS. Well, there was probably something in it for Mr. Kauffman if I would have agreed.

Mr. FAUNTROY. To your knowledge, did Mr. Kauffmann have any reason to believe that you might accept such a contract?

Mr. BYERS. Not that I would know of. The only reason they may have to believe is if they were looking for someone to set up in this position. Maybe—I don't know. I don't understand the whole thing.

Mr. FAUNTROY. You mentioned that you knew John Paul Spica, who is your brother-in-law. Do you have any reason to know or to

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believe that Mr. Kauffmann knew of your relationship with Mr. Spica?

Mr. BYERS. I imagine he did. It was quite well covered by our friends the press at the time Mr. Spica was in trouble.

Mr. FAUNTROY. And what was the trouble in which Mr. Spica found himself?

Mr. BYERS. Accused of murder.

Mr. FAUNTROY. And what was the result of the court proceedings in that case?

Mr. BYERS. Life imprisonment.

Mr. FAUNTROY. Where?

Mr. BYERS. Missouri State Penitentiary.

Mr. FAUNTROY. Were you working at that time?

Mr. BYERS. At which time?

Mr. FAUNTROY. At the time of the offer.

Mr. BYERS. No, just with Mr. Kauffmann.

Mr. FAUNTROY. Did you have any legitimate income at that time?

Mr. BYERS. No; I was under Federal indictment for conspiracy to violate the Dyer Act, and I was just sort of hanging to see what was going to happen for myself.

Mr. FAUNTROY. I guess—and that had to do with auto theft, I guess?

Mr. BYERS. That is correct.

Mr. FAUNTROY. And nothing more. Did you have any information which would lead you to believe that there was any connection between the offer Mr. Sutherland made to you and Dr. King's assassination in Memphis a few months later?

Mr. BYERS. Did I believe there was any connection between the offer and the assassination, is that the question?

Mr. FAUNTROY. Yes.

Mr. BYERS. I didn't know what to believe. It struck me awfully funny that I get the offer and the man turns up dead. Either it was connected, coincidental, or everybody was out to kill him. One of the three.

Mr. FAUNTROY. Did you make any connection between the alleged assassin, James Earl Ray, and his presence at Missouri State Penitentiary at a time when your brother-in-law was there?

Mr. BYERS. I don't understand the question. Did I know——

Mr. FAUNTROY. When you learned that James Earl Ray—or when did you first learn that James Earl Ray was accused of being the assassin?

Mr. BYERS. When he was apprehended.

Mr. FAUNTROY. In June, did you know—in your learning that, did you also learn that he had been at the Missouri State Penitentiary?

Mr. BYERS. I can't answer that. I paid no attention to it. Of course I read in the paper where he had escaped from the Missouri State Penitentiary, like everybody else, but I did not know James Earl Ray.

Mr. FAUNTROY. So that you didn't make that connection in your own mind?

Mr. BYERS. No.

Mr. FAUNTROY. Thank you, Mr. Chairman. I yield back almost all the balance of my time.

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Chairman STOKES. I sensed some reservation. Mr. Byers, if I understand you correctly, Mr. Kauffmann took you to Mr. Sutherland and Mr. Sutherland made the offer of the $50,000 to you; is that correct?

Mr. BYERS. He made the purpose of the offer to me.

Chairman STOKES. What do you mean by that?

Mr. BYERS. Mr. Kauffmann asked me how I would like to make $50,000; then he proceeded to take me to Mr. Sutherland.

Mr. Sutherland told me how I was going to make the $50,000, what I had to do to make the $50,000.

Chairman STOKES. That was to kill Dr. King?

Mr. BYERS. That's correct.

Chairman STOKES. And on the spot there, did you tell them you would not do it?

Mr. BYERS. I sort of crawfished a little; I seen too many late night movies, where they make you an offer you can't refuse, and you jump up and shout out, "absolutely no," and you maybe never leave the place.

So I told him I didn't think I would be interested, and when I got outside, I definitely wasn't interested.

Chairman STOKES. But after you said to them, "I don't think I would be interested," did they say anything more to you about it?

Mr. BYERS. No.

Chairman STOKES. The whole conversation terminated at that point?

Mr. BYERS. That evening, yes.

Chairman STOKES. Did they ever after that—either one of them—discuss the offer with you?

Mr. BYERS. No.

Chairman STOKES. That means before the assassination and after the assassination?

Mr. BYERS. I never saw them after the assassination.

Chairman STOKES. So other than what you have said here, when he told you how you could make the $50,000, and you said you didn't think you would be interested, there has never been any further discussion whatsoever between you and them about this?

Mr. BYERS. That's correct.

Chairman STOKES. I have no further questions.

The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

Mr. Byers, did you see any money?

Mr. BYERS. No.

Mr. DEVINE. They didn't proffer any cash of any kind?

Mr. BYERS. No.

Mr. DEVINE. Did they make any suggestion to you that you shouldn't say anything to anybody about this offer when you decided to decline it?

Mr. BYERS. Well, naturally, when you talk to somebody—I didn't decline it right on the spot; I told them I didn't think so. You know, we certainly left it drop like that; and then when I got outside I told Mr. Kauffmann I wasn't interested in it.

Mr. DEVINE. But you were not contacted, either telephonically or any other way, not to mention that?

Mr. BYERS. Not to mention the assassination of Mr. King.

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Mr. DEVINE. Not to mention the offer.

Mr. BYERS. No.

Mr. DEVINE. Mr. Byers, do you have any record of accusation, charge or conviction of any crime of violence?

[Witness confers with counsel.]

Mr. DEVINE. While you are consulting with counsel, may I amend the question to say: prior to the assassination of Dr. King.

Mr. BYERS. Prior to the assassination of Dr. King, I have never been accused of any crime of violence that I know of.

Mr. DEVINE. You had never been accused, charged or convicted of any crime of violence prior to that date in 1968; is that it?

Mr. BYERS. To the best of my knowledge, no.

Mr. DEVINE. Then you don't have any history of being a hit man or one that might be involved in a crime of this nature prior to that time?

Mr. BYERS. As far as I know, I don't.

Mr. DEVINE. Was part of this offer, as you recall, a suggestion that either you kill Dr. King or that you obtain someone to do it?

Mr. BYERS. Like I said, it was either arrange for the death of Dr. King, or kill Dr. King, as long as Dr. King was dead.

Mr. DEVINE. One more question in the same line then: although you had not been charged or convicted for any crime of violence prior to April 4, 1968, were you known to have associates that would be engaged in crimes of violence?

Mr. BYERS. I don't know. That's a pretty broad question.

Mr. DEVINE. What I am trying to——

Mr. BYERS. One person may think he is violent; the next person may not think he is violent. So who is going to make the decision on that question?

Mr. DEVINE. What I am trying to find out, Mr. Byers, is just why were you, Russell Byers, singled out as the person that these people were willing to offer $50,000? What in your background caused you to be the No. 1 man to be selected for this particular purpose?

Mr. BYERS. I can't answer that question for you.

Mr. FAUNTROY. Will the gentleman yield?

Mr. DEVINE. I have one more question. I will.

Did you at any time know James Earl Ray?

Mr. BYERS. No.

Mr. DEVINE. Yes; I will yield to my colleague.

Mr. FAUNTROY. Was your brother-in-law convicted of a contract killing?

Mr. BYERS. That's correct.

Mr. FAUNTROY. Thank you.

Mr. DEVINE. I have no more questions, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. Mr. Byers, after you declined the offer of Mr. Kauffmann, how long did you continue in your working relationship with him, that is, continue to use his motel?

Mr. BYERS. Not very long. We sort of broke off relationships because the dope transaction started. You know, I became aware of his narcotics transactions.

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Mr. PREYER. Had you become aware of this narcotics transaction before he made the offer to you—Mr. Sutherland made the offer to you?

Mr. BYERS. No; it was after he made the offer to me I became aware of his narcotics business, because he wanted me to participate, and I would not.

Mr. PREYER. Was it a matter of weeks or months that you continued to work with him after the offer?

Mr. BYERS. Maybe it was weeks, something like that; it wasn't too long.

Mr. PREYER. No further mention was made of the offer to kill Dr. King during that time?

Mr. BYERS. No, sir; you know, I figured it's time for me to leave. When he is wanting me to kill somebody, then he is dealing in drugs, it's time to go.

Mr. PREYER. Your final decision on the offer to kill Dr. King was made to Mr. Kauffman outside of Mr. Sutherland's home, and you had no further discussion on it?

Mr. BYERS. That's right.

Mr. PREYER. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Tennessee, Mr. Ford.

Mr. FORD. Mr. Chairman, I yield back my time.

Chairman STOKES. The gentleman yields back his time.

The gentleman from Connecticut, Mr. McKinney.

Mr. MCKINNEY. Mr. Byers, do you think that Mr. Kauffman was aware of the fact, or did he have knowledge at the time, that your brother-in-law was in Missouri State Prison for committing murder?

Mr. BYERS. I imagine he did. Like I say, the press covered it pretty thoroughly; it was a pretty well-known fact.

Mr. MCKINNEY. Did you at any time ever discuss this offer with your brother-in-law or with your sister?

Mr. BYERS. No. You don't go home and tell your wife stuff like this.

Mr. MCKINNEY. What was the reaction when you turned down this offer?

Mr. BYERS. No big deal.

Mr. MCKINNEY. You drove from the Sutherland's household with Mr. Kauffmann?

Mr. BYERS. Took him home, and I returned him back to his place.

Mr. MCKINNEY. You were in the same car, and you didn't discuss it any further, after you initially refused the offer?

Mr. BYERS. No.

Mr. MCKINNEY. Did you feel at any time after turning down this offer that you were in danger because of your knowledge of the conspiracy to kill Dr. King? Obviously if you are offered $50,000 for a contract to kill someone or to arrange a contract by several people, that is a conspiracy; were you afraid that you might be in some personal danger, knowing of this?

Mr. BYERS. Not attempt to; I wasn't afraid. I didn't think at the time they made me the offer there was anything to it. You know, I just thought this is a guy—he has hung out his flags on the wall,

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and he put all his rugs on the floor, and he is having himself a good time.

I just let it pass. Now that Dr. King got assassinated, then it made me sit up and think.

Mr. MCKINNEY. When Dr. King was assassinated in 1968 and you became aware of it why didn't you contact the FBI?

Mr. BYERS. What would I tell them? What kind of spot would I put myself in?

Mr. MCKINNEY. Well, that's what I am asking you.

Mr. BYERS. In other words, I don't want to get involved, but I wound up very much involved.

Mr. MCKINNEY. Did you feel at the time that you would endanger yourself because of other activities you were involved in, or because of the King case?

Mr. BYERS. Absolutely; absolutely. I don't think the FBI was too concerned that Mr. King got killed.

Mr. MCKINNEY. That puts it in the light. You said you knew Dr. Maxey?

Mr. BYERS. Please repeat the question.

Mr. MCKINNEY. Did you know Dr. Maxey?

Mr. BYERS. No; I did not know Dr. Maxey. I heard Dr. Maxey's name on a lot of occasions, from Mr. Kauffmann, but as far as personally knowing him, never.

Mr. MCKINNEY. Did you at any time after becoming aware of Dr. King's assassination discuss with Kauffmann the strange fact that Dr. Maxey, a doctor at Missouri State Prison, was supplying ex-convicts to Mr. Kauffmann and that your brother-in-law and James Earl Ray were confined in Missouri State Prison at the same time?

Mr. BYERS. You say this is after the assassination?

Mr. MCKINNEY. Yes.

Mr. BYERS. I never talked to Mr. Kauffmann after the assassination. I quit talking to him before the assassination and never talked to him since.

Mr. MCKINNEY. I'll reserve some time, Mr. Chairman.

Chairman STOKES. The gentleman reserves the balance of his time.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. Byers, did you know Mr. Kauffmann well enough to know what his attitudes were on racial matters?

Mr. BYERS. Not really. You know, I mean, we never really sit down and talked about it, talked it out and say, "Do you like this guy because he is Black, or do you like this guy because he is green?" We never did.

Mr. FITHIAN. Did you have any indication of Mr. Sutherland's attitude toward race, racial matters?

Mr. BYERS. When I see all those things hanging on the wall and carpet on the floor, I had a pretty good idea. Then when he told me that he wanted to kill a colored gentleman, I imagine he didn't like him.

Mr. FITHIAN. Would you describe for the committee what your own feelings were at that time toward questions of integration?

Mr. BYERS. At the time of the offer?

Mr. FITHIAN. Yes.

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Mr. BYERS. Of the assassination?
Mr. FITHIAN. Before the assassination.
Mr. BYERS. I didn't even know who Mr. King was.
Mr. FITHIAN. That wasn't the question. The question was: What were your personal attitudes, let's say, toward integrating the schools?
Mr. BYERS. I had none.
Mr. FITHIAN. Sorry——
Mr. BYERS. I had no feelings either which way.
Mr. FITHIAN. Where did you grow up, Mr. Byers?
Mr. BYERS. St. Louis.
Mr. FITHIAN. Did you have any Black friends?
Mr. BYERS. When I was in school?
Mr. FITHIAN. Yes.
Mr. BYERS. No. None went to my school.
Mr. FITHIAN. Could you describe a little more fully your attitude toward race questions?
Mr. BYERS. I have no—I'm not prejudiced.
Mr. FITHIAN. And you have no reason to believe that Mr. Kauffmann is prejudiced either?
Mr. BYERS. Like I say, we just didn't discuss it.
Mr. FITHIAN. Let me ask you one thing more: just a moment ago you said—I think I can quote you accurately: "I didn't think there was anything to it—to the offer." Was that your testimony?
Mr. BYERS. That's along those lines; yes.
Mr. FITHIAN. Fifteen minutes before that, in answer to a question, you said, "And I thought they were serious. Why else would they have me drive out to Sutherland's home at 6:30 in the afternoon?"
Mr. BYERS. They may be serious, but I didn't figure them as the serious kind, especially when they start talking $50,000. That's what I meant by that.
Mr. FITHIAN. My question is: Which of these statements would you have the committee believe? It doesn't seem to me we can believe both.
Mr. BYERS. I would have them believe that Mr. Kauffmann and Mr. Sutherland were very serious, but me, in my mind, I just——
Mr. FITHIAN. Then what did you mean when you said, "I didn't think there was anything to it"?
Mr. BYERS. Because I thought they were just a couple of people talking, is what I thought. See, my personal views and your personal views may be two different things, like you have one now.
Mr. FITHIAN. My question is whether or not you thought they were serious, and at one point you said, "I didn't think there was anything to it" and at another point you said you thought they were serious.
Mr. BYERS. OK.
Mr. FITHIAN. Let's sort this out.
Mr. BYERS. Let's correct it. I would say they were very serious.
Mr. FITHIAN. So then you do think that there was something to it?
Mr. BYERS. That's right.
Mr. FITHIAN. Thank you, Mr. Chairman.
Chairman STOKES. The time of the gentleman has expired.

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The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. You said that your brother-in-law, Mr. Spica, was charged and convicted on a so-called contract or hit-type killing. Did I understand you correctly?

Mr. BYERS. That's correct.

Mr. SAWYER. What were the circumstances of that, do you recall?

Mr. BYERS. No, I don't, really. It was a murder where he was offered money, and I don't believe that they ever really proved that he actually committed the murder. I believe that he arranged it or something along those lines. I'm really not too familiar with the thing, except I know he got life in the penitentiary.

Mr. SAWYER. Who—or in what category was the person that killed or had him killed?

Mr. BYERS. The—what do you mean by "what category"?

Mr. SAWYER. I mean, what kind of business or occupation?

Mr. BYERS. He was a real estate man.

Mr. SAWYER. And he was, or allegedly at least, convicted of having been hired by somebody else to arrange for the killing of that person?

Mr. BYERS. By the man's wife.

Mr. SAWYER. Had he had any criminal record before that?

Mr. BYERS. You mean, convictions or arrests?

Mr. SAWYER. Let's start with arrests.

Mr. BYERS. Oh, he had a lot of arrests, I imagine.

Mr. SAWYER. Any other convictions?

Mr. BYERS. I can't tell you all those questions. A lot of times a person is convicted of something and they kept that a secret to their self, and as far as I know, I would say no.

Mr. SAWYER. Is he still in the Missouri State Penitentiary?

Mr. BYERS. No, he is not.

Mr. SAWYER. When did he get out?

Mr. BYERS. I would say 5 years ago.

Mr. SAWYER. Do you happen to know what the practical impact in the State of Missouri is of a life sentence when eligibility for parole occurs?

Mr. BYERS. No, I don't.

Mr. SAWYER. Do you know about how long he was in?

Mr. BYERS. Ten years, 11 years, 12 years.

Mr. SAWYER. Did you have any contact with him while he was in the Missouri State Penitentiary?

Mr. BYERS. Yes; when he first went in, I went on a regular basis to visit, and then—you know how it is—time was—a great number of years—I didn't go at all.

Mr. SAWYER. When did he first go there, do you recall?

Mr. BYERS. I can only give you approximate dates.

Mr. SAWYER. Give me that.

Mr. BYERS. Maybe 1963.

Mr. SAWYER. And about what time, what year, was this offer made to you by Sutherland?

Mr. BYERS. Like I told you, the fall of 1966 or the spring of 1967.

Mr. SAWYER. So he was in about 3 or 4 years at that point?

Mr. BYERS. I imagine, somewhere close to that.

Mr. SAWYER. And was that still during the time you did see him in prison, before time had passed, so you slacked off?

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Mr. BYERS. I think about the time of the offer I had to quit going to see him, because I got convicted myself, and convicted felons are not allowed to visit in a penitentiary.

Mr. SAWYER. That would have been after the Sutherland episode, right?

Mr. BYERS. I would say yes, about that same time.

Mr. SAWYER. But after?

Mr. BYERS. Yes.

Mr. SAWYER. About how long after?

Mr. BYERS. I don't know. I got convicted December 27 in 1967, so that would be the winter of 1967. It would all depend if the offer was made to me in the fall of 1966 or the spring of 1967, when you asked me how long, so you can see for yourself how long of a span there is in there.

Mr. SAWYER. So then you were seeing him for a number of months, anyway; you were seeing Spica for a number of months, between the time the Sutherland offer was made to you and you got convicted?

Mr. BYERS. That's correct, yes.

Mr. SAWYER. And about how often would you see him during that period?

Mr. BYERS. I can't remember that. I would imagine pretty regular, maybe once a month, once every 2 weeks, once every 2 months, no set schedule.

Mr. SAWYER. You obviously would have mentioned this offer to Spica, then, when you saw him, seeing as how that was the kind of thing he was convicted of?

Mr. BYERS. I don't think the offer would have did him any good, doing life, and I did not, and I will repeat again, I did not tell him of the offer.

Mr. SAWYER. But aside from whether it would do him any good or not, the very thing, the very setup on which he has been convicted, it would seem to me to be naturally conversational that you had been offered the same kind of deal. Wouldn't that be a natural thing to talk about?

Mr. BYERS. It may be natural, but it wasn't.

Mr. SAWYER. You are quite sure you didn't?

Mr. BYERS. I'm positive.

Mr. SAWYER. And then if I put your timing right, the offer to you that Sutherland made was, oh, give or take a number of months, up to a year before King was killed?

Mr. BYERS. Fall of 1966 or spring of 1967, which ever one——

Mr. SAWYER. So it could have been, anyway, something short of a year elapsed, maybe just a few months, or maybe 6 or 7?

Mr. BYERS. Could be.

Mr. SAWYER. Well, could be; is that clear?

Mr. BYERS. Yes, it depends on that time element. Like, remember, I testified to, the fall of 1966 or the spring of 1967; that would put a few months either which way.

Mr. SAWYER. I have no further questions.

I yield back the balance of my time.

Chairman STOKES. The gentleman yields back the balance of his time.

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Mr. Byers, in reply to a question by Mr. McKinney of Connecticut, you made the statement—I think I quote you correctly—"I don't think the FBI was too concerned that Dr. King got killed." Do you remember making that statement?

Mr. BYERS. Yes.

Chairman STOKES. What is your basis for that statement?

Mr. BYERS. What I read in the paper.

Chairman STOKES. Meaning what, "what you read in the paper"?

Mr. BYERS. Well, in an article where a man said—let's see, how did he put this?—the ones who harassed this man were the same ones to investigate his murder. That's the story I am going along. I shouldn't have said that.

Chairman STOKES. Thank you.

The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. Mr. Byers, at the time that you were visiting your brother-in-law, were you aware of the relationship between Dr. Maxey and Mr. Kauffmann?

Mr. BYERS. Yes.

Mr. FAUNTROY. Do you have any reason to believe that Dr. Maxey was close enough to Mr. Kauffmann to know of the availability of money to kill Dr. King?

Mr. BYERS. If Dr. Maxey was close enough to Mr. Kauffmann to know?

Mr. FAUNTROY. Yes.

Mr. BYERS. That would be hard to tell without me—like, I never ever knew Dr. Maxey; I just heard Mr. Kauffmann talk, how they were friends and how Dr. Maxey would come maybe once a month and visit with him.

Mr. FAUNTROY. I see.

Thank you, Mr. Chairman. I have no further questions.

Chairman STOKES. Any other member? Mr. McKinney?

Mr. MCKINNEY. Mr. Byers, I just want to get myself straight on your relationship with Mr. Kauffmann. How long did you know him?

Mr. BYERS. Well, go back to the beginning of the question you asked me, 1955, 1956, 1957—I can't nail the year down.

Mr. MCKINNEY. But you were——

Mr. BYERS. But I never associated with him until after his brother died, that I was friends with, and his brother died, like in 1962. You know, I never had no close association with him, because his brother was my friend. His brother was a real nice man.

Mr. MCKINNEY. The two of you became fairly close?

Mr. BYERS. His brother?

Mr. MCKINNEY. No; Mr. Kauffmann himself.

Mr. BYERS. You mean, Mr. John Kauffmann?

Mr. MCKINNEY. Yes.

Mr. BYERS. Not as close as I was to his brother, Gil.

Mr. MCKINNEY. How soon after this offer did you break off your relationship with Mr. Kauffmann?

Mr. BYERS. Within a short period of time, maybe like weeks or something like that, when I found out about the narcotics transactions.

Mr. MCKINNEY. Did Mr. Kauffmann ever contact you and question why he didn't see you, any longer?

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Mr. BYERS. No; I made it very clear why I was going to leave the scene.

Mr. MCKINNEY. At the time that you said you were going to leave the scene, did he make any mention of the fact that he had taken you out and gotten you a "hit" offer?

Mr. BYERS. No.

Mr. MCKINNEY. I have no more questions, Mr. Chairman.

Chairman STOKES. Mr. Byers, one other question. I want to put something in perspective. Are you aware of how the FBI became aware that this offer had been made to you?

Mr. BYERS. Only what I read in the paper.

Chairman STOKES. Can you tell us what that is?

Mr. BYERS. That I unconsciously had told someone of this offer, an informant at the time to the FBI, and the FBI wrote it down and misfiled it for 5 years. That's all I am aware of.

Chairman STOKES. This would have been in 1973 that you were talking with a person who was an FBI informant; isn't that correct?

Mr. BYERS. That's correct.

Chairman STOKES. And you mentioned this incident to that individual, not knowing the individual was an FBI informant; is that right?

Mr. BYERS. That's correct.

Chairman STOKES. And then, as a consequence of your having stated it to him, the FBI informant did inform the FBI of it, but they then misfiled the memorandum in which they had put it; is that your understanding?

Mr. BYERS. That's the way I read it in the paper.

Chairman STOKES. Now, in 1973, after you had talked with this individual who you now know to be an FBI informant——

Mr. BYERS. No, I do not know him to be an FBI informant, because I don't know who it was.

Chairman STOKES. I see; but you do recall you talked to someone about this?

Mr. BYERS. Evidently I did.

Chairman STOKES. Has the FBI ever been to you, to interrogate you about the story?

Mr. BYERS. Been to me to interrrogate me about the story? You mean, when the man give it to him in 1973?

Chairman STOKES. My question really is, has the FBI ever been to you to find out from you about this incident?

Mr. BYERS. About the offer being made to me?

Chairman STOKES. Right.

Mr. BYERS. No.

Chairman STOKES. Thank you.

One further question: As I understand you, you don't know who it was you talked to in 1973, who was the informant; is that correct?

Mr. BYERS. That's correct.

Chairman STOKES. Well, were you in the habit of talking to a lot of people about this incident?

Mr. BYERS. No, but maybe when I was drinking, you know, could have been any one of a thousand people I might have told it to, you

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know; like when you drink, you talk, and you don't know what you are saying, or what you're doing. Who knows?

Chairman STOKES. Well, if you say you don't know what you are saying, what you are talking about, what you are doing——

Mr. BYERS. Evidently I told this story to someone whom I cannot recall telling this story to, is what I am trying to say; and I am trying to give you a reason for why I may do this.

Chairman STOKES. That's what I am trying to get at.

Mr. BYERS. Yes.

Chairman STOKES. Thank you.

I have no further questions.

Any other members seeking further recognition? Mr. Fauntroy?

Mr. FAUNTROY. No, thank you, Mr. Chairman.

Chairman STOKES. Does counsel, Mr. Blakey, have anything further?

Mr. BLAKEY. Mr. Chairman, there is one matter I would like to follow up on.

Mr. Byers, apart from your knowing who the informant is, have you ever been told who the informant might be?

Mr. BYERS. No. Who would tell me?

Mr. BLAKEY. That was my question to you. Have you ever had any discussions with anybody as to who that informant might have been?

Mr. BYERS. Oh, naturally, it has my curiosity aroused. I would be a fool if it didn't; but I just—I don't know who it would have been.

Mr. BLAKEY. Have you ever had any discussion with any counsel as to who that informant might have been?

Mr. BYERS. You mean, such as legal counsel, like——

Mr. BLAKEY. I am not referring to Mr. Hamilton. Any other lawyer, anyplace, anytime?

Mr. BYERS. Talking about legal counsel?

Mr. BLAKEY. Right; a lawyer.

Mr. BYERS. Oh, I'm sure that I may have run into it by asking them who this may be, or who could have told such a story on me.

Mr. BLAKEY. Did you have any conversations with Mr. Randall about the informant?

Mr. BYERS. Probably so, but I don't remember just what the basis of the conversation was.

Mr. BLAKEY. Did you ever speculate to Mr. Randall who the informant might have been?

Mr. BYERS. I can't remember that.

Mr. BLAKEY. Did he ever speculate to you who the informant might have been?

Mr. BYERS. I can't remember that. Whenever me and Mr. Randall talked, we just talked a lot and didn't really say anything.

Mr. BLAKEY. Did you ever have any conversations with Mr. Randall in 1973 about the offer?

Mr. BYERS. About the offer?

Mr. BLAKEY. And the fact that——

Mr. BYERS. I had conversations with Mr. Randall a long time before 1973 about the offer.

Mr. BLAKEY. Right, but my question is directed to 1973.

Mr. BYERS. Well, I can't remember specifically in 1973. I may have had—I would say yes, but I could not swear to it.

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Mr. BLAKEY. Did you ever have any conversations with Mr. Weenick in 1973 or thereafter about the offer?

Mr. BYERS. Yes.

Mr. BLAKEY. Did you have any discussions with him in which either you or he speculated about who the informant might be?

Mr. BYERS. Oh, possibly so.

Mr. BLAKEY. When did it come to your attention that the informant had given this information to the FBI?

Mr. BYERS. When a reporter from the New York Times came and told me.

Mr. BLAKEY. When did that occur?

Mr. BYERS. After I was here at the committee last time.

Mr. BLAKEY. I'm somewhat confused, Mr. Byers. Perhaps the way I am asking the question has confused you.

Is it that you did not know that the informant had, until the New York Times reporter talked to you, and that did not occur until after your appearance on May 9, 1978? You couldn't have speculated about an informant with either Mr. Weenick or Mr. Randall in 1973.

Mr. BYERS. I misunderstood your question a while ago. I didn't even know an informant existed until—like I say—1978. I wasn't following your questioning a while ago. Did you ask me a while ago if we discussed an informant in 1973?

Mr. BLAKEY. That's correct.

Mr. BYERS. No. How could we discuss it when we didn't even know there was one?

Mr. BLAKEY. So your testimony is—and you would have us believe, and it is true—that you had no discussions about an informant until after the New York Times article?

Mr. BYERS. Oh, yes, I didn't even know—when Mr. Conrad Baetz and Mr. Waxman came to my home—this is the first I knew that you knew anything about it. That's the first I knew.

Mr. BLAKEY. Fine.

Mr. Chairman, I have no further questions.

Chairman STOKES. Is any member of the committee seeking further recognition?

Mr. BYERS. It may be necessary for the committee to call you back later today. For that reason, we would ask that you remain available this morning and a portion of the afternoon.

For the time being, this does conclude your testimony before the committee, and at the conclusion of a witness' testimony, either the witness or his counsel may make a statement to this committee during a 5-minute period. During that period you may amplify or explain your testimony in any way or make any further comment you so desire on your testimony before this committee.

I would extend to you—to either you or Mr. Hamilton—at this time 5 minutes for that purpose, if you so desire.

Mr. BYERS. I can't think of anything I would like to add.

Chairman STOKES. Mr. Hamilton?

Mr. HAMILTON. No comments.

Chairman STOKES. Then at this time the Chair would once again admonish all persons in the room to please remain seated until such time as the witness has left the hearing room.

Thank you very much and you are excused, Mr. Byers.

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The committee will take a 2- or 3-minute recess.

[Brief recess.]

Chairman STOKES. The committee will come to order.

In light of the testimony that has just been received before the committee, which tends to relate to a conspiracy, the Chair thinks it is appropriate at this time that I make certain comments relative to the testimony of this witness and subsequent witnesses over the next 3 days.

When we got to this point in the Kennedy hearings, I thought it appropriate to make certain general remarks. Here, too, certain things should be made more explicit.

The committee will be hearing testimony over these 3 days dealing with what the committee has found. In presenting this evidence to the committee, the staff will not be trying to prove or disprove any particular theory. The purpose of these hearings is not to try to establish or refute particular theories but to consider the evidence available on the various points. That evidence may either prove it, disprove it, or be insufficient to make a judgment either way. Nevertheless, because these hearings are legislative in character and not a judicial trial, the committee has a duty to make what it has learned public, even if it falls short of what everyone might wish to know on the crucial question: Was there a conspiracy involved in the assassination of Dr. King?

Let me make another important point: It may be helpful for those following our hearings if something is also said here about the quality and the quantity of evidence available to the committee as it has moved through each of the phases of its deliberations and the need to recognize how to use each kind of evidence.

In certain aspects of our work the committee has had available to it the hard stuff of science. The quality of the evidence available to the committee was, therefore, unusually high, even if it did not materially assist us, as it did in the Kennedy investigation.

As the committee turned to assessing the performance of the agencies, principally the FBI, less scientific evidence was available to the committee and it was necessary to rely more on documents and human memories, principally those of public officials.

Now as the committee's attention turns directly to the question of conspiracy, it will be necessary to move away from the hard evidence of science and documents and consider more oral testimony. The shifting nature of the balance ought to be explicitly noted and commented on.

Those who follow our hearings must recognize the difference in the quality and the quantity of the evidence available to resolve issues in this most difficult area. Human perception and memory, to say nothing of bias or motive to lie, sharply qualify human testimony, making it less reliable than scientific analysis or documents written not for litigation but as an accurate record of actual events.

That oral testimony, moreover, will be about events that occurred over 10 years ago. It will in some instances also concern people who are now dead and who cannot either be examined to determine the truth or to defend themselves against posthumous accusations.

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As I observed in the Kennedy hearings, those who follow our hearings should also keep in mind some principles about the law of conspiracy and the special difficulties associated with its proof.

Mr. Justice Holmes once succinctly defined a conspiracy as "a partnership in criminal purposes." That definition serves well enough here. Unless evidence is adduced from which "a partnership in criminal purposes" can be inferred, a conspiracy cannot be said to exist. A suspicion suspected must always be distinguished from a fact found.

Let me say concretely what I mean. Basically, the Justice Department task force and others have concluded that James Earl Ray was the lone assassin of Dr. King, because they have concluded that he was a loner and he was a racist—in short, because he had no significant associations other than his family and he apparently had an intensely personal motive, it was inappropriate—the task force found—to conclude that there was a possibility of a conspiracy involved in the assassination.

What the task force and various writers have rightly recognized, if not always made explicit, is twofold: First, conspiracy is rooted in association—no association, no conspiracy; and, second, motive can be a key to the interpretation of conduct.

We took up the question of motive in previous hearings. Let me now turn my attention to association and conspiracy.

Because the previous investigations concluded there was no evidence of association, they were not forced to deal with the difficult questions posed by evidence of association as it gives rise to evidence of conspiracy. It is a fundamental principle of American law that guilt cannot be inferred from association alone and it is one that must be honored in congressional hearings, also.

To be sure, conspirators seldom shout their intentions from the rooftops or publish their thoughts in the newspapers. Conspiracy must, therefore, usually be inferred from circumstantial evidence—associations, plus. As I noted in the Kennedy hearings, herein lies the difficulty in all conspiracy investigations, whether they are trials or legislative hearings dealing with conspiracy questions.

Mr. Justice Jackson once observed of conspiracy trials, and I quote him:

> A defendant in a conspiracy trial occupies an uneasy seat. There generally will be evidence of wrongdoing by somebody. It is difficult for the individual to make his own case stand on its own merits in the minds of jurors who are willing to believe that birds of a feather flock together. If he is silent, he is taken to admitting and if, as it often happens, co-defendants can be proded into * * * contradicting each other, they convict each other.

What Mr. Justice Jackson said about a conspiracy trial applies even more strongly in the context of a congressional hearing.

As I have repeatedly said in these hearings, these proceedings are not a criminal trial. There is no indictment and there is no defendant; there is no prosecutor and there is no defense counsel. The normal rules of evidence do not apply. Because none of the elements are here present, a special burden is imposed on this committee as evidence is introduced before it, and on those who follow our proceedings, not to take the evidence so introduced beyond what it fairly establishes or to sensationalize it.

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This caution is particularly apt when evidence of association is introduced. I repeat, conspiracy is founded in association, but more than association is required to establish conspiracy. Reasoning that guilt goes hand in hand with association—the principle of guilt by association—is to be abhorred in a free society.

I would caution, therefore, those who follow our hearings or read our record to evaluate the evidence that we will hear these next 3 days as carefully as the committee itself will, reserve judgment until all the evidence is in and do not reach conclusions beyond what the evidence itself fully justifies. Anything else—it seems to me—would be bad logic. It would also be unfair to all who are concerned.

Thank you.

At this time the Chair recognizes special counsel, I. Charles Mathews.

Mr. MATHEWS. Thank you, Mr. Chairman.

Mr. Chairman, Murray Randall was one of two attorneys informed by Mr. Byers of the offer to murder Dr. King. He is presently a judge in the court of criminal corrections in the city of St. Louis.

Further, Mr. Chairman, counsel has been advised that Judge Randall will be invoking rule 6, so it may be appropriate at this time to so order.

Chairman STOKES. The next witness has invoked the provisions of rule 6, the pertinent part of which reads that:

> No witness served with a subpena by the committee shall be required against his or her will to be photographed in any hearing or to give evidence or testimony while the broadcasting of that hearing by radio or television is being conducted. At the request of any witness who does not wish to be subjected to radio, television or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

In addition, the Chair understands that this witness has also requested that the hallway area adjacent to the hearing room also be covered under the provisions of rule 6.

Therefore, at this time the Chair requests complete compliance with the request of the witness not to be photographed in any respect.

Mr. MATHEWS. Mr. Chairman, it would be appropriate at this time to call Judge Randall.

Chairman STOKES. The Chair calls the judge.

Judge Randall, will you please stand and be sworn in?

Do you solemnly swear the testimony you will give before the committee is the truth, nothing but the truth, so help you God?

Judge RANDALL. I do.

Good morning. I would like to introduce Mr. Hilton Reed, Jr., a member of the bar in the city of St. Louis.

Chairman STOKES. We are pleased to have you this morning.

The Chair recognizes counsel for the committee, Professor Blakey.

Mr. BLAKEY. Thank you, Mr. Chairman.

TESTIMONY OF MURRAY L. RANDALL, SPECIAL JUDGE, ST. LOUIS CIRCUIT COURT FOR CRIMINAL CAUSES, ST. LOUIS, MO.

Mr. BLAKEY. For the record, would you state your name, please.

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Judge RANDALL. Murray L. Randall.

Mr. BLAKEY. I would like to express the appreciation of the committee and the staff, including myself, for your appearance here today. I know that you have taken time from a very busy trial docket.

It has been a professional inconvenience to you. Nevertheless, I am sure you realize the important public purpose your testimony may serve this morning.

Judge RANDALL. Could I say you ought to express that for the State of Missouri. It cost the State of Missouri $25,000 for me to come, closed down my division all week.

Mr. BLAKEY. The committee obviously regrets that.

Judge RANDALL. The work I do, I get assigned cases each week. I was assigned a murder case, and I had to send it back because I was afraid to interrupt it and I didn't know when to return. I am glad to be here. They are the ones who got inconvenienced.

Mr. BLAKEY. The committee appreciates your cooperation today, as it does of any other State judges who disrupt their schedule to come to Washington.

Judge Randall, have you been supplied a copy of the committee rules?

Judge RANDALL. Yes.

Mr. BLAKEY. Have you read them?

Judge RANDALL. Yes.

Mr. BLAKEY. Do you understand them?

Judge RANDALL. Yes, I think I do. I think I am a pretty good lawyer.

Mr. BLAKEY. Let me ask you this question. Do you know Russell George Byers?

Judge RANDALL. Yes, I do.

Mr. BLAKEY. When did you first meet him?

Judge RANDALL. Well, I first met him on the day that he pled guilty in Peoria, Ill. I represented a co-defendant whose name was Arthur Strawbridge. He was known as the "hawk." Mr. Byers appeared on the same day I did and pled guilty.

So, I met him that day. I did not become acquainted with him, though, until mid-1968. I changed arrangements on May 1, 1968. I entered my private practice and left a big firm. It was subsequent to that that he came to me and asked me to incorporate a business for him.

Mr. BLAKEY. You first met him in December 1967?

Judge RANDALL. Whatever date that was, sir, I don't remember.

Mr. BLAKEY. He indicated to us and, of course, the record would speak for itself on that. Then he subsequently came to you in 1968?

Judge RANDALL. Yes. Was that what he indicated?

Well, I thought you said he indicated, but the facts are he came subsequent to the time I opened my own office, which was May 1, 1968, sir. I am guessing about mid-1968, 2 or 3 months, because when I opened my office I didn't even have a secretary for a while, only had an answering service.

I didn't know what was going to happen when I went out on my own. It worked out fine, but I had left a good income and I started off very frugally. My total expenses for that year were $2,000

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operating the firm. So, it was sometime after that because the secretary had to type the papers.

I will tell you the filing date of the corporation papers would give you the date.

Mr. BLAKEY. In any event, he consulted you then in a professional capacity, is that correct?

Judge RANDALL. Well, only with respect to the services of drawing up the necessary forms to incorporate a business. I would say I saw him twice, once at the beginning and once at the end.

Mr. BLAKEY. Judge Randall, I would like to ask you some questions about your conversation with him. But before I do that, Mr. Chairman, I would ask that the witness be shown Martin Luther King exhibit F-573 and it be inserted in the record. It is a waiver of the attorney-client privilege between Mr. Byers and Mr. Randall.

Chairman STOKES. Without objection, it may be entered into the record at this point and shown to the witness.

[The information follows:]

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WAIVER OF ATTORNEY-CLIENT PRIVILEGE

I, RUSSELL BYERS, hereby waive my attorney-client privilege with respect to any and all communications or documents between Murray Randall and myself concerning an offer, solicitation, or plan to assassinate or harm the person of Martin Luther King, Jr.

Russell Byers

Dated this 7th day of June, 1978.

MLK EXHIBIT F-573

Judge RANDALL. I have a copy of that, sir.

Mr. BLAKEY. Obviously, Judge Randall, you know, of course, that this waiver authorizes you in this congressional committee to discuss what would otherwise be privileged communications between yourself and Mr. Byers.

Judge RANDALL. That is what I think, yes, sir.

Mr. REED. If I may, Professor Blakey, I would like to indicate at this time that it is my opinion that the waiver of the attorney-client privilege is not an absolute matter and deals only with those matters which are clearly related to the matters under discussion here.

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So, I would not like at this time for the Judge to feel free to discuss any matters that might have arisen during the course of his representation of Mr. Byers.

Thank you.

Mr. BLAKEY. Judge, let me direct your attention back to that period of time after sometime in mid-1968 when you had conversations with Mr. Byers and ask you this question:

During the course of your conversations with him then or later, did he ever tell you of an offer that had been made to him of $50,000 to kill Dr. Martin Luther King?

Judge RANDALL. Well, there was a consultation and my best recollection is that this happened near the end of my law practice. I terminated my law practice November 4, 1974.

In conjunction with something else I did for him, could I tell you about that?

Mr. BLAKEY. Let's see if we can't get the basic details of it down first. You say you did have a conversation with him sometime in——

Judge RANDALL. Well, that gets——

Mr. BLAKEY. Excuse me, Judge, sometime in 1974 is when your memory is, the first time you had a conversation with him about the offer?

Judge RANDALL. The only one.

Mr. BLAKEY. So you did not have conversations with him prior to that time?

Judge RANDALL. Not that I recall.

Mr. BLAKEY. And you fixed the date of 1974 because of an event you were then going to tell the committee about?

Judge RANDALL. Well, I am trying to tell you, sir, that the court records would designate the date, you know, but my best recollection was that it was near the end of my law practice.

If I could tell you what that was and what occurred, then I think we could immediately get into it.

The $50,000 figure, I don't recall the amount.

Mr. BLAKEY. Was the litigation having to do with his UMC Industries versus Russell Byers Consolidated Vending Co.?

Judge RANDALL. That is probably it. Do you have the court date?

Mr. BLAKEY. Mr. Chairman, I would ask that the docket be appropriately marked as Martin Luther King exhibit 582 and shown to the witness.

Judge RANDALL. I would love to see that.

Chairman STOKES. Counsel asks also to make it part of the record?

Mr. BLAKEY. Yes, would you incorporate it in the record at this point.

Chairman STOKES. Without objection.

[The information follows:]

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MLK EXHIBIT F-582

CIVIL DOCKET
NITED STATES DISTRICT COURT

CLOSED

73C 4046

Jury demand date:

MLK Exhibit F-582

Form No. 106 Rev.

TITLE OF CASE	ATTORNEYS
UMC INDUSTRIES, INC.	For plaintiff: Mann & Wilson by Donald R. Wilson 7733 Forsyth Blvd., Ste. 940 St L, Mo 63105 862-3535
VS	
RUSSEL BYERS, d/b/a CONSOLIDATED VENDING COMPANY	For defendant: Murry L. Randall 506 Olive Rm 802 St L, Mo 63101 621-2333
Raiffe Vending Co -- garnishee	

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
5 mailed	Clerk		6-17-77	Mann & Wilson	10 00	
			6-19-73	CO 29		10 00
6 mailed	Marshal					
of Action:	Docket fee					
efault on Notes						
	Witness fees					
n arose at:	Depositions					

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730 424 Fd(3)

:C INDUSTRIES, INC. vs RUSSEL BYERS, d/b/a CONSOLIDATED VENDING CO.

ATE 73	PROCEEDINGS	Date Order & Judgment Nos
-73	Complaint filed and summons issd.	
2-73	Marshal's ret. to service of summons,etc. on deft on 6-20-73 fld	
2-73	Plff's appln for default judgment, together with affidavit of Arthur F. Ruprecht in support of judgment, filed. Clerk Judgment by default filed and entered against Russel Byers d/b/a Consolidated Vending Company in the principal sum of $16,632.19 together with interest and costs.	
-73	Answer rec'd & lodged.	
3-73	Plff's request for execution to issue in favor of plaintiff and against deft in the sum of $17,754.63, together with interest and costs, returnable Oct 5, 1973, filed, and so ordered. Execution issued.	
9-73	Marshal's ret. on summons to garnishee Raiffie Vending Co filed (executed 9-14-73).	
-9-73	Plff's interrogatories propounded to garnishee filed.	
-9-73	Answers of Atlas Amusement Company, d/b/a Raiffie Vending Co., to plff's interrogatories propounded to garnishee filed.	
974		
3-74	Plff's motion for examination of judgment debtor filed, & presented, Citation to appear filed, & Russell Byers, deft herein, is ordered to appear before this Court on the 18th day of Jan, 1974, at 10 a.m. re ability to pay judgment herein. Delivered to U S Marshal for service by atty for plff.	
-74	Marshal's ret. on Execution, unsatisfied, filed (garnishment served 9-14-73 on Raiffee Vending Co).	
7-74	Marshal's return on Citation to appear executed 1-16-74 on Russel Byers filed, (served Donna Byers,wife).	
8-74	Parties appear by counsel, and plff is directed by the Ct to propound questions in writing, and cause is passed to Feb 15, 1974.	
9-74	Plff's interrogatories to judgment debtor, Russel Byers, fld.	
2-74	Deft's answers to interrog's fld.	

Judge RANDALL. While we are doing that, let me explain to the committee that for that service I made no charge. The best I can recall, it was an encounter at the courthouse and I appeared with him.

He was going to appear alone, and I thought he had a problem, and I appeared with him and I made no charge for that. It was immediately following that that he consulted me about this matter you are interested in.

I have with me my client card on Mr. Byers, which I would be happy to present to the committee, that shows the services I performed for him and the charge.

Mr. BLAKEY. Mr. Chairman, I would ask that that client card be made Martin Luther King exhibit——

Judge RANDALL. I have not made a copy of this, and I would appreciate your returning me a copy.

Mr. BLAKEY [continuing]. Be appropriately marked as "MLK exhibit F-583" and inserted in the record at this point.

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Chairman STOKES. Without objection, it may be entered into the record as an exhibit at this point and a copy of it made as per the Judge's request.

[The information follows:]

Byers, Russell, G.
3656 Washington Ave.
St. Louis, Mo. 63108
WO 2-6714

7329 Fredrin
Rock Hill, Mo. 63144

Incorporation

Fee: $250

Paid:

Expenses: $53.00

MLK EXHIBIT F-583

Mr. BLAKEY. Let me then direct your attention——

Judge RANDALL. Could I look at this first, please?

Mr. BLAKEY. Certainly.

Judge RANDALL. According to this, the occasion was August—do you have a copy of this, counsel?

Mr. BLAKEY. You have my copy, Judge. I am sure I see your problem. The Xeroxing at the edge——

Judge RANDALL. It says 8-74. Do you know if that is the eighth month or eighth day?

Mr. BLAKEY. The Xeroxing leaves something to be desired. Nevertheless, it does indicate—correct me if I am wrong—that the representation began sometime in 1973 and ended sometime in 1974.

Judge RANDALL. That is not correct. I don't know when my name got on it, but I would have to tell you what occurred. You can see it here from this. A default judgment was taken. I made no representation because the client took a default judgment.

My first and only appearance was on this date where it says parties appear by counsel. It says 8-74 down near the end:

Parties appear by counsel and plaintiff was directed by the court to propound questions in writing and cause this to pass to February 15.

Mr. BLAKEY. In any case, Judge, the litigation begins sometime in 1973 and ends in 1974.

Judge RANDALL. But I was not involved in it.

Mr. BLAKEY. Your testimony is that sometime after it began you became involved.

Judge RANDALL. I was involved on 1 day, the day he appeared in court.

Mr. BLAKEY. That would be sometime between 1973 and 1974.

Judge RANDALL. It appears it was 1974 sometime, sir, from this document, because you see he took a default judgment because there was no defense and then the plaintiff filed a motion to interrogate him in open court in aid of execution and partic[illegible] they were trying to find out where the vending machines w[illegible]

That is the day I appeared with him in court and that is the time and you will notice I made no charge for it.

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Mr. BLAKEY. Fine. In any case, Judge, sometime around that appearance or shortly thereafter I take it you had a conversation with him.

Judge RANDALL. On that day.

Mr. BLAKEY. On that day, yes. Will you tell the committee what that conversation was?

Judge RANDALL. Before I undertake to do that I would like to say something about my memory on this thing.

This event was a wholly insignificant event to me. I never once thought about it again until Mr. Byers called me upon returning from Washington when he was questioned out here and told me that he had supplied my name.

I gave it very little thought thereafter until a few months ago when Carter Stith, a reporter for the Post Dispatch, visited me and told me she had a copy of the FBI report, which was news to me, and she had my name.

From that time forward I have wracked my memory on this. I have read all the newspaper articles. I have read the FBI report. All I can say to you today is that some of this new information has fused in my mind with what Mr. Byers told me, plus the fact I have wracked my memory, so I will give you my best present recollection. I cannot guarantee it will hold 100 percent. Do you understand that?

Mr. BLAKEY. I am sure the committee would indicate to you, Judge Randall, that it would not want anything other than your best memory.

Judge RANDALL. But do you understand it is blended with some other things.

Mr. BLAKEY. With that preface, would you tell us as best you can what he said to you and what you said to him?

Judge RANDALL. Very well. As a result of the problem he got into over the collection thing where he was going to appear alone and I appeared with him and he took the fifth amendment because of some problems connected with it, he then, we went into the corridor and we first talked to the attorneys on the other side and they offered to settle a $50,000 judgment for $1,000, the attorney's fee.

He never came up with that money before I left the law practice, and that is the reason I know it was near the end. As a result of that, he said to me, he had me cornered and it was all free, he said I have something else I would like to consult you about.

He said, I have this story that I think is out and I may be questioned by the Federal Government about it. I would like to know the procedure for claiming immunity. He didn't think it incriminated him, but he was concerned about claiming immunity because I told him that was a public hearing.

You know, in order to get immunity you go before the grand jury, go before open court and get immunity and you go back. He was concerned about the publicity. Frankly, what he was trying to do is decide in his mind, if I am questioned about this, shall I talk or shall I claim immunity.

Then he related what happened. To the best of my recollection the year was about 1964, about 10 years previous. I could be wrong, but I have a recollection it was 10 years past.

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He said that at that time he had an arrangement with the sheriff of Jefferson County. I do not think the privilege extends to my explaining the details of that arrangement.

Suffice it to say that he said through his connections with the sheriff of Jefferson County he met this man named Kauffmann.

Is that his name? My memory is it was Kauffmann, the crippled man.

Mr. BLAKEY. There is testimony in the record about Mr. Kauffmann.

Judge RANDALL. He was described to me as an old, little, crippled man who had once been a stockbroker and who had lost his license due to obtaining a conviction for securities fraud.

He said how he met him was this: That the sheriff was engaged also in the business of peddling narcotic drugs, and in fact he told me that the sheriff was later indicted and convicted for it.

He said that he was obtaining his supply of narcotic drugs from Kauffmann and Kauffmann was obtaining them in this fashion.

Mr. BLAKEY. Excuse me, Judge. The sheriff was obtaining them from Kauffman?

Judge RANDALL. From Kauffmann; yes. Mr. Byers denied he had any connection with narcotic drugs. Mr. Byers denied there was two crimes he never engaged in. One was murder and the other was narcotic drugs.

So, he said at this time the sheriff was getting a supply of narcotic drugs from Kauffmann and Kauffmann was obtaining them in this fashion. Kauffmann had a medical manufacturing business located in Jefferson County in an old motel over on old Highway 67, just north of the Kohler City Shopping Center.

Now, the Kohler City Shopping Center is not an incorporation, a municipality. It is a shopping center which has been there since I was a boy. I think it is in or near the town of Imperial, the municipality of Imperial.

He said he was manufacturing these medicines in this motel and he had a narcotics license and so he was able to obtain narcotics. He said that he thought that it was a front for the narcotics business.

He said that he had associated with him in this business a doctor who was employed by the Missouri prison system. He either did not remember his name or he never knew the doctor's name. At least he did not give me his name.

He said that both Kauffmann and the doctor were dead, to his knowledge, at the time he was telling me. He said that he spent some time, in his spare time, hanging around this motel.

He worked mostly at night in his business, Mr. Byers did, so he had the daytimes to hang around there. I do not recall whether he ever met the doctor or not, sir, or whether he told me whether he met the doctor. The doctor, he thought, was dead.

He said that in addition to that there was a farm that adjoined the motel. The motel was along the highway. I could picture this area a little bit.

Highway 67 was no longer a traveled route. Highway I-55 had replaced it. So, motels were of no use. So, they had this motel and he was manufacturing this medicine.

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He said there was a farm immediately adjoining it and to the rear of it and there was a farmhouse off away from the highway. He said there was a man who lived up there who ran around the country dressed in bib overalls and a straw hat. He said everybody knew him by sight. He knew him by sight, but he had not met him. He said he was a retired patent lawyer and that he had come to the Metropolitan St. Louis area from Memphis, Tenn.

He did not know whether he practiced law in Memphis or St. Louis.

He said that one day—and I think it was at the motel but I can't be sure; as I said, this was an insignificant event to me and I am only giving you my best recollection—he said that one day he was with Kauffmann, I think at the motel, and Kauffmann said to him, "Would you like to earn $20,000." Now, it may have been $50,000, and I may be influenced in that figure by the FBI report. I think it says $20,000 in the FBI report. But it was some sum of money.

He said that he flippantly replied, "Who do I have to kill?" He said he had no intention of killing anybody. He never killed anybody in his life and he never would kill anybody, but he thought Kauffmann was pulling his leg and he had nothing to lose, so he went along with the leg-pulling contest.

He said the man then replied, "We have to go see the old man" or the top man. I can't be sure whether he said the old man or the top man.

They then proceeded—I don't know whether it was immediately or later—they then proceeded to the farmhouse.

I can remember only two things he told me about the farmhouse. One, it was a stone house, and second, the parlor was carpeted with carpet that contained impressions of the Confederate flag. I don't know how he knew this, but he told me that this carpet had been removed from some public place, a cocktail lounge or a club that had a Confederate motif, and placed in the farmhouse.

He said that he was introduced to the old farmer or whatever you want to call him, and the man still had on his bib overalls, but he did not have on the straw hat. He had a Confederate Army cap on.

He said they then went into the den and that he engaged this old man in conversation designed to needle him or find out how he could come up with the fee, whatever it was, $20,000 or something. He said the man said that he was a member of a national organization from which he could get the fee. I do not recall whether he said the organization was allegedly in on the matter or it was only the source of his fee.

But he then questioned him in extreme detail about this organization. In fact, he said this questioning constituted 90 percent of his conversation.

He said the man told him by either description or name many alleged prominent people who were a member of this organization. If he related any of them to me by description or name, I do not recall them. I don't think he even told me any of them.

Then at the conclusion of this conversation he said he finally asked the man, "Well, if you can get the money, who do I have to kill?" And he said he said, "Dr. Martin Luther King." He said that he laughed and said, "I pass."

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He said a further comment in departing such as nobody can get by with it, or it can't be done, or it is too dangerous, or something to the effect that, you know, he was leaving this because it was not an appropriation operation.

He said, however, that he had no intention at any time to participate in any such conduct, that he regarded these people as being, you know, pulling his leg, taking him on a snipe hunt, very light. He said that he forgot about it.

Sometime later Dr. King was killed. I don't recall the time. If I am right on 1964—you know, it was a long period of time, but I could be wrong on that date. He said that the only thing he had seen—no, there were two things—that caused him to think that they might be associated with Ray was that he had read that before Ray escaped from prison that he was transferred to the medical department and he escaped from the medical department.

He said that he had also read that Ray was seen in Canada with a little old crippled man.

Those are the only things that I can remember that caused him to wonder about whether or not, you know, there might be some connection.

He was not upset about it. He was not disturbed. He did not feel that anything was imminent. He just thought he had me cornered and I was free and that he might as well find out something from a free lawyer and, you know, there I was.

I made no charge for that, as you can see from client's card on Mr. Byers. The only charge I made was $250 for the incorporation, and I am not sure he paid that. That card is not a financial card. My receipts ledger would show it and it is possible that I did not enter payment on the card.

That is all I know about the thing. That is the whole extent of any representation I ever had with Mr. Byers.

Mr. BLAKEY. Is that the whole extent of his conversation with you?

Judge RANDALL. As far as I can recollect, sir. Specific questions, you know, might remind me of something.

Mr. BLAKEY. Did he say anything to you about an informant and make an effort to——

Judge RANDALL. Not at that time.

Mr. BLAKEY. This is in May of 1974. You were having the conversation in May of 1974.

Judge RANDALL. Sir, can you tell what this date is on this sheet? I can't tell the date. Would you take it up there?

Mr. BLAKEY. What I am trying to do with you, Judge, is get an approximate time. The record obviously will speak for itself as to exactly what the date was. The Xerox is not that clear as to exactly the month.

Judge RANDALL. Let me tell you. Here is the entry—no, that is not the entry. The interrogatories came first, but he didn't answer those. Well, I can't tell you the date. It was the day he appeared in court and testified, took the fifth amendment. Obviously, it was sometime in 1974, sir.

Chairman STOKES. If counsel for the committee can fix the date some other way, I think the Judge has given his best recollection on it.

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Judge RANDALL. That is the best I can do, sir.

Mr. BLAKEY. In any event, Judge, let me clarify if I might for the record. You indicated that when you talked to him in 1964——

Judge RANDALL. 1974.

Mr. BLAKEY. I'm sorry. 1974. It is your best recollection now that he indicated that he had been dealing or was aware of Mr. Kauffmann's dealing in drugs some 10 years earlier?

Judge RANDALL. Yes.

Mr. BLAKEY. Is your memory fixed or firm on that 10-year period?

Judge RANDALL. No, sir.

Mr. BLAKEY. It could be a shorter period of time?

Judge RANDALL. Yes.

Mr. BLAKEY. It could have been a longer period of time?

Judge RANDALL. Well, it had to be before Dr. King was killed.

Mr. BLAKEY. So your memory is that it is sometime prior to Dr. King being killed?

Judge RANDALL. Very definitely.

Mr. BLAKEY. He had a drug association or he knew of a drug association of Mr. Kauffmann?

Judge RANDALL. Yes, sir.

Mr. BLAKEY. Let me follow up on an answer that you gave. Did you have a subsequent conversation with Mr. Byers, that is following this conversation in 1974, in which you also discussed the Sutherland offer?

Judge RANDALL. When Mr. Byers returned from out here he called me up, told me what he had done, told me he had given you people my name, and undertook to refresh my recollection, sir. I cannot remember what was said in that conversation. I have met with him once in which we talked about the informant. Those are the only conversations.

Mr. BLAKEY. Let me see if I can't approximate the date when you might have talked to Mr. Byers after his appearance here. Mr. Byers appeared before this committee on May 9, 1978. So it would be some point in time following that.

Judge RANDALL. And before the investigators came to see me, because I told them when they came to see me that Mr. Byers had called me.

Mr. BLAKEY. Now, would you repeat for us, if you can, to the best of your ability, what Mr. Byers said to you at that time.

Judge RANDALL. He told me he had come out here and reported this, you know, told you about it, given you my name, and told me that he hoped I remembered the conversation, and undertook to refresh my recollection. And that is all I can remember, sir.

Mr. BLAKEY. Subsequent to that time, did you have another conversation about the Sutherland offer?

Judge RANDALL. The only thing is the informant, sir.

Mr. BLAKEY. Can you tell us when you had a conversation with him about the informant.

Judge RANDALL. Yes, sir, as best I can recall. When Carter Stith came to see me she told me she had information, she had the FBI report. She had information that I was one of two people to whom Mr. Byers had told this. The other one was Mr. Weenick. She asked me if I was the informant. So I felt a little disturbed about that.

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Mr. BLAKEY. Judge, could you pinpoint the time when this would have been?

Judge RANDALL. When the FBI report was first released to the press, when a New York Times reporter came to St. Louis.

Mr. BLAKEY. This would be sometime in July?

Judge RANDALL. Sir, you know that date better than I would. I think the first story in the St. Louis papers, it might have been immediately subsequent to the first story. You can pinpoint that; I can't.

Mr. BLAKEY. Was it prior to or subsequent to the interview of you by our investigators?

Judge RANDALL. Subsequent, very subsequent. So I decided I ought to try to see Mr. Byers and see if he thought I was the informant or if he knew who was the informant.

I have to tell you something else. Miss Carter Stith, who was the reporter who visited me, told me when he examined the FBI report—I don't know if she was present or if it was related to her by the New York Times reporter—that he studied it and restudied it with great care, and they were convinced he knew who the informant was but he would not talk.

But, anyway, sometime after this, let's say 3 weeks, that is a guess, I got home early one night and I called Mr. Byers at home and asked him to meet me. I met him at Gianino's Restaurant, which is about 5 blocks from my home. I waited until Mr. Byers could get there.

When I arrived he was parked in front, standing outside. I think he reserved the next parking space for me. I went into that parking space and I asked him to sit in the car. He said he was afraid to talk in either car for fear the FBI had the cars wired.

We then went into the restaurant and we sat in a booth on the south wall. I was on the east side, he was on the west. He ordered a small salad. I ordered a martini. He was frightened. He wanted to get home before dark. He was afraid somebody was trying to kill him. He did not remain very long.

I will not tell any other things; I don't think they are pertinent.

But, anyway, I asked him if he thought I was the informant, and he said no. I asked him if he could tell from the report who the informant was and he said yes. And I already had some information concerning Richard O'Hara that I need not go back into, that I knew he knew. He told me it was Richard O'Hara, said he could tell from the context.

He had a conflict in his mind. He wanted to go to the press with Richard O'Hara's name as an FBI informant, but he was afraid if he did that, that the FBI would have to drop him as an informant, and then he would become a witness against him.

He was not concerned, especially about this report but other things that Mr. O'Hara could have reported on him, you see. So he did not know what to do.

But I think he went to the press, because Carter Stith came to see me and asked me if O'Hara was the informant, and it had to come from Mr. Byers later.

He asked me about the Journey case. You see, I had another case where there was a suspicion.

So that is the whole story on that, gentlemen.

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Mr. BLAKEY. I wonder if Martin Luther King exhibit F-574 could be inserted into the record at this point and made available to the witness?

Chairman STOKES. Without objection, it may be entered into the record at this point and shown to the witness.

[The information follows:]

MLK EXHIBIT F-574

DATE INTERVIEWED: _____ TIME INTERVIEWED: _____

PLACE INTERVIEWED: St. Louis City Municipal Courthouse, 12th Street

NAME: MURRAY RANDALL

DATE OF BIRTH: _____ SOCIAL SECURITY NUMBER: _____

HOME ADDRESS: _____

BUSINESS ADDRESS: _____

HOME TELEPHONE: _____ BUSINESS TELEPHONE: _____

ASSOCIATES: _____

MLK INVESTIGATION CONNECTION: Randall is a former attorney of Russell Byers and was familiar with John Paul Spica.

INTERVIEW STATEMENT:

Murray Randall was interviewed by Investigators Mel Waxman and Conrad Baetz at the St. Louis City Courthouse, 12th Strett, St. Louis, Missouri.

Mr. Randall is now a Circuit Judge in the City of St. Louis, and as such he was interviewed in his chambers.

Mr. Randall advised that in the 1960's he was an attorney for Russell Byers in certain cases which Byers had in both criminal and civil court actions.

Judge Randall initially indicated that he would be unable to speak about any conversations he had with Russell Byers since it was his belief that uch conversations would come within the preview of the attorney-client relationship and therefore it would be a violation of professional ethics for him to divulge the same.

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INTERVIEW SHEET CONTINUATION: PAGE 2 of 3

Judge Randall was then supplied with a waiver of attorney-client privilege signed by Russell Byers. Upon receipt of the waiver, Judge Randall indicated that he would be more than willing to cooperate and assist HSCA in anyway possible.

Judge Randall was specifically asked about any conversations that Russell Byers had with him concerning solicitation to assassinate Martin Luther King, Jr. Judge Randall stated that following the assassination of Dr. Martin Luther King, and he is unsure of the exact date or year, Russell Byers advised him during the course of a conversation that Byers had been approached by Mr. John Southerland and Mr. John Kauffmann sometime prior to Dr. King's assassination and offered $50,000 to assassinate Dr. King. Byers advised Judge Randall that he declined the offer, but had asked Byers whether he knew who was behind it. Byers replied to Randall that he thought perhaps it would be KuKluxKlan since Southerland had alluded to a "group of Southern businessmen." It was therefore Randall's opinion that it was probably Klan related. However since it came within the preview of attorney-client privilege he could not and would not discuss it with anyone else.

Randall also advised that he understood from Byers that a friend of one of the individuals, John Kauffmann specifically, was a doctor from Missouri State Penitentiary, later identified as Dr. Hugh Maxey. Judge Randall stated that it was merely speculation on his part, however he was always under the impression that there was some relation between the fact that John Kauffmann had offered Byers, or rather had participated in a solicitation made to Byers, to kill Dr. Martin Luther King and the fact that Dr. Maxey was employed at the same penitentiary that James Earl Ray

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INTERVIEW SHEET CONTINUATION: PAGE 3 of 3

Ray was in. However Judge Randall did hasten to add that this was merely speculation on his part and that he had no substantial evidence which would link the two.

Judge Randall also indicated that he knew Russell Byers' brother-in-law, John Paul Spica, and indicated that in the early 1960's he had defended a woman accused of homicide sucessfully and that John Paul Spica had been charged as another accomplice in the homicide and convicted. Judge Randall stated that apparently the Spica family thought that had they obtained Randall perhaps they would have won the case.

Judge Randall indicated that he had no other information relative to either Byers or Spica or regarding the assassination of Dr. Martin Luther King, Jr. which would be of assistance to the HSCA. However he did state that he would be happy to cooperate in future interviews or furnish any other data which we required in our investigation. There being no further information offered the interview was terminated by mutual consent.

Conrad Baetz 7/31/78

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Mr. BLAKEY. Judge Randall, this is an interview report prepared by Mr. Conrad "Pete" Baetz of the staff. It is his report of Mr. Baetz and Mr. Waxman's July interview of you.

I would ask that you read it over if you like and let your counsel take a look at it as well.

Judge RANDALL. Let me add this.

Mr. BLAKEY. Excuse me, Judge. I don't mean to interrupt. If you would read the whole report, then I would like to ask you one or two questions about it.

Judge RANDALL. I wanted to add something I forgot.

He could not remember the attorney's name at the time he talked to me. Of course, I told the investigator that he could not remember. This name was supplied by them.

Mr. BLAKEY. Have you had a chance to read the report?

Judge RANDALL. No.

Mr. REED. I have not had a chance and I would appreciate your forebearance for a few moments, please.

Judge RANDALL. Again, they supplied the name of the doctor.

Mr. REED. I think we are prepared to reply.

Judge RANDALL. I have now read it, counsel.

Mr. BLAKEY. Would you characterize Mr. Baetz' report as a fair and accurate representation of their interview with you?

Judge RANDALL. I would characterize it as substantially correct. There are certain things that he supplied that I did not know.

For example, names, I didn't know names. There is one thing in here that is a little incorrect. I am sure he did not mean to do so. I did not know John Paul Spica. I knew of John Paul Spica. John Paul Spica and a woman named—well, I think I might as well explain it. There is no problem with this. Do you want me to explain that?

Mr. BLAKEY. Certainly. Is there anything you want to add to that report or your memory of it?

Judge RANDALL. Well, counsel doesn't want me to get on to it, but this is no problem.

Mr. REED. I am going to object at this point. I am not quite sure I understand how this particular sentence ties into the subject at issue here.

I may be wrong, but I am concerned, again, that Judge Randall's position is such that he must be careful in terms of the kinds of conversations that he divulges, particularly when they have no relevance at all to the matter at issue here. I am merely trying to protect him against any unwarranted intrusion into other clients' rights and all.

Judge RANDALL. I appreciate the advice by counsel. He is very capable, but I think the problem I have is that this is an error and I think I ought to correct it and this has nothing to do with any conversations with Mr. Byers. So I don't have the problem.

Mr. REED. May I consult with my client for a moment, please?

Judge RANDALL. I know I have a counsel who is much more able than I am, but you know I have represented a bunch of lawyers in my day. I tried a lot of prominent cases all over America and the worst client you can have is a lawyer.

Mr. REED. I will second that.

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Judge RANDALL. I told my lawyer when he came here, I said, you have the worst client in the world.

What I was going to tell you was John Paul Spica was charged with conspiracy to murder a man named Myzak. Mrs. Myzak was also charged with conspiracy to murder. The police thought somebody else actually killed them. In Missouri we have no joint trials. They are tried separately.

Norman London represented Mr. Spica. He was convicted and got life. I represented Mrs. Myzak. She was found not guilty. So I am kind of proud to say that.

Now I did not know John Paul Spica. This was back before I met Mr. Byers. I tried the Myzak murder case in January of 1964. Paul was tried in 1963.

The only thing I indicated here was that John Paul Spica's father was a fine man, a court official, a constable in one of our courts. Everybody knows him. I was trying to say that people like Byers and Paul's father felt that if I had defended him, I would have had the same success. The facts are I would not have because the evidence was different, you know.

Mr. BLAKEY. If I understand your testimony correctly, Judge, what you are indicating is that Mr. Baetz said you know Mr. Spica when in fact you knew of him, but other than that, the report is substantially accurate.

Judge RANDALL. Could I run through it if you don't mind?

Let me say, first of all, I was ready to go out on the bench. I had a jury waiting and this was a brief, hurried thing. We were all under pressure. Russell Byers was familiar with John Paul Spica. I did two legal things for Russell Byers. I was familiar with John Paul Spica only by reputation. "He was interviewed by these two investigators" and that is true. "He is now Circuit Judge in the City of St. Louis and was interviewed in his chambers."

"Mr. Randall advised that in 1960 he was attorney for Russell Byers in certain cases which Byers had in criminal and civil courts."

The criminal is wrong. I never represented Mr. Byers in any criminal matter. As a matter of fact, during the time I knew Mr. Byers he was never arrested and you have to know why. He was on probation and he never got in any trouble when he was on probation. That is the reason he incorporated the vending machine business. He operated that. So I never represented him in any criminal matter.

The "sixties" is inaccurate. You know, I started in 1968 and it was 1968 and 1974. I don't think these people deliberately did this wrong. Don't misunderstand me. This is normal. They took no notes but wrote it up later.

Mr. BLAKEY. My only objective here is to make sure the record is accurate.

Judge RANDALL. That is the reason I want to go through it all so it will be accurate.

Judge Randall indicated he would be unable to speak about any conversation he had with Russell Byers. It was his position that it would be a violation of professional ethics.

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That is not accurate. They immediately handed me the waiver of attorney-client privilege and they told me they didn't want to hear about anything other than that.

Judge Randall was then supplied with a waiver of attorney-client privilege signed by Mr. Byers.

That was the first thing that happened.

Upon seeing the waiver, Judge Randall indicated he would be more than willing to cooperate. He said he would try to do anything possible.

I think I probably did that.

Judge Randall was specifically asked about any conversation that Russell Byers had with him concerning solicitation to assassinate Dr. Martin Luther King.

I don't think it was very specific. The time was short.

Mr. BLAKEY. If I might interrupt, in the interest of time perhaps if you read it silently to yourself and then if you found a substantial error you would just simply bring that to the committee's attention.

Judge RANDALL. I can read aloud about as fast as I can silent. I probably was unsure of the date. I probably didn't say very much because I had not given it a lot of thought at that time.

He said that Byers was approached by John Sutherland.

That is wrong. He approached Sutherland and I didn't know Sutherland's name. Sutherland is a patent lawyer, isn't he?

Mr. BLAKEY. There is evidence in the record to that effect.

Chairman STOKES. Judge, would you suspend for a moment, please.

Counsel, in light of the fact that we have the witness' testimony before the committee and there appear to be some inconsistencies in the statement by staff counsel taken from him, it would seem to me that we might dispense with having the Judge have to go through here and pick out all the inconsistencies.

Judge RANDALL. Mr. Chairman, I am sure this man did not deliberately do it. These are the kind of things that occur. There were no notes taken, you understand; they are not significant.

Chairman STOKES. I understand that, but it seems to me that unless counsel has some specific purpose for introducing Mr. Baetz' documents, that we might avoid this time-consuming exercise.

Mr. BLAKEY. My purpose was to see if the Judge's recollection of that interview was roughly what the investigators had indicated to us.

Judge RANDALL. Eighty percent correct.

Mr. REED. Under those circumstances I would have no objection to proceeding as the chairman suggested. I think the difficulty has been that neither the Judge nor I was aware of the extent to which the verbatim language of this statement might be used in terms of directing your examination of him, if you understand what I am saying.

It may be that these discrepancies are not material. But if that is the case, then I think Professor Blakey can assure us of that and we can proceed.

Mr. BLAKEY. The only question I would want to direct your attention to in the interview is the next to the last paragraph, the full paragraph beginning on page 3 which indicates, "Judge Ran-

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dall indicated that he had no other information relative to either Byers or Spica regarding the assassination of Dr. Martin Luther King, Jr. which would be of assistance to the committee."

Is that substantially correct?

Judge RANDALL. That is correct. Of course, Spica never had any connection with it as far as I know, gentlemen.

Chairman STOKES. In fairness to the Judge here since we have interrupted his going through and getting all the inconsistencies out of here, I would think that we ought to consider only that portion of it which he has had a chance to correct before we withdrew the document. Except for that portion you asked about.

Mr. REED. I was going to ask that, Mr. Chairman. Thank you.

Mr. BLAKEY. I have no objection to that.

If I could shift our attention a bit, Judge Randall, let me turn to a different matter. We can come back to the interview later.

I ask that Martin Luther King exhibit F-575 be inserted in the record at this time and given to the witness. It is an undated letter to you postmarked November 3, 1978.

[The information follows:]

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MLK EXHIBIT F-575

insert 3B-1
AP 2-2277

MLK Ex F575

CONFIDENTIAL

ST. LOUIS CIRCUIT COURT FOR CRIMINAL CAUSES
DIVISION NO. 22
MUNICIPAL COURTS BUILDING
ST. LOUIS, MISSOURI 63103
MURRY L. RANDALL SPECIAL JUDGE

Congressman Louis Stokes;
Chairman, House Select Committee on Assassinations;
House Office Building
Washington, D.C.

Dear Mr. Stokes:

Your Committee has subpoened me to testify publicly in a matter concerning one Russell Eugene Byers, who is known here to be one of the most dangerous Criminals in this City. He has received a lot of publicity here in recent months. Just a few months ago, in the course of an On-going investigation here of him by the F.B.I and police

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ST. LOUIS CIRCUIT COURT FOR CRIMINAL CAUSES
DIVISION NO 22
MUNICIPAL COURTS BUILDING
ST. LOUIS MISSOURI 63103
MURRY L RANDALL SPECIAL JUDGE

with respect to assaults on one Finer and related matters, it was reported in the Public Press that his principal associate in crime was murdered almost immediately after this associate visited an F.B.I. office. I believe that this man's murder was arranged by the person to whom he and Mr. Byers had sold the statutes stolen from the museum, and Mr. Byers is now fearful that this publicity is classing him as an informant and the same fate will occur to him.

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ST. LOUIS CIRCUIT COURT FOR CRIMINAL CAUSES
DIVISION NO. 22
MUNICIPAL COURTS BUILDING
ST. LOUIS, MISSOURI 63103
MURRY L. RANDALL SPECIAL JUDGE

I believe my public testimony, and that of Mr. Byers' will endanger lives including my own.

Yet my testimony is of no real value to your investigation. The remarks Mr. Byers made to me, while representing him in a civil case (I never represented him in any criminal matter), occurred several months after similar remarks by Mr. Byers had been reported to the F.B.I.

Mr. Byers has told me that this report was made by one Richard O'Neal, a then criminal partner

ST. LOUIS CIRCUIT COURT FOR CRIMINAL CAUSES
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of Byers. As with most stories fabricated by criminals, the remarks only involved dead persons.

At about the time the remarks were reported to the F.B.I, Mr. Byers expressed serious concern to me as to whether Mr. Byers was an F.B.I informant. I believe these remarks by Mr. Byers were fabricated and purposely planted with Mrs. O'Hara for the purpose of trying to ~~find~~ learn whether Mrs. O'Hara was an F.B.I informant, since the only person the F.B.I. could possibly check with was Mr. Byers ~~him~~ himself. The F.B.I.

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apparently recognized them as such and did not interview Mr. Byers, as to do so would have endangered the life of its informant.

Mr. Byers then, I believe, told the story to me for the purpose of preparing me for possible representation of him in the event he was questioned by the F.B.I.

Mr. Byers is such a seeming person. I urge you to check with the F.B.I. before endangering lives with unseen testimony and ask whether it will interfer with their investigation.

Yours very truly
Murry L. Randall

pys; Judge William Webster
Director F.B.I.

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MURRY L. RANDALL
SPECIAL JUDGE
ST. LOUIS CIRCUIT COURT FOR CRIMINAL CAUSES
DIVISION NO. 22
ST. LOUIS, MISSOURI 63103



Congressman Louis Stokes
Chairman, House Select Committee on Assassinations
House Office Building
Washington, D.C.

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Judge RANDALL. To me?

Mr. BLAKEY. No, to the chairman. I wonder if you and your counsel would have an opportunity to read it?

Judge RANDALL. I am familiar with this letter. I wrote it.

Mr. BLAKEY. Judge, let me direct your attention to page 3 and 4 and ask that you read for the record the second full paragraph on page 3, beginning, "Yet my testimony" and continued through the second paragraph on page 5 ending in "questioned by the FBI."

Judge RANDALL. To all of them except the last paragraph, starting at that point and read all except the last paragraph?

Mr. BLAKEY. Turn to pages 3 and 4.

Judge RANDALL. Yes, and read all of it until the last paragraph. Is that what you are asking me, sir?

Mr. BLAKEY. Yes, sir.

The second paragraph on page 5 ending with "questioned by the FBI."

Judge RANDALL. All right.

Incidentally, I was trying to avoid a public hearing, you know that.

Yet my testimony is of no real value to your investigation.

The remarks Mr. Byers made to me while representing him in a civil case (I never represented him in any criminal case) occurred several months after similar remarks by Mr. Byers had been reported to the FBI.

Mr. Byers has told me that this report was made by one Richard O'Hara, a then criminal partner of Mr. Byers. As with most stories fabricated by criminals, the remarks only involved dead persons.

At about the time the remarks were reported to the FBI, Mr. Byers expressed serious concern to me as to whether Mr.—

that was corrected to Mr. O'Hara in a subsequent letter, I made a mistake—

whether Mr. O'Hara was an FBI informant.

I believe those remarks by Mr. O'Hara were fabricated and purposely planted with Mr. O'Hara for the purpose of trying to learn whether Mr. O'Hara was an FBI informant since the only person the FBI could possibly check with was Mr. Byers himself.

The FBI apparently recognized them as such and did not interview Mr. Byers as to do so would have endangered the life of its informant.

Mr. Byers then, I believe, told the story to me for the purpose of preparing me for possible representation of him in the event he was questioned by the FBI.

That I wrote.

Mr. BLAKEY. I wonder if you would elaborate for the committee and explain to the committee why you feel the story Mr. Byers told you was a fabrication?

Judge RANDALL. Well, at the time, you understand, I did not believe that. I didn't give it serious concern, but I was representing a man named Norm—

Mr. REED. Just a moment, please. I would like to have an opportunity to consult with Judge Randall.

Judge RANDALL. Yes, I am ignoring my lawyer. I was representing a man who was charged with transporting stolen jewelry from the city of St. Louis to Little Rock, Ark. I got that representation right after New Year's 1973. I tried the case, I think, about August. It was presided over by Bill Webster. The crime had occurred, the robbery. It was a robbery of an antique jewelry store in the Maryland Plaza Center.

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It had occurred about August. Norman Journey was not arrested until January. Shortly after the arrest, the two people who perpetrated the robbery—one named Petty, one named Emory—were arrested and identified. They had tied the people in the chairs.

Shortly after that, Petty tried to kill Norm Journey. Let me finish. This is all public information, Mr. Reed.

Then after that Petty killed Emory, near Little Rock, Ark. They had taken this jewelry and sold half of it to a man whose name I believe was McMillan, who owned the Hilton Hotel in there, in Little Rock. He was the son of the chairman of Central Soya Corp.

After they sold part of it to McMillan, they chartered a plane from police officers who ran a chartering company and flew to Shreveport, La. where they are alleged to have sold the remainder to the top Mafia man.

Shortly after that, the Little Rock police assassinated Petty. They shot him 12 times with a shotgun, as he came out of the store. All right.

Then Norman Journey was not arrested with him for several months. Petty and Emory were living with two girls.

Mr. REED. Pardon me.

Judge RANDALL. Well, this ties in—O'Hara—and I can't tell it without it. We are getting right down to the end of it to tell.

So these two girls, according to the reports, had been taken by Petty and Emory to case the place about a month before, on their way they visited Richard O'Hara. So, when they told their story, Richard O'Hara was charged in a State charge with accessory to the robbery along with the two girls.

It was later nolle prossed. The suspicions were that Richard O'Hara was the informant. So Russell Byers came to me——

Mr. BLAKEY. Judge, this is the informant in the jewelry robbery case?

Judge RANDALL. Right. Russell Byers came to me, and this was public information, and asked me is Richard O'Hara the informant in this case. I said I don't know. I said why do you want to know. He said well, I have been questioned by an FBI agent about something and I think only Richard O'Hara knows.

Mr. BLAKEY. Just a second, Judge. Could we pinpoint when this conversation between Mr. Byers and you was?

Judge RANDALL. The best I can tell you it was during my representation. My best recollection is that proceeded from January of 1973 until about August of 1973, sir. That is the best. You know, I can't pinpoint these things.

Mr. BLAKEY. Just your best recollection.

Judge RANDALL. So when we met at the Gianinos, he immediately started in with Richard O'Hara.

Now, you see, I gave this no thought, but there is certain things about the story, and I may be wrong, you know. It is only my opinion. You gentlemen have got to reach your own. I am not trying to influence yours.

But here he comes to me sometime in 1974 and says the story is somewhere, and he wants legal advice. I think that it is a good possibility that he told that story to O'Hara thinking if I am questioned about it, I will know he is the informant because he was

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dealing with this man, you understand. He wasn't worried about these other things.

Now, you asked the basis of my opinion. I gave it to you. I am not trying to sell it to you.

Mr. BLAKEY. You have no specific information that would support that speculation as to why Byers told you the Sutherland offer back in May of 1974?

Judge RANDALL. I have no information except what I have related to you. I don't know whether you call that specific or general.

Mr. BLAKEY. Did Mr. Byers ever indicate to you anything specifically that would lead you to conclude that he was trying to identify O'Hara as the informant?

Judge RANDALL. Oh, he told me he did identify him. Oh, yes.

Mr. BLAKEY. He was trying to identify it by telling O'Hara the story about Dr. King.

Judge RANDALL. Sir, what he was trying to find out if he could, whether O'Hara was an informant because he wanted to quit working with him if he was an informant. He wanted to quit dealing with him.

Mr. BLAKEY. Let me see, Judge, if I can clarify somewhat what the record is on this story.

It is your belief that Mr. Byers was trying to identify Mr. O'Hara as an informant for the FBI by planting with Mr. O'Hara the Dr. King offer story, hoping that the FBI would check the O'Hara story with Mr. Byers himself, and if Mr. O'Hara and the Bureau fell for the ploy, Mr. Byers could then identify Mr. O'Hara as an FBI informant. Is that the essence of it?

Judge RANDALL. Yes. That is all in my belief. It has nothing to do with this committee.

Mr. REED. It should be clearly identified as such, I think, Mr. Blakey, that it is only an opinion. I think it is an accurate paraphrase of what he said. But it must be characterized as an opinion of Judge Randall's.

Judge RANDALL. I think that is what Mr. Blakey says, my belief and opinion.

Mr. BLAKEY. Perhaps, Judge, the committee might find it useful if you and I discuss that opinion. Would you mind?

Judge RANDALL. I have discussed all I know about it.

Mr. BLAKEY. OK.

You had known Mr. Byers for some years, hadn't you?

Judge RANDALL. No.

Mr. BLAKEY. Well, I mean you had some contact with him periodically?

Judge RANDALL. I didn't know him very well.

Mr. BLAKEY. Did you have an opportunity while you did have contact with him to make a judgment about his basic intelligence or maybe native shrewdness?

Mr. REED. At this point, Professor Blakey, I am going to have to object. I think that the questioning has now ranged far afield from the area from which substantive evidence with respect to this matter could be expected to derive.

As a result, I think that the further questioning with respect to this collateral matter is inappropriate. I don't think the judge has prepared, and I am certainly not prepared to advise him as to the

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area in which you are presently questioning him. I don't see the relevance.

Mr. BLAKEY. I will withdraw the question.

Mr. REED. Thank you.

Mr. BLAKEY. OK. Let me see if I can clarify one other thing, Judge Randall.

You did not give to the committee investigators your speculation when you were interviewed in July of——

Mr. REED. I will object to that.

Judge RANDALL. I will answer it.

Mr. BLAKEY. If I may finish the question, it might not be objectionable.

At least if I understand your testimony correctly to the degree that the interview report did not include it, and you indicated to the committee that the interview report was substantially accurate, do I understand your testimony today as being that you did not give it to the committee investigators in July because you had not had a—you had a subsequent conversation with Mr. Byers in which the informant issue arose?

Judge RANDALL. Sir——

Mr. REED. Hold it.

Judge RANDALL. No, let me answer. First, I didn't even know there was an FBI report. The committee investigators didn't tell me about that. I learned that later.

Mr. BLAKEY. That is the point that I am trying to develop.

Judge RANDALL. So I didn't have the speculation then.

Mr. BLAKEY. That is right. And therefore omitting it from—not mentioning it to the investigators is really of no evidentiary significance.

Judge RANDALL. Absolutely none, sir.

Mr. BLAKEY. Your testimony here today, then, is consistent with the testimony to investigators every time?

Judge RANDALL. I hope so.

Mr. BLAKEY. You see the point I was trying to develop, both in bringing out the interview report that did not include speculation and the speculation today.

I wouldn't want this record to indicate Judge Randall came up with speculation subsequent and could have given it to the committee investigators at an earlier point in time.

Judge RANDALL. I appreciate that.

Mr. REED. I don't——

Judge RANDALL. All right.

Mr. BLAKEY. I wonder, Judge Randall, if you would read now for the record the rest of your letter, beginning in the beginning.

Judge RANDALL. Well, of course the purpose of this letter is I had requested the staff to let me testify in executive session. That had been rejected.

Your committee has subpenaed me to testify publicly in a matter concerning one Russell Byers, who is known here to be one of the most dangerous criminals in this city. He has received a lot of publicity here in recent months.

Just a few months ago in the course of an ongoing investigation. . .

This is all newspaper stuff, as you know—

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. . . here of him by the FBI and police with respect to assaults on one Finer and related matters, it was reported in the public press that his principal associate in crime was murdered almost immediately after the associate visited an FBI office.

I believe that this man's murder was arranged by the person to whom he and Mr. Byers—

This was all newspaper stuff—

. . . had sold the statues stolen from the museum, and Mr. Byers is now fearful that this publicity is classing him as an informant and this same fate will occur to him.

I had evidence of that as I met with him. He was scared. He told me this publicity had him on the spot. He was angry. He said he wasn't going to testify before television. He was angry that the committee seemed to indicate he was in on the plot, which he claimed he wasn't.

I believe my public testimony and that of Mr. Byers will endanger lives, including my own.

That is the rest of my letter.

Mr. BLAKEY. Thank you, Judge Randall. I have no further questions at this time.

Judge RANDALL. And let me tell you something else. No, I got to add something. I also was fearful that the FBI, if that name came out here, would accuse me of not reporting it to them.

I had been negligent. I knew that for 2 months. I should have reported it sooner. So, I sent a copy of this to Bill Webster, FBI Director, because I didn't want to appear here in public testimony and blow the name of an informant and then be accused of, you know, failing to report it.

But then I got scared; the informant would be in danger, if you want to know the truth about it. OK?

Mr. BLAKEY. Thank you, Judge.

Chairman STOKES. At this time the Chair will recognize the gentleman from Tennessee, Mr. Ford, for such time as he may consume, after which the committee will resort to the 5-minute rule.

Mr. REED. If you please, Mr. Chairman, at this point I would respectfully ask the committee if a brief recess is in order. Judge Randall I think would like to refresh himself. I know I certainly would, and I think we would be in much better position to continue after 2 or 3 minutes.

Judge RANDALL. If this isn't going to take long, I am going to overrule you again.

Mr. REED. Your Honor, I won't be overruled in this case. If you wouldn't mind. Two or three minutes I think would be sufficient.

Chairman STOKES. How much time would counsel desire, then?

Mr. REED. Two or three minutes would be sufficient, I think.

Chairman STOKES. The committee will now suspend for 5 minutes.

Mr. REED. Thank you. Thank you, Mr. Chairman.

Chairman STOKES. We will be in recess for 5 minutes.

[Brief recess.]

Chairman STOKES. The committee will come to order.

The Chair at this time recognizes the gentleman from Tennessee, Mr. Ford.

Mr. FORD. Thank you, Mr. Chairman.

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Judge Randall, I again would like to welcome you.

Judge RANDALL. How are you, Congressman?

Mr. FORD. Fine, thank you very much.

Judge Randall, when Mr. Byers discussed with you the conversation he had with Kauffmann to kill Dr. King, did you give him any legal advice as to his possible involvement in the assassination?

Judge RANDALL. No, sir. The thing he wanted to know from me——

Mr. REED. Judge, you have answered that question.

Judge RANDALL. He wants me to stop. You will have to ask another question.

Mr. FORD. Well, why not?

Judge RANDALL. Well, he didn't ask me what to do. His only question was if I get questioned, he was trying to determine should I talk or should I insist on immunity. He asked me the procedure for immunity.

You see, this is not something he thought was imminent. You know, he just wanted to be a little prepared. I told him the procedure was you appear before the grand jury, take the fifth amendment, go in open court, and get immunity, and went back.

He was trying to decide in his mind if I am questioned about this, shall I talk or shall I insist on immunity. He didn't like the immunity because he didn't want the publicity. But there was no thought about reporting it.

Hell, this was 10 years after the event, and everybody is dead. You know, you don't think about reporting it if everybody is dead and it is 10 years old.

Mr. FORD. Judge Randall, did you personally take any action upon the information Mr. Byers had shared with you?

Judge RANDALL. Took the action of advising him what he should do if he is questioned about it, yes.

Mr. FORD. Turning now to page 1 of this confidential letter addressed to Chairman Stokes, I have here I think it is your first paragraph, maybe your second paragraph. You talk about Russell Byers, who is known here to be one of the most dangerous criminals in the city.

Could you explain that to the committee, please?

Judge RANDALL. Well, you know, I don't want to go into all the stuff that is reported out in St. Louis in the press. You can read the press.

Mr. FORD. But you said it in your letter. Could you tell us what you meant by that particular statement in your letter?

Judge RANDALL. What is in the press out there, gentlemen.

Mr. FORD. You had read it in the press.

Judge RANDALL. Yes, sir.

Mr. FORD. And you included that in this letter?

Judge RANDALL. Yes, sir.

Mr. FORD. Mr. Chairman, I would like to yield back the balance of my time.

Chairman STOKES. The gentleman yields back the balance of his time.

The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. I have no questions, Mr. Chairman.

Chairman STOKES. The gentleman from Ohio, Mr. Devine.

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Mr. DEVINE. No questions, Mr. Chairman.

Chairman STOKES. The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. No questions, Mr. Chairman.

Chairman STOKES. The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. No questions.

Chairman STOKES. The gentleman from Michigan, Mr. Sawyer.

Judge, obviously this is a sign that you have done a very thorough job here. There are no questions from the committee. I have none.

Does counsel have anything further?

Mr. BLAKEY. I don't have any questions. I would once again, Judge, like to express the appreciation of the committee, the staff, for your taking time to come here. You have been of great help to us.

I am sorry if my questioning sometimes seemed dense. I have had it said among my students in class that they didn't always understand what I was getting at, either.

Judge RANDALL. Well, Professor, they weren't dense to me. They were dense to my counsel.

Mr. REED. May I object in the record.

Judge RANDALL. He can object to that.

Chairman STOKES. Judge, prior to extending to you the 5 minutes which you are entitled to as a witness before this committee, let me say on behalf of our committee how very pleased we are to have had your appearance here today.

We certainly regret any inconvenience caused the State of Missouri or your courtroom by having asked you to come here. But it was imperative that we have your testimony in this matter.

I think it is a matter that is important to the Nation and you certainly made an outstanding contribution to the work of this committee by appearing here today.

Judge RANDALL. I only have one thing to say. I take back all the things I said to the staff. I feel different now. If you want to know what they are, ask them.

Chairman STOKES. I must officially also extend to you under the rules of our committee, either you or your counsel, at the conclusion of your testimony you are entitled to 5 minutes for the purpose of any statement you care to make.

Judge RANDALL. I have none.

Chairman Stokes. Mr. Reed?

Mr. REED. I have none on his behalf. Thank you again.

Chairman STOKES. All right. We thank you both for your appearance here. You are excused at this time.

Judge RANDALL. You want these copies back that you loaned us, is that right?

Chairman STOKES. At this time the committee will recess until 2 p.m. this afternoon.

[Whereupon, at 12:30 p.m., the select committee recessed, to reconvene at 2 p.m.]

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AFTERNOON SESSION

Chairman STOKES. The committee will come to order.

The Chair recognizes counsel, Mr. Mathews.

Mr. MATHEWS. Mr. Chairman, Lawrence Weenick is the other attorney told by Mr. Byers of the offer to murder Dr. King. Mr. Weenick is presently in private law practice in Clayton, Mo.

It would be appropriate, Mr. Chairman, to call Mr. Weenick.

Chairman STOKES. The committee calls Mr. Weenick.

Please raise your right hand and be sworn.

Do you solemnly swear that the testimony you shall give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. WEENICK. I do.

Chairman STOKES. Thank you. You may be seated.

The Chair recognizes staff counsel, Ron Adrine.

Mr. ADRINE. Thank you, Mr. Chairman.

TESTIMONY OF LAWRENCE WEENICK, ATTORNEY, CLAYTON, MO.

Mr. ADRINE. Mr. Weenick, would you state your full name for the record, please, and spell your last name?

Mr. WEENICK. Lawrence Weenick, W-e-e-n-i-c-k.

Mr. ADRINE. And, Mr. Weenick, are you currently employed?

Mr. WEENICK. I'm in the private practice of law in Clayton, Mo.

Mr. ADRINE. Now were you engaged in the practice of law in the early 1970's?

Mr. WEENICK. Yes, I was.

Mr. ADRINE. And where was your practice located at that time?

Mr. WEENICK. In Clayton.

Mr. ADRINE. Mr. Weenick, have you been supplied with a copy of the committee's rules?

Mr. WEENICK. Yes, I have.

Mr. ADRINE. And have you had an opportunity to read those rules over?

Mr. WEENICK. I read them over, yes.

Mr. ADRINE. And do you understand those rules?

Mr. WEENICK. I understand them.

Mr. ADRINE. Sir, you are here under subpena today?

Mr. WEENICK. Yes, I am.

Mr. ADRINE. Have you ever represented an individual named Russell G. Byers?

Mr. WEENICK. Yes.

Mr. ADRINE. Mr. Chairman, at this time I would like to request that the witness be shown Martin Luther King exhibit No. F-576.

Chairman STOKES. You are asking that it be made a part of the record also?

Mr. ADRINE. Yes.

Chairman STOKES. Without objection, it may be entered into the record at this point and shown to the witness.

[The information follows:]

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WAIVER OF ATTORNEY-CLIENT PRIVILEGE

I, RUSSELL BYERS, hereby waive my attorney-client privilege with respect to any and all communications or documents between Lawrence N. Weenick and myself concerning an offer, solicitation, or plan to assassinate or harm the person of Martin Luther King, Jr.

Russell Byers

Dated this 7th day of June, 1978.

MLK EXHIBIT F-576

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Mr. ADRINE. Thank you.

Mr. WEENICK. The document you have in front of you I think you have seen before, and it is a waiver of the attorney-client privilege between yourself and Mr. Byers; is that correct?

Mr. WEENICK. Yes. I have seen it and I have a copy of it.

Mr. ADRINE. Is it a fact, sir, when you were first approached by committee investigators that you requested to see this document before you would talk to them about anything that occurred between you and Mr. Byers during this time frame?

Mr. WEENICK. Well, when Mr. Baetz and Mr. Waxman first came to see me, I wasn't at liberty to tell them anything; and subsequently they brought this document over to me, at which time I discussed what they wanted to know.

Mr. ADRINE. But it is correct to characterize your reluctance as a concern for the attorney-client privilege; is that correct?

Mr. WEENICK. That's correct.

Mr. ADRINE. Therefore, having seen this document, you realize that you are now free to discuss those matters that relate to the incidents that we are investigating before the committee; is that correct?

Mr. WEENICK. That's right.

Mr. ADRINE. Mr. Weenick, what type of matters did you represent Mr. Byers on?

Mr. WEENICK. Oh, they were all civil matters. He had been sued several times, had a problem with the IRS.

Mr. ADRINE. Do you recall when your representation of Mr. Byers began?

Mr. WEENICK. Well, I knew Mr. Byers before I started representing him, and I don't know when it was. It was sometime after Judge Randall went into law practice, because it was my understanding that Judge Randall represented Mr. Byers prior to the time he became a judge.

Mr. ADRINE. Did you hear Judge Randall indicate that he entered into the judgeship or gave up his private practice sometime in 1973 or 1974?

Mr. WEENICK. Yes.

Mr. ADRINE. Does that comport with your recollection?

Mr. WEENICK. Probably close to it.

Mr. ADRINE. Did there ever come a time when Mr. Byers spoke to you about the existence of a plot to kill Dr. Martin Luther King, Jr.?

Mr. WEENICK. He spoke to me about an offer made to him; whether it was a plot or not, I don't know.

Mr. ADRINE. And do you recall when he spoke to you about the offer?

Mr. WEENICK. No. It was sometime after he spoke to Judge Randall. I think Judge Randall testified this morning that it was sometime in 1974, and it was after that, because I remember Mr. Byers told me that he had told Judge Randall about this. So it had to be after that time, and I don't know when.

Mr. ADRINE. So as a result he would have had to have told you about this offer sometime subsequent to the time that Dr. King had been killed?

Mr. WEENICK. Oh, yes, quite a bit after that.

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Mr. ADRINE. Several years, as a matter of fact?

Mr. WEENICK. Oh, yes.

Mr. ADRINE. Now, did Mr. Byers reveal any of the details of that offer to you?

Mr. WEENICK. Well, he told me what had transpired. If that's what you mean by "details."

Mr. ADRINE. That's correct.

Would you relate what you can recall from that conversation?

Mr. WEENICK. Well, it was a very brief conversation, and I really don't know how it came up, but he told me that he had been approached one day by John Kauffmann, and Mr. Kauffmann had asked Mr. Byers if he—if Mr. Byers—wanted to make some money.

I think the figure was $50,000, and I guess Mr. Byers said, "Sure," he'd be interested in it; and Mr. Kauffmann then took Mr. Byers to a man's house down in Imperial or Barnhart, Mo., a man by the name of John Sutherland, at which time Mr. Sutherland repeated the offer to Mr. Byers, to pay him the sum of $50,000 to either kill or procure the killing of Dr. Martin Luther King.

Mr. ADRINE. Were you told any of the details or the descriptions of the places where the meeting was held?

Mr. WEENICK. Yes. It was at Mr. Sutherland's house, and Mr. Byers briefly described the house to me, at least some of the interior furnishings, which consisted primarily of a large carpet, either in the den or in the entry hall—I don't recall which—which was made to resemble a Confederate battle flag; and the walls of the study or the den was hung with another Confederate flag and various other military-type paraphernalia.

Mr. ADRINE. Did Mr. Byers give you a personal description of the individual with whom he met?

Mr. WEENICK. Mr. Sutherland?

Mr. ADRINE. That's correct.

Mr. WEENICK. No.

Mr. ADRINE. Did Mr. Byers indicate to you where the money—the $50,000—was to come from?

Mr. WEENICK. No, he did not.

Mr. ADRINE. Did he give you any indication as to why he—that is, Mr. Byers—had been selected to have this offer made to him?

Mr. WEENICK. No, he didn't.

Mr. ADRINE. Did Mr. Byers indicate to you whether or not he had agreed to the undertaking?

Mr. WEENICK. He told me no, that he refused their offer and, really, he didn't really consider it very seriously.

Mr. ADRINE. Sir, did you know John Sutherland?

Mr. WEENICK. No, I never met John Sutherland.

Mr. ADRINE. Did you know of him?

Mr. WEENICK. I had heard about him. He was a patent lawyer in the city of St. Louis. I don't believe I ever met him.

Mr. ADRINE. Mr. Chairman, I have no further questions.

Chairman STOKES. The Chair at this time will recognize the gentleman from Tennessee, Mr. Ford, for such time as he may consume.

Mr. FORD. Thank you, Mr. Chairman.

Mr. Weenick, I want to pick up where counsel left off.

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Did you ever turn over this information to the authorities prior to the time you were contacted by this committee?

Mr. WEENICK. No, I did not.

Mr. FORD. Do you mind telling the committee why not?

Mr. WEENICK. I was not at liberty to turn it over to them.

Mr. FORD. Sir, isn't it a fact that your client, Mr. Byers, denied accepting the offer to kill Dr. King?

Mr. WEENICK. Yes, that's correct.

Mr. FORD. Then what was the purpose of keeping this information privileged?

Mr. WEENICK. Well, it was not up to me, Mr. Ford, to tell anybody about this thing. If Mr. Byers wanted it to be known, then it was his duty to tell them, not mine.

Mr. FORD. The fact that you represented Mr. Kauffmann, did it in any way influence the advice that you gave Mr. Byers concerning this information?

Mr. WEENICK. I think Mr. Kauffmann was already dead when Mr. Byers told me this, so it would not have made any difference.

Mr. FORD. Did you ever consider going to the authorities with what you knew?

Mr. WEENICK. Did I ever?

Mr. FORD. Yes.

Mr. WEENICK. No.

Mr. FORD. Were you specifically instructed not to tell anyone about the plot?

Mr. WEENICK. By Mr. Byers, do you mean?

Mr. FORD. Yes.

Mr. WEENICK. Well, Mr. Ford, any time a lawyer is told something in his capacity as an attorney, when the client-attorney relationship has been established, we are not allowed or authorized to tell anybody what has been communicated to us, unless, of course, the client authorizes us to do so.

Mr. FORD. But what about your client, Mr. Byers, did you ever advise him as to what he should do with the information?

Mr. WEENICK. He didn't ask me.

Mr. FORD. So you never advised him of what to do?

Mr. WEENICK. Well, you have to understand this was some, oh, I guess, 6 or 7 years after Dr. King had been killed. Mr. Ray had been apprehended. The thing was ended. There was no talk of a conspiracy, nothing of any kind or description; so there really wasn't any sense to it as far as I could see.

Mr. FORD. What type of relationship did you enjoy with Mr. Kauffmann when you represented him?

Mr. WEENICK. Well, I was his attorney.

Mr. FORD. Just his attorney?

Mr. WEENICK. Right.

Mr. FORD. You represented Mr. Kauffmann, who Mr. Byers says was the person that set up the meeting where he was offered the money to kill Dr. King. Were you familiar with that?

Mr. WEENICK. I heard him testify to that, yes.

Mr. FORD. You heard it where?

Mr. WEENICK. Right here, this morning, I heard Mr. Byers say that.

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Mr. FORD. So you are saying Mr. Kauffmann was dead when you learned of this?

Mr. WEENICK. I believe he was, yes, because it was sometime that I heard about this in late 1974 or 1975, and Mr. Kauffmann died in 1974.

Mr. FORD. But you never heard Mr. Kauffmann talking about this; is that correct?

Mr. WEENICK. No. I had no more dealings with Mr. Kauffmann after about December of 1968; and I had not talked to him since that time.

Mr. FORD. Mr. Chairman, I yield back the balance of my time.

Chairman STOKES. The gentleman yields back the balance of his time.

Mr. Weenick, let me ask you this: The testimony we received from Mr. Byers is, of course, very important testimony, because, if believed, it gives an outline to the possibility of conspiracy to kill Dr. Martin Luther King. In support of his testimony, we have now heard the supporting testimony of a sitting judge and yours as a practicing attorney, which gives credence to the testimony of this witness, and, of course, the committee ultimately will have to determine the credibility of this witness based upon whatever testimony comes before this committee.

I would ask you this question: Knowing what you know of Mr. Byers, are you in a position to be able to tell the committee whether you would believe him under oath?

Mr. WEENICK. Well, let me say this to you, Mr. Stokes: Mr. Byers had absolutely no reason to tell me this at the time he told it to me, or any other time. Whether he made it up or not, I don't know. There was—there seems to be no credible reason why he would have made it up and told it to me and to Mr. Randall, and evidently to this other person who was an FBI informant.

I don't know what his motive would have been.

Certainly I can't say for certain that he is not lying, but I certainly don't know what his motive would be for doing so.

Chairman STOKES. And that's the precise question I was really addressing, is whether the witness would have any motivation to lie, and if so, what that motivation would be.

Mr. WEENICK. I can't think of a reason why.

Chairman STOKES. Thank you very much.

I have no further questions.

The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. No questions, Mr. Chairman.

Chairman STOKES. The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. Thank you.

Following up on what the Chairman's questions to you were, when Mr. Byers told you this, was he seeking legal advice relating to this incident?

Mr. WEENICK. As far as I can recall, he just told it to me. I recall it was in my office, and we had been discussing another matter, and it may have been around the time Mr. Kauffmann died—I'm not real sure—and that may have been what prompted him to tell me. I really can't recall.

Mr. PREYER. It was in your office?

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Mr. WEENICK. Yes.

Mr. PREYER. Not at a neighborhood bar or something like that?

Mr. WEENICK. No.

Mr. PREYER. And you were discussing legal matters at the time when he was visiting you in your office?

Mr. WEENICK. Yes, to the best of my recollection. I don't know why he would have been there otherwise.

Mr. PREYER. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

I have one question: I wasn't sure, and I want you to clarify it for me. You said that he, meaning Byers, "told me he never took it very seriously."

Would you clarify for me what you meant by that?

Mr. WEENICK. Well, what I mean by that is that I don't think he ever seriously considered accepting the offer.

Mr. FITHIAN. But you were not alluding to a question of the seriousness of the offer on the part of those who were proffering it?

Mr. WEENICK. I would think that if they had made the offer they were probably serious. I don't know.

Mr. FITHIAN. Was there anything about Mr. Byers' demeanor or comment, or your own observation that would shed any light on it for the committee as to whether you felt that when he told you this that he was telling you about a serious offer by these folks?

Mr. WEENICK. I think he thought they were serious at the time. That was the impression he left with me.

Mr. FITHIAN. Thank you.

I have no further questions, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired. Any further members of the committee seeking further recognition?

Mr. Weenick, under the rules of our committee, when a witness has completed his testimony before this committee, the witness is entitled under our rules to 5 minutes during which time he can explain or amplify his testimony in any way he so desires. I would extend to you 5 minutes for that purpose, if you so desire.

Mr. WEENICK. I have nothing further, Mr. Stokes.

Chairman STOKES. I certainly, on behalf of the committee, want to thank you for your appearance here and for your cooperation with the staff and with this committee, and we are indebted to you for your testimony here today. Thank you very much.

Mr. WEENICK. Thank you.

Chairman STOKES. The Chair recognizes Mr. Mathews.

Mr. MATHEWS. Mr. Chairman, before we call our last witness, it is necessary, in order to clarify the record, to recall Mr. Byers for one additional question.

I might note, too, Mr. Chairman, he still will continue to invoke rule 6. Therefore, an order may be appropriate to indicate to the media that the cameras, radios, tapes, et cetera, should be shut down.

Chairman STOKES. At this time then, the witness having requested the invocation of rule 6, the media are asked to comply with that rule of the committee, which provides that no photography or other recording of the witness be made; and the Chair would also

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extend the application of Rule 6 to the hallway area which is immediately adjacent to the hearing room, as per the request of the witness.

Mr. MATHEWS. It might be appropriate now, Mr. Chairman, to recall Mr. Byers.

Chairman STOKES. The committee recalls Mr. Byers.

The Chair would say further, this witness being under U.S. Marshal security, all persons are requested to remain in their seats anytime the witness is either entering or departing from the hearing room.

The record will reflect that the witness, Mr. Byers, has returned to the hearing room and is accompanied by counsel, Mr. Jim Hamilton of the District of Columbia Bar.

Mr. Byers, the Chair would admonish you that you are still under the oath which I administered to you this morning. Do you understand that?

Mr. BYERS. I understand it.

Chairman STOKES. All right. The Chair recognizes Professor Blakey.

TESTIMONY OF RUSSELL GEORGE BYERS, ATTORNEY, CLAYTON, MO., ACCOMPANIED BY COUNSEL, JAMES HAMILTON—Resumed

Mr. BLAKEY. Mr. Byers, after you testified this morning, Judge Randall appeared and testified, and he indicated that he had racked his memory and done the best he could to recall as many details about his conversation with you as he could, and he gave the committee his best recollection of what you said to him, and what he said to you.

After comparing and contrasting his memory against your testimony, there were several items that I thought it might be appropriate to clarify in the record. Nevertheless, based on conversation with your counsel and his representations, I would only ask you one question at this time.

Judge Randall indicated that his memory was—and the record will, of course, correct me if I am wrong for misstating—that in the conversation with Mr. Sutherland you questioned him, that is, Mr. Sutherland, in detail, and learned—Judge Randall remembered—names of other members of the organization that were apparently going to be the source of the financing of Dr. King's killing.

My question to you, therefore, is: Is it your best recollection that you did, in fact, learn the names of other members of that southern organization?

Mr. BYERS. No names at all, to the best of my recollection, nobody. If he recollects something, it's beyond me.

Mr. BLAKEY. Do you recall any aspect of the conversation in which Mr. Sutherland indicated that there were other members of the organization?

Mr. BYERS. No. When he said "secret southern society," he mentioned no names, and I pressed for no names.

Mr. BLAKEY. I have no further questions, Mr. Chairman.

Chairman STOKES. Any other member of the committee seeking recognition?

Mr. FITHIAN. Just one clarification, if I may, Mr. Chairman.

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Chairman STOKES. The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Did Mr. Sutherland refer to the southern organization by title?

Mr. BYERS. By what?

Mr. FITHIAN. By title, by name of organization, as distinct——

Mr. BYERS. No; just a secret southern society or organization that he belonged to; that was all.

Mr. FITHIAN. But he did say he was a member of it?

Mr. BYERS. The best I remember, to phrase him, he says, "We"—it's been a long time; I'm trying to remember—"We belong to a secret southern organization"—or "society". He could have said "I" or "We." I cannot be sure.

Mr. FITHIAN. But you have the impression that he did belong to this organization?

Mr. BYERS. That's just my impression, that he did, yes.

Mr. FITHIAN. I have nothing further, Mr. Chairman.

Chairman STOKES. Do you recall him saying anything about there being prominent people?

Mr. BYERS. No; I recall nothing of that nature.

Chairman STOKES. Thank you.

I would again at this time, concluding your testimony before this committee—we will now release you from further testimony—I would extend to you, either you or your counsel, 5 minutes under the rules of this committee, if there is any further statement you or your counsel care to make to the committee.

Mr. BYERS. We can't think of another thing to say.

Chairman STOKES. Mr. Byers, I want to thank you, on behalf of the committee, for your cooperation with both the committee and our staff, and for the testimony you have given this committee here today. Thank you very much. You are excused.

Also, persons are requested to remain in their seats while the witness departs the room.

Rule 6 of the committee is now hereby lifted and you can resume coverage of the hearings.

The Chair recognizes counsel, Mr. Mathews.

Mr. MATHEWS. Mr. Chairman, following Mr. Byers' appearance in executive session before the King subcommittee on May 9, 1978, the committee took Mr. Byers' testimony seriously and it concentrated a major share of its investigative resources and time on exploring the possible relation between the conspiracy manifested in the offer to Mr. Byers and the events in Memphis.

Here this afternoon to present the results to date of that effort is Edward Evans, the chief investigator of the King task force.

It would be appropriate now, Mr. Chairman, to call Mr. Edward Evans.

Chairman STOKES. The Chair calls Mr. Evans.

Mr. Evans, the Chair would admonish you that you have been previously sworn in these hearings and the application of that oath would apply at this time. Do you understand that?

Mr. EVANS. Yes, sir.

Chairman STOKES. You may proceed.

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TESTIMONY OF EDWARD EVANS, CHIEF INVESTIGATOR, SELECT COMMITTEE ON ASSASSINATIONS—Resumed

Mr. EVANS. Mr. Chairman, members of the committee, the FBI memorandum that first brought to the attention of the committee the allegation of a conspiracy in Missouri to assassinate Dr. King is dated March 13, 1978. It relates that an FBI informant sometime in March 1974, reported that the informant had been party to a conversation late in 1973 in which, according to the informant, a Mr. Byers claimed to have been made an offer for $10,000 to $20,000 to murder Dr. King.

It would be appropriate now, Mr. Chairman, to introduce that memorandum as MLK exhibit F-577.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

MLK EXHIBIT F-577

AA 339005
Part 18

200001 MLK Ex. F-577

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

March 20, 1978

HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

In connection with the HSCA's investigation into the assassination of Martin Luther King, Jr., the St. Louis Office of the FBI surfaced information during a file review in an unrelated matter which it is believed is of interest to the Committee. This information concerning a St. Louis informant discussing with (first name not furnished) Beyers several individuals who may have information germane to the HSCA's investigation was furnished to FBI Headquarters, in the attached memorandum dated March 13, 1978.

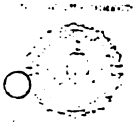
In order to facilitate the Committee's evaluation of the information contained in above-mentioned memorandum, the St. Louis Office was asked to furnish background data on Beyers. On March 17, 1978, the St. Louis Office telephonically furnished the following:

NAME: Russell George Beyers
DOB: August 19, 1931
FBI NUMBER: 101-3115

The information contained in the memorandum of March 13, 1978, was discovered as a result of a file review conducted for background data on Beyers who was recently arrested by the St. Louis Police Department for his alleged participation in the burglary of a St. Louis museum.

Where information is not provided, it is because it is not retrievable or is not being furnished pursuant to the Memorandum of Understanding.

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UNITED STATES DEPARTMENT OF JUSTICE

200001

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

March 13, 1978

HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

In the course of a file review conducted at the St. Louis FBI Office in an unrelated matter, a St. Louis informant file was reviewed. This file contained a contact memorandum dated March 19, 1974, which set forth information relating to several criminal matters and also contained the following paragraph:

"During the Fall of 1973, five or six months ago, date not recalled, Beyers came to the shop inquiring as to whether they could get together to talk, and they later did so at Pizza and Cream, Clayton, Missouri, in the area of a Broad-Dugan Paint Store, where informant had traveled on business. Beyers talked freely about himself and his business, and they later went to informant's house where Beyers told a story about visiting a lawyer in St. Louis County, now deceased, not further identified, who had offered to give him a contract to kill Martin Luther King. He said that also present was a short, stocky man, who walked with a limp. (Later, with regard to the latter individual, Beyers commented that this man was actually the individual who made the payoff of James Earl Ray after the killing.) Beyers said he had declined to accept this contract. He did remark that this lawyer had confederate flags and other items about the house that might indicate that he was 'a real rebel'. Beyers also commented that he had been offered either $10,000 or $20,000 to kill King.

Extensive further research in the St. Louis indices and files failed to reveal this information was in any way disseminated and the information simply reposes in the informant file.

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Mr. EVANS. As we now know from Mr. Byers' testimony before this committee, the alleged offer by John Sutherland was set up by John Kauffmann and it was made in late 1966 or early 1967, and it was for $50,000. Mr. Byers said in 1974, as he said today, that he did not accept the offer.

What follows is a report of the select committee's investigation of the Byers allegation:

Byers was located at his home in Rock Hill, Mo., a suburb of St. Louis. He initially denied any knowledge of the offer, but after consultation with his attorney he indicated that he might have information relevant to the committee's inquiry but that he would only reveal it under subpena and with a guarantee of immunity.

Following issuance of a subpena, Mr. Byers appeared before the King subcommittee on May 9 and he was granted immunity under title II of the Organized Crime Control Act of 1970 pursuant to an order issued by the U.S. District Court for the District of Columbia.

Mr. Byers' executive session testimony may be outlined as follows:

In late 1966 or early 1967—he wasn't sure which—Mr. Byers was approached by John Kauffmann, a friend and business associate, and asked if he would like to earn $50,000. When Mr. Byers asked, "What do I have to do?" Mr. Kauffmann told him to meet him that evening.

Mr. Byers met with Mr. Kauffmann at 6:30 that evening and together they went to the home of John Sutherland, a St. Louis patent attorney. Mr. Sutherland's home was in a rural area near Imperial, Mo., outside of St. Louis.

The three men met in an office or den that had a rug replica of a Confederate flag. Mr. Sutherland, who appeared to be in his fifties or sixties, was wearing what looked to Mr. Byers to be a Confederate colonel's hat.

After a short period of social conversation, Mr. Sutherland asked Mr. Byers if he would like to make some money. Mr. Byers said he was interested, and Mr. Sutherland offered $50,000 to kill Martin Luther King.

In response to Mr. Byers' question as to the source of that money, Mr. Sutherland said he belonged to a secret southern organization, and they had a lot of money.

Mr. Byers said he neither accepted nor declined the offer but indicated he would think about it. He further stated that he never seriously considered accepting it, that he never saw Mr. Sutherland again, and that Mr. Kauffmann never mentioned it again.

Committee investigators then were sent out to investigate whether such an offer had, in fact, been made.

In his testimony Mr. Byers said he had told two attorneys—Lawrence Weenick, of Clayton, Mo.; and Murray Randall, of St. Louis, about the offer.

After being shown attorney-client privilege waivers from Mr. Byers, both Mr. Weenick and Mr. Randall were interviewed and confirmed that Mr. Byers had told them of the offer, and the details they gave were substantially similar to those provided by Mr. Byers. Both attorneys said Mr. Byers had related the incident to them after the assassination of Dr. King.

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Committee investigators contacted the informant who had supplied information about the offer to the FBI. He confirmed the report of the conversation with Mr. Byers in 1973.

Background checks on Mr. Kauffmann and Mr. Sutherland were initiated in June. Mr. Kauffmann was born April 7, 1904, and died April 1, 1974. He was a lifelong St. Louis resident, involved in a variety of business activities, including the manufacture of gliders and real estate development. From the early 1960's to his death he owned and resided at the Buff Acres Motel in Barnhart, Mo., and his widow, Beulah, still lives there.

Mr. Kauffmann's criminal record discloses he was arrested and convicted for the manufacture and sale of amphetamines in 1967.

Committee investigators reviewed the files of the Federal drug case that led to Mr. Kauffmann's arrest and conviction. They reveal he had been operating a legitimate drug company that marketed a cough mixture called Fix-A-Co. Through the company he was ordering amphetamine sulfate powder in bulk and making amphetamine pills from this powder. During 1967 and 1968, the report shows, Mr. Kauffmann sold over 1 million pills illegally to undercover Federal agents.

A Federal informant testified at Mr. Kauffmann's trial that some of the illegal pills were delivered to the Missouri State Penitentiary in Jefferson City, Mo. This is the prison where James Earl Ray was incarcerated until his escape in April 1967.

Mr. Kauffmann's file was also checked for indications of a propensity for violence. Although it was negative, it was noted that a Federal narcotics agent was ambushed and shot just after talking to an informant about Kauffmann. This incident occurred shortly after Kauffmann's arrest but following disclosure that the victim was a Federal agent who had worked undercover on the Kauffmann case.

There were two other details disclosed in the check of Mr. Kauffmann's criminal record: (1) He told an undercover agent he had threatened a person who owed him money in order to scare him; and (2) he had been solicited to assist in obtaining parole, on work release, for the convicted murderer of a police informant.

While there is no indication that Mr. Kauffmann himself engaged in acts of violence, he associated with persons who were capable of violent behavior and he may have played the role of a broker for criminal activity for these and other people.

In addition, while the committee was unable to obtain information that would provide details on Mr. Kauffmann's political attitudes, it did establish that he was associated with John Sutherland in efforts to establish an American Party in the St. Louis area in 1967-1968. Examination of American Party petitions filed with the Missouri secretary of state for the 1968 Presidential election shows Mr. Kauffmann's signature as either the circulating officer or as a notary public. The American Party supported the candidacy of Gov. George Wallace of Alabama.

John Sutherland, a descendent of early colonists, was born in Charlottesville, Va., October 19, 1905; he died in 1970. He was a 1926 graduate of Virginia Military Institute with a degree in electrical engineering; he received a bachelor of law degree from City College of Law and Finance, St. Louis, in 1931, and a master of law

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degree from Benton College of Law. He held a commission in the U.S. Army Reserve from 1926 to 1936, though he apparently never served on active duty. He was married in 1930 to Anna Lee of Atlanta, who survives him.

Mr. Sutherland practiced patent law in St. Louis throughout his career. The firm of Polster & Sutherland was dissolved at the time of his death. He was a lifelong resident of the St. Louis area.

Mr. Sutherland belonged to a number of social, fraternal and professional organizations and he was active politically throughout his adult life. In view of the statement attributed to him by Mr. Byers that referred to a "secret southern organization" as a source of funding for the proposed assassination, the committee searched for any affiliations with an organization that could be considered secret, southern or both. Three were examined.

The first was a St. Louis social order with confidential membership, traditionally white; it was also once the target of civil rights demonstrations. No evidence was obtained, however, that would indicate it was other than purely social in nature.

The second was a white citizens group, formed by Mr. Sutherland in the early 1960s. It had ties to a Deep South parent organization and its stated purpose was to promote States rights and racial integrity. Mr. Sutherland served as the first chairman of the steering committee. While Mr. Sutherland withdrew from an active leadership role after the council's first year of existence, he remained interested in it until his death, although there were indications that the organization was not sufficiently activist to suit him. No evidence was obtained, however, that any member of this organization was involved with Sutherland in a plot against Dr. King.

The third was the Southern States Industrial Council of Nashville, whose president in 1968 was Thurman Sensing; he was also an associate and frequent correspondent of Mr. Sutherland.

The committee's examination of the Southern States Industrial Council developed that Mr. Sensing addressed the Daughters of the American Revolution in Washington on April 15, 1968, less than 2 weeks after the King assassination. While Mr. Sensing called it a "* * * senseless, tragic crime," and recommended that the killer—"* * * be apprehended if possible, and brought to trial for his crime,"—he also used the occasion to criticize Dr. King and those associated with him. He stated at one point, "It is not too much to say, in fact, that Martin Luther King, Jr., brought this crime upon himself." Holding Dr. King to account for his attitude toward civil disobedience, Mr. Sensing speculated that the assassin "* * * may well have said to himself, 'I think Martin Luther King should be killed. I realize there is a law against murder, but in this case, I think the law is unjust.'"

The Washington Field Office of the Bureau, favorably impressed by Mr. Sensing's speech, brought it to the attention of Director Hoover.

It would be appropriate at this time, Mr. Chairman, to insert in the record a copy of Mr. Sensing's speech, and the accompanying FBI memorandum, as MLK exhibit F-578.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

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MLK EXHIBIT F-578

AA 339005
Unit 5A-1

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 7/1/68

FROM : SAC, WFO (62-0)

SUBJECT: THURMAN SENSING
EXECUTIVE VICE PRESIDENT
SOUTHERN STATES INDUSTRIAL COUNCIL
1103-111 STAHLMAN BUILDING
NASHVILLE, TENNESSEE
MISCELLANEOUS - INFORMATION CONCERNING

Enclosed to Bureau two copies of speech entitled "A Call To Law and Order" reportedly delivered by caption on 4/15/68, to the National Defense Luncheon of the National Society Daughters of the American Revolution at the Mayflower Hotel, Washington, D.C.

In his speech, Mr. SENSING condemns Communism, false compassions, civil disobedience, court decisions that have disarmed law enforcement and man's criminal instincts as the roots of riots in America. Mr. SENSING calls for a return to law and order.

Enclosure furnished WFO by

, an SAC contact.

Enclosure furnished Bureau in order that the Bureau have the benefit of Mr. THURMAN SENSING's thinking on one of our major national problems.

Re WFO airtel to Director, dated 2/20/58, entitled DEFENDERS OF STATE SOVEREIGNTY AND INDIVIDUAL LIBERTIES, IS-X (WFO# 100-32567-10) noting THURMAN SENSING spoke at the

(2) - Bureau (Encl 2)
2 - WFO
(1 - 80-114, SAC CONTACT)

WLL:fjc
(4)

REC-46 92-2654

16 JUL 2 1968

54 JUL 11 1968

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

DIRECTOR AND ASSOCIATE FBI

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WFO 62-0

Second Annual Convention of above group held at Richmond, Virginia, 2/18-19/58. Mr. SENSING spoke mainly on State Sovereignty and the need to keep the Federal Government from operating the states.

ReWFOlet to Director, dated 10/16/56, entitled MARYLAND PETITION COMMITTEE, IS-X (Bufile 100-415566 and WFO 100-32942-7) enclosing a copy of a pamphlet entitled "THE REAL QUESTION ABOUT INTEGRATION" by THURMAN SENSING, published by the Southern States Industrial Council, MARTIN J. CONDON, III, President, at Nashville, Tennessee.

Submitted for information.

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A CALL TO LAW AND ORDER *

By

Thurmon Sensing, Executive Vice President
Southern States Industrial Council
1103-1111 Stahlman Building
Nashville, Tennessee 37201

About three months ago, I gave Mrs. Griswold the choice of two subjects for my talk to you here today. One of these subjects was "A Call to Law and Order," and that is the one she chose.

It is rather ironic now that this subject should have been chosen for this setting three months ago because if any city in our whole nation has needed law and order, it has been Washington, D.C., the capital of the nation, during the past several days. During those days smoke caused by fires set by arsonists curled around the Washington Monument, the dome of the nation's Capitol, and settled like a pall over the White House. People have been shot to death and stores have been looted right here in our Capital City - a shame and a disgrace for a people who call themselves law-abiding citizens.

Naturally, this speech has been prepared for some time because I only returned from a five-weeks' trip over the continent of South America a week ago, and know that I wouldn't have time to prepare a talk after I got back. Therefore, I am really going to make the speech in two parts -- first, as I had it prepared for delivery before my trip to South America -- everything I wrote then still applies - and second, in view of the happenings during the past ten days.

This is not a racial speech; this is not a political speech -- it is a law and order speech. It is a forthright speech and I will not pull any punches. However, the people named and quoted are named and quoted not because they are black or white, not because they are Republican or Democrat, but because they said what they said and did what they did.

We made a survey of all the Southern States Industrial Council members last fall, giving them a list of 22 national issues, and asked them to rate the issues in order of concern. Crime and lawlessness was named as the issue of paramount concern by a wide margin.

* Delivered to the National Defense Luncheon of the National Society Daughters of the American Revolution at the Mayflower Hotel, Washington, D.C., April 15, 1968.

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People of great political influence in this country have permitted the concept of "freedom of speech" to be expanded to include subversion, intimidation, sedition, and incitement to riot. They have condoned the distortion of "academic freedom" to encompass the adulteration of young minds with Communist doctrine and the disintegration of a well disciplined educational system. They have allowed "freedom of assembly" to mushroom into disruption of peaceful activity, mob rule, riot and insurrection.

Unless those in authority in the United States can be influenced to abandon this course — or unless they can be replaced by men who will -- we cannot hope to restore in our nation the kind of domestic peace and order that have made our many generations proud to be Americans -- living in a land of freedom, security, opportunity, and justice under law.

The crisis we now face is the most serious, the most dangerous, in the history of our country.

Remember, this was written three months ago.

"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

This passage comes, as you will recognize, from the Preamble to the Constitution. The phrase I want to emphasize and dwell on for a while is "insure domestic tranquility." As you know, in many cities and towns in this country in the last few years we have had anything but "domestic tranquility"; in fact, we have had anarchy of the rankest sort. This was especially true during the past summer -- the "long, hot summer" we had been warned about.

Actually it was a rather cool summer weatherwise, but it was certainly hot so far as domestic tranquility is concerned. The riots, arson, looting and murder that have occurred in many of our cities are a shame and a disgrace for a nation that calls itself civilized.

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Now then, I want to suggest how we could put an end to arson and looting, both of which are despicable crimes. The solution is this: Issue orders to the police or the guardsmen, as the case might be, to shoot arsonists, looters and snipers on sight -- and investigate later. We have mollycoddled, we have pampered, we have excused law breakers entirely too much in this land of ours to maintain a law and order nation.

This would not only stop the arson and looting -- it would prevent it from happening in the first place. To give orders not to shoot under any circumstances for a period of time, as was done in some of our cities this past summer, not only encourages law-breaking, it also betrays the trust of the mayor or the governor, as the case might be.

Moreover, this is not a racial solution -- it is a law and order solution, because law and order must be observed by everyone alike, both black and white, if we are to live in a civilized country.

The present disregard for law and order has been abuilding for quite a number of years. Five causes have worked hand in hand to wreak havoc upon the fabric of America. The riot roots may be found, I think (1) in Communism (2) in false compassion (3) in civil disobedience (4) in court decisions and (5) in the criminal instinct that lies repressed in the heart of man.

Communism, I believe, is the catalyst which has precipitated the present situation in this country. Anyone who has studied the details of the various riots that have taken place in the country must agree that they did not happen spontaneously -- they were planned. Communism thrives on agitation and revolution of all sorts, upon overthrow of the existing order. The Communists are calling the riots in our streets a "war of national liberation." Communists are definitely involved in the various civil rights organizations in the country at the present time. It is no coincidence that Stokely Carmichael, the despicable self-proclaimed apostle of guerrilla warfare in the United States, turned up in Communist Havana at a meeting of the organization created by the Soviets and the Communist bloc countries to organize revolution in both the Americas.

If people like Carmichael and Rap Brown, the present head of the Student Non-Violent Coordinating Committee, better known as SNCC, are very soon not tried for treason

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then we are going to be well on our way to forfeiting our right to call our country a law-abiding, patriotic nation.

By the way, SNCC is certainly a badly named organization. Instead of being called the Student Non-Violent Coordinating Committee, it should be called the Non-Student Violent Coordinating Committee.

The second cause of riots is the false compassion that has been spewed out by our leaders in government, by some of the clergy, and others in positions of responsibility during the past few years.

It was no less than President Johnson who used the civil rights marchers' phrase, "We shall overcome," several times in one of his speeches, and lent them his encouragement. Didn't he know that this was the title of a song written for the civil rights marchers by Pete Seeger, a person who had been identified under oath as a Communist? When Seeger wrote "We shall overcome" it is not hard to imagine that what he meant was "We, the Communists, shall overcome."

It was no less than President Johnson who greeted an audience of students in the summer of 1965 as "fellow revolutionaries" and told them: "I am proud to salute you as fellow revolutionaries. We want change ..... I hope you will go out into the hinterland and arouse the masses, and blow the bugles, and tell them the hour has arrived, and their day is here." Well, the bugles have sounded all right -- in Newark, in Cambridge, Md., in East Harlem, in Detroit, in Milwaukee, and dozens of other cities -- and the day is here.

And speaking of encouragement, I wonder if Vice President Humphrey cares to recall his remarks in New Orleans in the summer of 1966 when he said that if he had to live in the slums "I think you'd have more trouble than you've had already, because I've got enough spark left in me to lead a mighty good revolt." Well, Mr. Humphrey's services were not needed — there were plenty of other volunteers.

And let me insert right here that it is not buildings that make slums, it is people who make slums. You can take the same people out of the slums and put them in well built high rise apartments and these apartments will soon become more filthy and more dangerous than the slums they left. That has been well demonstrated in New York City.

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And how about the carpet-bag Senator from New York -- Senator Robert F. Kennedy when he said in the summer of 1965: "There is no point in telling Negroes to obey the law. To many Negroes the law is the enemy."

And back to President Johnson when he said in 1964: "We are going to try and take all of the money that we think is being unnecessarily spent and take it from the 'haves' and give it to the 'have nots' that need it so much." What kind of expectations did he think that he was arousing? He can look about him and find the answer.

Behind the criminal insurrection in Detroit and elsewhere are liberal counsels of appalling irresponsibility. The rioters, looters and arsonists have been encouraged in recent years to believe that they were above the law. When disturbances took place in Southern communities, for example, hundreds of clerical carpet-baggers descended on these towns and cities to condemn the law enforcement authorities. Now the shoe is on the other foot and the home towns of the liberal clergy and liberal professors are engulfed in the smoke of armed rebellion against lawful government, and Southerners cannot be used as scapegoats.

Looking back at the disastrous Detroit riot Americans may properly, I think, be dismayed at President Johnson's highly political reaction to the disorders. Whereas the White House in the past has been quick to send federal troops into Southern states at the earliest opportunity, Mr. Johnson delayed and delayed sending soldiers into strife-torn Detroit. The delays persisted despite pleas by Republican governor George Romney of Michigan and the Democratic mayor of Detroit.

When the troops finally were dispatched into the city (and they constituted only a fraction of the massive force President Kennedy used to overwhelm the small town of Oxford, Miss., in 1962) he employed a nationwide TV address to explain his extreme reluctance to employ federal troops.

Under the circumstances this explanation seemed peculiar. If there ever was an occasion for federal assistance, this was it. The troopers were requested by state and local authorities. The havoc being committed in Detroit was equal to what an external enemy of the United States might achieve in a massive bombing raid.

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Mr. Johnson apparently was trying to get off the hook with "civil rights" groups, but the vast majority of the American people are not political-minded "civil rights" activists. They are people who expect the President to assist the states in upholding law and order.

In the aftermath of the rioting, Mr. Johnson asked the country to pray for domestic peace. He also appointed an investigative committee to inquire into the cause of the riots.

Certainly prayer is in order as a proper avenue to reconciliation. On the other hand, Americans cannot overlook the fact that the liberal clergy is partly to blame for the disorders now shaking this nation. In recent years hundreds of liberal priests, ministers and Rabbis have given their endorsement to civil disobedience and to protest movements which trampled on municipal and state laws. In Selma, Ala., there was an invasion of clergymen from the North. One wonders: Where were these clerical voices of "conscience" when the rioting broke out in Detroit and other cities? How is it that Martin Luther King didn't invade the streets of Detroit to call for non-violence? There is a distinct smell of hypocrisy in this situation.

As for the presidential investigative Committee, no doubt the members, according to their lights, will search for answers. It would be a mistake, however, to expect much of the Committee. For instance, I refer you to the Warren Commission, so-called, to investigate the death of President Kennedy. The members of this Investigative Committee share in general the social outlook which has prevailed in places of power in the last generation. That is to say, they believe that uplifting of backward people and the ending of public discipline problems can be solved by massive federal expenditures. Thus it would be very surprising if the Committee came up with anything but a recommendation for vast increases in government anti-poverty spending.

President Johnson certainly has indicated his approach to the riot problem. He has spoken of the riots in Detroit, Newark and other cities in such a way as to employ these tragic situations as arguments for salvaging his Great Society programs. In other words, the American people have been listening to him hoping to hear a crystal clear demand for

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law and order, and instead they received a stone in the form of a political message for more big government spending in metropolitan centers.

The ordinary citizen in the aftermath of a period of savagery and rampant looting, certainly knows the score. It is likely that President Johnson will feel the sting of a real law and order backlash if he persists in trying to end street revolution by bowing to the blackmail of Negro militants who try to pressure the country by using fire bombs and snipers' bullets.

The third cause of riots is the preaching of civil disobedience and so-called "non-violent" resistance against society. The preachers of civil disobedience have gone so far as to say that "society" owes the Negroes what might be called 400 years of back pay -- and unfortunately many of the people believe them. Actually their ancestors were sold into slavery in the beginning by their own chiefs at the time. One of the clear thinking, clear headed Negroes in this country went to Africa not long ago, and after comparing the Negroes of that continent with the Negroes in this country, came back and said: "Thank God, my ancestors were sold into slavery."

Unfortunately, not many of the Negro leaders have that attitude. Too many of them have told the Negroes: "Obey those laws you think are just; don't obey those you think are unjust" -- thus advocating that each person decide for himself what is the law. Nothing could cause complete anarchy more quickly.

The fourth cause of the riots has been the invidious court decisions that have disarmed law enforcement and made law the protector of wickedness. These well known court decisions have diminished the law itself. Since the federal Brown decision of 1954 the law has abandoned its impartial majesty and become a tool of favoritism and social distortion.

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After all, what can you expect from the courts when the President nominates a man for the court of last resort -- the Supreme Court of the United States -- not because he was the best man available, but because by doing so he could gain a lot of votes from a minority bloc in the next election.

The fifth cause of riots which I should mention is no respector of race. It is the fact that perhaps criminal instincts lie hidden in the heart of man. All men must struggle with the grace of God to overcome their baser nature. Mob rule drowns the pangs of guilt and the objections of conscience, and makes an individual feel, erroneously of course, that he is not guilty of his acts. It is a warning that white mobs may yet be set against Negro mobs by the calculating manipulators abroad in the land. In fact, we saw some of this in Milwaukee last summer. It may get worse, not only in Milwaukee but in many other places.

We have heard and read much this past year about the "long, hot summer" ahead of us, indicating that it would be during that summer we would have riots and anarchy. No doubt we have many long, hot summers ahead of us. Governor Terry of Delaware told the Southern Governors Conference at Asheville last fall that the troubles of 1967 are not "any at all compared with what we are going to have next year." Governor Terry offered no solution except to say: "We must get ready for it, be prepared for it, stop it, or we are going to be taken over." He referred to Black Power agitator Rap Brown's threat of "the day of the atom bomb" — a statement which Terry said will be the "signal" when rioters "will come out with guns in every city across the nation," and that, Terry said, "will be a sad day unless we do something about it." He still didn't suggest what to do.

And so I go back to my opening statement that the mayors of the cities and the governors of the states should now issue proclamations loud and clear that the time has come to be firm, to be positive, in fact, to get tough. Unfortunately, this is the only language that law-breakers understand. They must proclaim that law and order must be preserved in this land by all people alike, that anyone caught using a Molotov cocktail or a sniper's rifle or looting a store will be shot on sight.

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Law enforcement officers are finally beginning to realize there is no other solution. The Chief of Police of Philadelphia issued such orders last fall; later the Chief of police of Miami, shortly before Christmas, issued similar orders, saying: "When the looting starts, then the shooting starts." Since then at least two Associated Press stories out of Miami have related the tremendous drop in crime since that order was issued. Not a single Negro has been shot by a Miami policeman since then -- but crimes of violence have shown a 70% drop. Surely, there is a lesson to be learned from this experience.

The time has come for action. And by action I don't mean rushing millions of dollars into riot-torn areas as a corrective measure -- I mean swift, vigorous police action, expedited trials and convictions when supported by the facts. Detroit, for instance, had received $100 million since 1960 for urban renewal, and $41 million in poverty funds. Detroit was a model city in those respects; yet there occurred the worst riot, the most people killed, the greatest property damage in any city in the land.

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Now we come to the second part of my speech, mainly centered, of course, on the burning, shooting and looting occasioned by the assassination of Martin Luther King Jr., on Thursday evening, April 4th. Law and order have been violated in more than 100 cities of this land during the past ten days, all of it triggered by King's death.

The man who killed Martin Luther King, Jr. committed a senseless, tragic crime. He violated law and order. He should be apprehended if possible, and brought to trial for his crime.

However, the country seems to have been caught up in an orgy of emotionalism since King's death, and many people have said many things and have done many things that are not supported by facts and reason. It is not too much to say, in fact, that Martin Luther King Jr. brought this crime upon himself. He went around over this country for years proclaiming his belief in non-violence and yet nearly everywhere he appeared and spoke it resulted in violence. One of his basic beliefs was that people were morally obligated to obey only those laws they thought just. He said they were not morally obligated to obey the laws they considered unjust. As I mentioned earlier in my talk, putting these beliefs into practice leads very quickly to complete anarchy.

What Martin Luther King should have realized in adopting this philosophy is that it might work both ways; in other words, his assassin may very well have said to himself, "I think Martin Luther King should be killed. I realize there is a law against murder, but in this case, I think the law is unjust." Anyway, we all know the result.

As Congressman John M. Ashbrook of Ohio said in his speech to the House last October 4, in speaking of King:

"While preaching non-violence, I believe the record clearly shows him to be an apostle of violence. While gaining major support from clergymen, I believe he has preached an expedient, totally materialistic line, which is the antithesis of religious teachings. He has openly associated with the most radical elements in our society. I believe he has done more for the Communist Party than any other person of this decade."

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Mr. Ashbrook went on at length to support these allegations and many others. He pointed out that King made a major speech on Vietnam just a year ago this month. He further said, "I believe that any thinking American who will study his (King's) words must conclude as I have that he is disloyal to the United States. He maligned his country with lies and accusations that came straight from the Communist Party line. A strange statement, you say. Listen to what he said. He praised Ho Chi Minh as the only true leader of the Vietnamese people. He condemned the United States as the 'greatest purveyor of violence in the world today' and likened our nation to Hitler's Germany. He..... threw out wild charges like the United States may have killed 1 million children in Vietnam..... He said we have no honorable intentions in Vietnam and our minimal expectation is to occupy it as an American colony. These are a few of the wild accusations of the Nobel Prize winner many people have been led to believe is a man of peace.

Even the Washington Post could not stomach King's blatant lies and propaganda. Roundly condemning King in an editorial headed 'A Tragedy,' the Post ended by saying: "Many who have listened to him with respect will never again accord him the same confidence. He has diminished his usefulness to his cause, to his country and to his people. And that is a great tragedy."

Early this year, following a meeting with Stokely Carmichael and other agitators in Washington, Martin Luther King promised that more American cities would go up in flames this summer unless -- and this is where the blackmail comes in -- unless the Congress does exactly the bidding of the Black Power movement. King was unable to put

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a precise pricetag upon this blackmail, but he said it would cost somewhere between ten and thirty billions of dollars to do it -- to give every Negro in America a guaranteed income, a "good" home, and, of course, "open housing." Failing to get all of this, he said, the Negroes of American plan to take to the streets this summer in fifteen major cities and countless smaller ones. "Our nation," King threatened, in -- what does he call it? -- his non-violent way, "will sink deeper and deeper into the tragic valley of chaos, and our cities will continue to go up in flames." Stokely Carmichael, standing nearby, just grinned.

Were these the words of a minister of the gospel, of a man of peace, a believer in non-violence? The answer has to be -- no, they were not.

Two years ago I made a two-months' trip to Rhodesia, South Africa, South West Africa and Liberia. Now I have just returned from a five-weeks' trip to South America, visiting eight countries including the Panama Canal Zone. The more I study the situation abroad and the more I study the situation in this country, the more convinced I am that we are overlooking the fundamental issue at hand in our emphasis on welfare measures; namely, that it is not the function of government to guarantee prosperity to everybody, provide our citizens with a guaranteed income, provide them with government-subsidized housing, etc. It is only the function of government to provide a favorable climate in which a citizen may prosper. Then it is up to the citizen himself to produce his own prosperity and provide for his own welfare. Anything that is given a citizen beyond this must be provided by charity, not by government.

Applying this to our present-day situation, let me say that it is not the function of government to give a man a job or see that a job is given him simply in order to see that a minority group is represented on a pro rata basis, or represented at all. A man should be employed simply because of his ability, because he is the best man for the job, and he should be paid accordingly.

Let me also say at this point that one group of students in our public schools should never be bused across the city to assure proportionate representation of either

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race in our schools. Common sense and logic should prevail here, not a foolish ideology.

Now, considering the events since April 4th, let's pick up two or three loose ends.

I mentioned Stokely Carmichael and Rap Brown earlier in my talk. Stokely Carmichael made some talks in Nashville before the students of the Negro universities in early April 1967. It was undoubtedly these talks that triggered the riots that shortly followed, the first Nashville had had. Not too long after that, Carmichael went to Cuba, then behind the Iron Curtain, and then to Hanoi, thus violating all passport rules as laid down by our State Department. However, the Attorney General of the United States did not see fit to take any action concerning him when he finally returned to this country. Since then he has conferred with civil rights leaders and been active in many ways -- still nothing has been done.

Rap Brown, who succeeded Carmichael as head of the SNCC, has been in jail for quite a while because he violated terms of the bail granted him by a federal judge in Richmond, Va., last September. He has been under arrest for this violation, and just the other day the federal judge turned down his plea to release him in the interest of racial harmony. You will note his plea to be released was not based on the fact that he legally should be released, but in the interest of racial harmony. To a defense attorney's suggestion that "We may be fiddling while our cities are burning," Judge Merhige made this significant and courageous reply: "Assuming the cities are burning, that makes it more important that the law must be obeyed. I'm not going to be bullied by kooks on one side or the other."

The Justice Department is finally investigating Stokely Carmichael's activities in recent days -- something they should have done and should have acted upon months ago. At a news conference in Washington, 14 hours after the death of Martin Luther King, Carmichael said Negroes would "have to get guns" and take to the streets to "retaliate for the (King) execution." Carmichael was on his way at the time to attend a court hearing in Richmond, Va., for Rap Brown on his bail appeal. He said further:

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"When White America killed Dr. King, it declared war on us. We have to retaliate for the execution of Dr. King.

"Black people know that their way is not by intellectual discussions. They know that they have to get guns. Our retaliation won't be in the court room but in the streets of America."

In other words, Carmichael denied completely that the Negroes of this country are controlled by the rules of law and order. However, Attorney General Ramsey Clark had nothing further to say about him in his TV interview on April 8 other than that federal investigators are checking his statements to see if "he may have violated .....any one of a number of statutes." This seems to me to be a very weak statement, a very immature approach to handling two of the most militant civil rights leaders in the country.

Now concerning federal troops, when the rioters camped on his own doorstep, President Johnson rather quickly got over his reluctance to use them, as was true in Detroit last summer. News reports are that more than 60,000 federal troops were called into service during the last several days, being mainly used in the cities of Washington, Chicago, Baltimore, and elsewhere in the North. Even so, in many cities for a period of time looting went uncontrolled, even on the main business street in Washington. It is too early yet to say whether the combined burning and looting and killing amounted to more than in the city of Detroit last summer, but there is hardly any question but that it did.

The assassination of Martin Luther King Jr. has been followed by an orgy of mob violence unprecedented in this country's history. The protest leader who espoused what he called a philosophy of "non-violence" left behind him a heritage of violence among his followers and admirers. As for flying flags at half-mast, as was done through Tuesday of last week, that, it seems to me, was very fitting -- not for the reason given, but because the nation has been shamed by savage rampaging such as good citizens never believed they would see in this proud nation. The death of one Negro soldier in the American armed forces in Viet Nam is a thousand times more worthy of flags being flown at half-mast than was the death of Martin Luther King Jr.

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14.

This heritage of violence is no doubt led by a relatively small percentage of the Negro people; in fact, joined in altogether by only a minority of the colored population. However, that only makes the situation more tragic, in that a small part might destroy the whole. What we must all realize in this land, both blacks and whites, is that we must observe all the rules of law and order if we are to continue to live under the kind of government left us by our forefathers.

All people in this country must realize that this is a land of liberty, not a land of license; that this is a land where laws must be respected, not violated; that this is a land where each man is free to carve out his own destiny and choose his own future so long as he harms no one else in the process; that this is a land where a man's value is not determined by his race and his color, but by what he has contributed and is contributing toward making this a decent, law-abiding society in a free nation.

Mr. EVANS. The committee's investigation also determined that the intellectual milieu of the Southern States Industrial Council had been touched by the publicly expressed opinions of J. Edgar Hoover. Mr. Hoover's statements on the efforts of the Communist Party to infiltrate the "Negro movement" were approvingly quoted in the Council's 1967 "declaration of policy."

Mr. Chairman, I think it would be appropriate to have that "declaration" inserted into the record as MLK exhibit F-578A.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

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MLK Exhibit F-578A

A DECLARATION OF POLICY 1967

Adopted by the
Board of Directors
of the
Southern States Industrial Council

At its Annual Meeting
The Homestead
Hot Springs, Virginia
June 1-2-3, 1967

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SOUTHERN STATES INDUSTRIAL COUNCIL

Organized in 1933, the Southern States Industrial Council officially represents the sixteen Southern State area from Texas to Maryland inclusive.

Members of the Council come from all lines of professions and of business and industry in the South—large and small. It also has many members from outside its region. The Council is operated as a non-profit business association and corporate dues are tax-deductible as a business expense.

The fundamental purpose of the Southern States Industrial Council is to restore and preserve to future generations the traditional American free enterprise system which is the basis of our strength as a nation—and which is the product of freedom itself. The Council is entirely non-partisan, dealing only with principles and not with political parties.

The special function of the Council is to represent the voice of free enterprise from the conservative Southern viewpoint. This Southern viewpoint has been a stabilizing influence in the life of the nation, particularly in recent years, and bids fair to continue so in the years ahead.

There is a great body of sound, conservative thinking in the South that has unswervingly supported the basic principles of our form of government—the rights of local and state governments and the freedom of the individual.

This thinking has not submitted to centralized government, it has not been misled by federal aid, it has held fast to basic economic principles. It is this thinking to which the Council gives unified utterance.

Organized on a regional basis, the Council can only speak for the South as a region, but the work it is doing is in the interest of the whole nation—the preservation of free enterprise is just as important to one part of the nation as another.

For further information address:

SOUTHERN STATES INDUSTRIAL COUNCIL
WILLIAM LOWNDES, President
1103-1111 Stahlman Building
Nashville, Tennessee 37201

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A DECLARATION OF POLICY

"IN GOD WE TRUST"

We cherish the fact that our beloved country is deeply rooted in religious faith. This we attribute to the wise and virtuous men who established themselves upon this land through individual enterprise and self-reliance while unashamedly acknowledging God as the ultimate source of their strength and the author of all their blessings.

The Council is gravely concerned and disturbed at many of the changes now taking place in the life of our nation, including the growing secularism of the people. This lamentable trend is—in effect—sanctioned and abetted by court-directed assaults upon the free practice of religion.

Therefore, the Southern States Industrial Council takes this opportunity—solemnly and humbly—to reaffirm its unalterable faith in Almighty God.

I. FOREIGN AFFAIRS

Support a foreign policy which will protect America's sovereignty, security and independence.

National Sovereignty:

Sovereignty, Nationalism, Patriotism, Individual Liberty—these are the living principles under which this Nation has come into being, and, for more than a century and a half, has grown and prospered.

In recent years, we have been witnesses to the progressive weakening and undermining of these basic principles. Our Sovereignty has been impaired. Nationalism has come into considerable popular disfavor. Patriotism is not as highly revered as it once was. Individual Liberty is being constantly eroded by actions of our national government.

The Council reaffirms its unalterable opposition to these trends. It commends the Senate for its refusal to ratify the United Nations-sponsored Genocide Convention and urges it to take similar action when and if the Declaration of Human Rights—also United Nations sponsored—is submitted.

The Council also opposes repeal of the Connally Reservation restricting the jurisdiction of the World Court and urges the Senate Foreign Relations Committee to shelve this proposal, as it did in 1960, should it be brought up again.

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The United Nations:

Since the United Nations came into being, ostensibly as a mechanism for promoting world peace, the government of the United States has made support of the U. N. a keystone of our foreign policy.

The high hopes which inspired this support have ended in disappointment, and serious doubt now exists as to whether "peace" is a real and foremost objective of most U.N. members.

In addition, the character, composition, and activities of the World organization have radically changed. This is due to the influx of new African and Asian "nations." Each of them has the same voting power in the U. N. Assembly as does the United States and hence they are in a position to dominate the U. N.

In view of the foregoing, the Council feels that the United States should consider withdrawing totally from the U. N. and from all participation in U. N.-sponsored activities and organizations. It also requests that U. N. headquarters be removed from the U. S.

Sanctions Against Rhodesia:

The Council condemns in the strongest possible terms the shameful action of our own government in imposing a U. N.-sponsored trade embargo upon Rhodesia. Such action is not only contrary to the American tradition of self-determination; it could easily lead to the involvement of this Nation in a war in which the United States would be fighting on the side of barbarism and chaos and against civilization. We earnestly urge the Congress to take whatever steps may be available to it to end this intolerable situation.

Foreign Aid:

The Council notes with satisfaction the growing disenchantment with foreign aid. It has never believed it possible to buy reliable friends and allies. Furthermore, the Council specifically rejects any further aid to Socialist or Communist countries.

We believe our government should avoid dissipation of the Nation's resources in futile attempts to raise the living standards of vast segments of the world's evergrowing population. We believe that all such ill-conceived attempts are foredoomed to failure, and, by raising false hopes, make more enemies than friends.

The Council favors the substantial annual reduction of foreign economic aid with a view to its early elimination and a continuing review of our policy of military aid.

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International Trade:

The power to regulate foreign commerce is expressly and exclusively vested in Congress by paragraph (3), Section 8, Article 1 of the Constitution, which says: "The Congress shall have the power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

The Council urges:

1. The restoration of Congress' authority over tariff-making.
2. Elimination of the balance of payments deficits and the drain on our gold reserves.
3. An immediate review of the entire Trade Agreements program with a view to such rate adjustments and/or the imposition of such quotas as are necessary to protect American producers and workers from unreasonable and unfair competition based upon cheap foreign labor. This should include a prohibition against dumping of foreign produced materials in this country at prices lower than those charged in the producing home markets.
4. Rejection of the idea of government subsidies for domestic industries injured by the Trade Agreements program.
5. The establishment of a joint watchdog committee comprised of members of the Ways and Means and Senate Finance committees to keep constant watch over the effects of imports upon U. S. industries, including employment, profits and prices.
6. An immediate elimination of all trade with Communist nations.

The council applauds our government for imposing a complete embargo on trade with Red China and urges that it be maintained.

Protection of Foreign Investments:

Investment of United States private capital in foreign countries should be protected through agreements fostered by our government. Such agreements should guarantee fair and non-discriminatory treatment of present and future investments, provide firm assurance against expropriation without adequate and prompt compensation, and permit investors to repatriate their earnings. The Council calls upon our government to adopt, without delay, whatever legal measures may be necessary to accomplish these aims.

Monroe Doctrine:

The Monroe Doctrine states in part:

"We owe it, therefore, to candor and to the amicable relations existing between the United States and these (European) powers, to

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declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety."

The evil and malevolent system of Communism is now firmly entrenched on the island of Cuba, from which it is spreading to other Latin American countries. Instead of resisting this sinister development with all the power at its command, our government treats Cuba as an inviolable Communist sanctuary and orders a wrong-way blockade against Fighters for Freedom instead of against Castro.

The Council favors the prompt, stern invoking of the Monroe Doctrine in the case of Cuba and other threatened Latin American countries and enforcing it.

Isthmian Canal Policies:

A major objective of the Communist conspiracy in this hemisphere is to gain control over the Panama Canal. The Council urges Congress not to surrender, in any degree, United States ownership of, jurisdiction over, and control of the Canal Zone to Panama or any other nation or international body.

Immigration:

The test of any immigration policy should be, what is best for America? Measured by this test, it remains to be seen whether the new immigration law of 1965 represents any improvement over the McCarran-Walter Act, which it supplanted. The Council doubts that it will, primarily because the new law contains no provision—as did the McCarran-Walter Act—for a National Origins Quota System.

Viet Nam:

The Council supports the efforts of the President to turn back and defeat the Communist drive on South Viet Nam. However the Council disapproves the simultaneous diplomatic "Peace Offensive" which weakens and sometimes contradicts the military effort there. The objective of war is not "negotiation" but victory over the aggressor, and judging by past U. S. losses at the conference table, "negotiation" might well allow the Communists to achieve by guile what they have failed to gain by force. The Council favors the use of all appropriate means to destroy the Viet Cong and—if necessary—to overthrow its Communist masters in Hanoi or wherever located.

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II. NATIONAL DEFENSE

Maintain an adequate defense—strong and balanced armed forces—maintain always a military superiority over our enemies.

Disarmament:

Any unilateral or unverified program of disarmament would be suicidal. The Council is, therefore, opposed to any form of disarmament, whether it be by treaty—such as the Nuclear Test Ban Treaty—or by executive order—such as the failure to develop adequate new strategic weapons systems for future defense needs in land, sea, air or space.

Test Ban Treaty Safeguards:

Before the ratification of the Test Ban Treaty, the numerous risks and hazards of the pact were admitted by the Administration *then in power*, but strenuous promises were made that all necessary steps would be taken to reduce them to the lowest possible level. Nothing of the sort has been done. Therefore, the Council calls upon the Johnson Administration to take positive action to ensure national security against the dangers inherent in the unpoliced Nuclear Test Ban.

Arms Control and Disarmament Agency:

The Council feels that the U. S. Arms Control and Disarmament Agency has proven itself utterly useless and futile. It should be abolished.

Over-Extension of Forces:

The Council notes with growing concern our increasing military commitments around the world. We are now formally committed to the protection of the freedom of over 40 Nations. Secretary of State Rusk has stated—in effect—that there is no limit to our role as world policeman. The Council seriously questions the wisdom of any such attempted role and feels that the end result could be catastrophic.

III. SUBVERSIVE ACTIVITIES

Opposition to Subversive Activities:

The Council reaffirms its unalterable hostility to Communism, Socialism, or any form of totalitarian government, and favors the exposure and eradication of similar subversion wherever it exists.

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Loyalty Oath:

The Council is unable to discern any valid reason why American college students, whose education is being paid for by the taxpayers, or anyone else receiving Federal funds, should object to taking an oath of loyalty to their own country. We express the hope that this oath will be preserved and, if necessary, strengthened.

Communist Infiltration:

The late Chairman of the House Committee on Un-American Activities, the Honorable Francis E. Walter, once said:

> "... (the Communists) objective remains the same: destruction of all free societies, conquest of the world and the enslavement of mankind. The battlefields are every institution and organization of society, including the home, the church, the school and every agency of our government."

The Council urges Congress to pass legislation that would compel the summary discharge of any non-elective Federal employee upon a written finding and certification by the FBI to the agency concerned that reasonable doubt exists as to the loyalty of such employee to the United States. Government employment is a privilege, not a right.

Infiltration of the Peace Movement:

It is apparent to even the casual observer that the numerous "peace" groups demonstrating throughout the land are not pacifist in nature but are actually in favor of a military victory by the Communists in Viet Nam. When viewed within the context of the current Communist Party Line, it is also obvious that the so-called Peace Groups are giving aid and comfort to the Communist enemy. The Council urges immediate Congressional investigation of the Peace Movement.

The Council further calls on the Justice Department to prosecute those persons who violate the Selective Service Act by urging young Americans not to serve in the Armed Forces.

Civil Rights and Civil Wrongs:

The Council views with grave concern the mounting violence and lawlessness ostensibly carried out in support of various aspects of the so-called civil rights program. It views with even greater alarm and misgivings the actions of the President and other high officials and members of Congress of both parties and the Supreme Court in not only failing to oppose and condemn such violence and open disregard of State and local laws, but actually encouraging and condoning it.

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Crime:

The Council views with alarm recent Supreme Court decisions—Mallory, Escobedo, and Miranda cases—which have had the net effect of barring criminal confessions under almost all conceivable circumstances, thus allowing the guilty to go free. The Council supports legislation to correct this situation.

Infiltration of the Racial Movement:

On April 22, 1964, J. Edgar Hoover, Director of the Federal Bureau of Investigation, stated:

"The Communist Party is attempting to use the Negro movement, as it does everything else, to promote its own interest rather than the welfare of those to whom it directs its agitation and propaganda. . . .

"The number of Communist Party recruits which may be attracted from the large Negro racial groups in this nation is not the important thing. The old Communist principle still holds:

'Communism must be built with non-Communist hands.'

"We do know that Communist influence does exist in the Negro movement *and it is this influence which is vitally important.* It can be the means through which large masses are caused to lose perspective on the issues involved and, without realizing it, succumb to the Party's propaganda lures."

The Council, therefore, urgently calls for an immediate Congressional investigation into the Communist infiltration of the Negro movement in the United States.

FBI Succession:

The Council supports legislation to make future appointees as Director of the FBI subject to Senate confirmation.

Biased News Media:

The Council notes with sadness and concern the continued flagrant bias on the part of much of the Nation's press, radio and television media in reporting on Southern race relations. In the opinion of the Council, such reporting—some of it thoughtless and irresponsible—some of it plainly malicious—does not help and frequently hurts the cause of restoring harmonious relations between the white and Negro races in the South and elsewhere. It calls upon the news and opinion media of the Nation to get back to honest, objective reporting.

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IV. RIGHTS OF THE INDIVIDUAL

Protect in every way the rights of the individual as guaranteed by the Constitution. These fundamental rights are inherent in every citizen and must be preserved inviolate.

Unalienable Rights:

The Bill of Rights of the U. S. Constitution is based upon the philosophy, first proclaimed in the Declaration of Independence, that all men are endowed by their Creator with certain unalienable rights.

This philosophy is directly contrary to the totalitarian principle that man's rights are conferred upon him by government and that what government gives, it may also take away.

The Council rejects as inimical to the rights and dignity of man the whole socialistic, leveling down philosophy of the welfare state.

Firearms Control:

The Council looks with apprehension upon the firearms control and registration bills being considered by Congress. The Council emphatically rejects all firearms control laws, no matter at what level of government or what the purpose. Such laws cannot impair the criminal's use of arms. The criminal will obtain firearms illegally if he desires them, whereas the freedom of law-abiding citizens to keep and bear arms would be restricted.

V. STATES' RIGHTS

Safeguard the rights of individual States by holding the Federal Government to the delegated power as specified in the Federal Constitution and to the statutory procedure in administering that power.

The Republic:

Our Constitutional fathers, familiar with the strength and weakness of both autocracy and democracy, with fixed principles definitely in mind, established a representative republican form of government. They made a very marked distinction between a republic and a democracy and said repeatedly and emphatically that they had founded a republic.

These men knew full well the dangers of a democracy, and never intended that we should have one. Our pledge of allegiance refers to the flag "and to the Republic for which it stands." When Benjamin Franklin came out of the Constitutional Convention on Sept. 17, 1787, he was asked, "Well, Mr. Franklin, what have we got?" His answer was, "You have a Republic, if you can keep it."

The Council believes that the time is here when the American people must reaffirm their desire to retain a Republic.

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Big Government:

The Council notes with extreme concern the ever increasing size, cost and power of the Federal Government, and urges citizens in and out of Congress to take a determined stand against its continued expansion.

Apportionment and Reapportionment:

The Council supports immediate Federal legislation to withdraw from the Supreme Court of the United States appellate jurisdiction in apportionment and reapportionment cases and also to deny jurisdiction to the U. S. District Courts to entertain any petition or complaint seeking apportionment or reapportionment.

The Council also supports Senator Dirksen's determination to amend the Constitution to provide that in all States having two-House legislatures, members of one House may be chosen on a geographical or other non-population basis.

Prayer and Bible Reading:

The Council decries the Communist-inspired drift towards atheism, and urges Congress to provide that the Bible may be read and prayers offered in the public schools with voluntary participation. The Council further believes that prayer in the public schools and public ceremonies should be encouraged rather than forbidden.

Another Road to Socialism:

As one means of promoting more rapid economic growth, it has been suggested that a larger share of our total earnings and resources be channeled by the Government into public, as distinguished from private, investment. The Council opposes this notion as leading to bigger, more centralized government, more intervention and control, and outright socialism as the ultimate, if not avowed, goal.

The Conservative Coalition:

The Council commends and pays respectful tribute to the conservative coalition in Congress and pledges its continued support. It especially commends the coalition in the Senate for defeating repeal of Section 14(b) of the Taft-Hartley Act.

Education:

The Council believes that a return to the fundamentals of education is long overdue, that the public school system should remain under local control and that it, along with the home and the church, should constitute a strong first line of defense against subversive attack from whatever source.

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Federal Aid to Education:

The Council opposes Federal aid to education because, whatever may be said, Federal aid has always meant and will and must always mean, Federal control which enables thought molding on a national scale by whatever small group has control of the Administrative Branch of the Federal Government. The potential evils of such power are obvious.

Guide Lines:

In the opinion of the Council, the action of the Department of Health, Education and Welfare in attempting to make compliance with so-called integration "Guidelines" a condition of receiving public tax funds is both dishonest and a perversion of the intent of Congress. The Council calls upon Congress for relief from this bureaucratic edict.

Supreme Court:

The duty of the Supreme Court is to determine what the law is, not to set itself up as a third legislative chamber. It also has a duty to avoid Federal judicial involvement in matters tradionally left to State legislative policy making. The Council earnestly urges Congress to:

1. Propose a constitutional amendment vesting exclusive control of the public schools in the States and their political subdivisions; and

2. Pass legislation to restore the balance of power among the three branches of the Federal Government and between the Federal Government and the States.

The Council also believes that the Supreme Court is misinterpreting and mis-applying the general welfare clause of the Preamble to the Constitution, as well as the 10th Amendment reserving to the States or the people all powers not specifically delegated to the Federal Government.

The Council further holds the view that no one should be appointed to the Supreme Court who has not had at least five years prior appellate judicial experience.

Federal Preemption:

The Council supports Federal legislation to require that no act of Congress shall be construed as indicating an intent on the part of Congress to occupy the field in which such act operates, to the exclusion of State laws on the same subject matter, unless such act contains an express provision to that effect.

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Force Bills:

The Council profoundly resents the action of Congress in passing, and the Supreme Court in upholding, P. L. 89-110, the so-called Voting Rights Act of 1965. Born of hate, hysteria and hypocrisy, this law reimposes reconstruction on certain States of the South with no appeal to the local courts. It does this by requiring these States to entreat Federal authorities for approval of local laws before they can become effective. As Mr. Justice Black said in his dissenting opinion: "Any State or States treated in this way are little more than conquered provinces."

The Council opposes so-called Federal civil rights legislation as a further unwarranted encroachment by the Federal Government upon the rights of the individual citizen, the State and local communities. It also opposes—and for the same reason—executive action in this area.

Presidential Electors:

The Council recognizes the right of the several States to appoint Presidential electors as they choose, but favors the principle that such electors shall be chosen in the same manner and upon the same basis as are members of Congress.

VI. GOVERNMENT ECONOMIC POLICY

Promote honesty, economy and efficiency in government—Federal, State, and local.

Fiscal Policy:

The national debt now amounts to $331 billion, up $8 billion from last year. This does not include government-guaranteed loans and other contingent liabilities, conservatively estimated to aggregate more than $1¼ trillion.

Notwithstanding the recent tax reduction, taxes are still far too high. In some States having State income taxes, the combined Federal-State rates actually exceed confiscatory levels.

In the light of these facts, the Council urges the Congress to take the following action:

1. Reduce the Federal budget by reducing expenditures that are not essential to the functioning of the government as defined in the Constitution.
2. Avoid any further increase in the debt ceiling and the contracting of any further obligations outside this ceiling.

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3. Approve an amendment to the Constitution limiting Federal expenditures to receipts in time of peace.
4. Limit Federal income tax rates by Constitutional amendment except in time of war.
5. Provide for a return to a convertible gold coin standard and the liquidation of the present managed currency system.
6. Approve an amendment to the Constitution requiring reduction in the national debt except in time of war or congressionally-declared state of emergency.

Inflation:

We have had a deficit in our national budget for 31 of the past 37 years. This is largely responsible for the 58 per cent decline in the purchasing power of the dollar and this decline is accelerating.

The deficit for the current fiscal year (ending June 30) is estimated at over $11 billion, while President Johnson estimated next year's deficit at $8.1 billion—a figure generally regarded as highly unrealistic in view of the increasing costs of the "Great Society" and the war in Viet Nam. In these circumstances, the Council recommends a substantial cut-back in "Great Society" spending. We do not believe that a tax increase would be significantly deflationary since it would only reroute funds from private to public spenders.

The New Economics:

While the Council recognizes that, as with a family going into debt to meet living expenses, the day of reckoning may be postponed for a time, it rejects the whole of the so-called "New Economics" as a cynical, cruel and demogogic hoax designed primarily to gain votes.

Depressed Areas—Appalachia:

The Council reaffirms its opposition to this type of legislation, the cost of which will run into the billions. It suggests that a meaningful solution of the problem of depressed areas and regions will not be found in subsidized Federal pump-priming; rather it will be found in the dynamic workings of the free enterprise system.

The Federal Reserve System:

To have a sound monetary, credit and fiscal policy, it is essential that the Federal Reserve System continue to function as an independent agency.

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Subsidies:

In general, Federal subsidies, including rent subsidies, are politically motivated. They also make for additional Federal controls. The Council believes that the general welfare will be best served by the progressive elimination of all subsidies, except where necessary to the national defense.

In addition, the Council favors a fair and equitable user charge to be paid by those industries which use publicly-financed facilities and which compete with other industries which do not use such facilities.

Agriculture:

One of the largest and most expensive of our many ventures into welfare statism is the farm program which resulted in the accumulation of vast surpluses and the loss of billions of dollars annually. Now these surpluses (except in the case of cotton and tobacco) have largely disappeared due to the food give-away programs in India and elsewhere and the U. S. may face a shortage of feed grains notwithstanding the 15 per cent increase in acreage recently ordered.

The Council feels that this situation offers a unique opportunity for the government to make at least a beginning towards freeing the farmers from the bureaucratic stranglehold under which they have operated these many years. It urges prompt revision of the laws governing agricultural production and marketing with a view to returning control to the farmer; restoring the law of supply and demand, not only for what the farmer has to sell but for what he has to buy; and giving farmers and consumers the benefit of a free, unrigged market.

Joint Committee on the Budget:

It is beyond the ability of Congress as presently organized to inform itself as to each of the items in the budget and to know which can be eliminated or reduced without injury to essential public services. To remedy this and to restore to Congress control of spending, the Council recommends the establishing of a joint House-Senate Committee with an adequate staff to make a continuing study of the budget and advise Congress.

Back Door Approach to the Treasury:

The Constitution of the United States provides that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." Notwithstanding this clear prohibition, the practice has grown in recent years of authorizing the heads of government agencies to go directly to the Treasury for their money without further appropriations action by Congress. The Council urges an end to this unconstitutional and irresponsible practice.

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One General Expenditure Authorization Act For Each Fiscal Year:

The need for reform in Congressional procedures for enactment of spending legislation is obvious. Congress has lost control over Federal expenditures and acts on spending bills without relating them to revenue and without knowing whether it is creating a deficit or surplus. Partly as a consequence, deficit financing has been the rule—not the exception—for more than a quarter of a century. The Council advocates one general expenditure authorization for each fiscal year.

Uses for Non-Convertible Currencies:

As a result of food sales and the counterpart funds generated by the foreign aid programs, the U. S. Government now owns billions of dollars worth of non-convertible currencies. Both as a means of economizing in the expenditure of dollars and to help our balance of payments deficit, the Council favors:

1. The use of these non-convertible currencies in payment of the cost of any U. S. activities and other foreign commitments in the respective countries; and
2. Sale of these currencies to U. S. tourists for use in the countries of origin.

Department of Housing and Urban Development:

The Council opposed this primarily for the reason that it would further increase the power of the Federal Government over municipalities. It believes that towns and cities should be encouraged to finance their own development and work with state governments before looking to Washington for assistance and planning.

VII. FEDERAL AND STATE TAXES

Help develop an equitable tax system that will restrict the Federal Government to its proper Constitutional functions, reserve certain sources of taxation to the State and local government, broaden the tax base, eliminate the double taxation of corporate dividends, and provide equality of taxation to all competing business enterprises.

Constitutional Limitation of Federal Taxes:

The Council submits that a fixed ceiling on the rate at which Federal income, estate, and gift taxes can be levied and collected, except on income taxes in time of war, should be written into the Constitution.

The unlimited power to tax presently exercised by the Federal Government is socializing earnings, preventing the formation of risk capital, and destroying the profit incentive. It is also taking away important sources of revenue which should be reserved for the State and local governments.

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State Sharing in Federal Income Tax:

The governors have requested the President to initiate a study of how the States should share in the Federal income tax. In the opinion of the Council, any such sharing would make the States even more dependent than they now are on Federal revenues and this should be avoided. However, if a Federal sharing plan is adopted, the Council holds that the states should be reimbursed in proportion to the amount collected by the Federal Government from each state.

Double Taxation of Corporate Dividends:

Individuals should be exempt from Federal taxation of that portion of their income derived from corporate dividends, since such income has already been taxed once to the corporation. The Council urges Congress to take appropriate action to correct this inequity.

Tax Equality:

In the interest of free and fair competition, the Council urges Congress to plug the remaining loopholes in those laws which give cooperatives, credit unions, and similar businesses an unfair tax advantage.

Capital Gains Tax:

This tax retards the free flow of investment capital and has a stifling effect on our economy. It should be repealed, thus permitting such gains to remain tax free for reinvestment.

Adequate Allowance for Depreciation:

During a period of inflation the cost of replacing worn-out or obsolete buildings and equipment is much more than the amount allowed as a charge to depreciation under present Federal tax laws. This is particularly harmful when taxes are taking more than 50 percent of the profits earned by many businesses.

We urge that Congress establish a current value formula for determining depreciation based upon the current cost of replacement.

Investment Tax Credit:

The Council commends the President for recommending and the Congress for passing a measure to restore the 7 per cent tax credit for machinery and equipment and the tax benefits of accelerated depreciation of commercial buildings.

Depletion Allowances:

The Council supports the principle that industries based upon the extraction of exhaustible resources should be allowed adequate depletion allowances.

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No Censorship by Taxation:

The Council believes that contributions and expenditures by business enterprises to support or oppose legislation at all levels of government should be deductible as ordinary and necessary business expenses for Federal income tax purposes.

State Taxation of Interstate Commerce:

The Council urges the States to get together and formulate and adopt uniform standards in this field.

VIII. PRIVATE ENTERPRISE

Government competition with private enterprise is contrary to the principles upon which our economic system rests and should be eliminated.

Socialization of Commerce and Industry:

The Council opposes government competition with taxpaying private enterprise in all fields of endeavor, including but not limited to transportation, home building, home financing, banking, consumer financing, insurance, fertilizer, and other manufacturing. In particular, the Council opposes government encroachment into the electric power business by such governmental agencies as the Tennessee Valley Authority, Bonneville Power Administration, Southwestern Power Administration, Southeastern Power Administration, and Rural Electrification Administration.

The Rural Electrification Administration was authorized some 30 years ago and was empowered to make loans for rural electrification to persons in rural areas who at that time were not receiving central station service.

The REA loans money to the Rural Electric Cooperatives at 2% interest and on terms up to 35 years. Cost of this money is considerably less than the cost of money to the government. This means that the Rural Electric Cooperatives are being subsidized by all the taxpayers in the country and, in addition, they are income tax exempt.

The Council urges Congress to discontinue financing rural electric cooperatives by ceasing to appropriate tax money for REA. Since 98% of the farms in America now have electricity available, there is no reason to continue appropriating millions of dollars which this bureaucratic agency seeks in order to expand its public power operations far beyond what it was originally commissioned by Congress to do.

The Council calls on Congress to phase out REA which has completed the job for which it was created and, in the meantime, insist that it be compelled to operate within the law.

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The Function of Profits:

Profits and the concomitant risk of loss are what make the free enterprise system run, the dynamic, driving force of industrial progress. Without profits there would be no investment to provide new jobs and additional opportunities for the growing work force of an expanding population. A no-profit economy inevitably results in a socialistic economy.

The Council deplores the government policy of attempting to influence wages and prices.

Business Size and the Public Interest:

American industry and business have evolved over the years in response to the changing needs and desires of the consuming public. The Council favors fair and effective enforcement of the anti-trust laws, but rejects the yardstick of mere size as a criterion of monopoly, undue concentration, or lack of competition.

Administered Prices and Wages:

There is no justification for Federal interference with management's price-making procedures on the basis of company size in relation to its particular industry, or any other basis. The Council also believes that individual sellers should be left free to meet price and other forms of competition, and that price controls of any sort including wage and price "guidelines" are unnecessary and harmful.

Truth in Lending and Packaging:

The Council believes that regulation of consumer credit and other so-called consumer safeguards including so-called "Regulation W" controls proposed by the President and/or Congress are properly functions of the States and not of the Federal Government.

Natural Gas:

Since the production of natural gas is not a monopoly, it is desirable that legislation be enacted to remove producers of natural gas from rate regulation in accordance with the principles of our free enterprise system.

Railroads:

The usefulness of the Nation's railroads to shippers and to national defense is definitely handicapped by inequitable regulatory laws, by discrimination in taxation by state and local communities, and by enormous government expenditures for the benefit of other modes of transportation, sometimes at no cost to the mode of transportation receiving the benefit. These policies prevent the maximum utilization of one of the Nation's most vital resources and add billions of dollars each year to the public's transportation bill. Continuation of

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present regulatory practices prevents the railroad from lowering transportation rates, thereby impairing the financial health of the railroads by depriving them of traffic they can handle at a profit and placing an unreasonable burden of transportation charges on the shipping public.

The Council accordingly requests in the national interest prompt action by the Congress to correct regulatory laws which impair the efficiency of the railroads and prevent them from passing on the benefits of lower cost transportation to the public. It further requests that the Congress and state legislatures enact legislation to recover the public expenditures from the modes of transportation that receive the benefits from such expenditures in order that the competitive inequality forced on the railroads be alleviated.

It further requests that inequitable taxation be removed, particularly that with respect to assessments by state and local authorities of railroad properties at higher levels than the comparable properties of others.

Federal Licensing of Corporations:

The Council is opposed to the Federal licensing of corporations as a condition to engaging in interstate and foreign commerce as an unwarranted extension of the Federal power.

Furthermore, the Council is opposed to the Federal Communications Commission's so-called "fairness doctrine" concerning the presentation of the conservative viewpoint over radio and TV as an infringement of free speech.

Atomic Power:

The Council believes that atomic plants for generating electricity should be built and operated by private enterprise.

Federal Control of the Transmission of Electric Energy:

The Council opposes the construction of a national Federally-controlled network for the transmission of electrical energy so as to interconnect Federal power marketing agencies through the use of Federal appropriations, power revenues, loans or grants, or funds available to State power authorities or other State or local agencies. The Council further opposes turning Federal transmission lines into so-called common carrier transmission lines. Inevitably this will lead to the requirement that all non-federally owned transmission lines become common carriers with the result that the Fedral Government will then effectively control the transmission of electric energy nationally, regardless of source or ownership.

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The authority to preserve and protect the public lands and any regulations purporting to be issued thereunder should not be misused to advance the Federal power operations nor to hamper the planning, construction and operation of non-Federal transmission lines.

IX. SOCIAL WELFARE

Oppose those government plans which destroy individual initiative and self-reliance.

Socialized Medicine:

The Council continues to oppose any program of compulsory health insurance, including social security-connected hospital care for the aged. It believes that Medicare will prove a serious disappointment to those it is intended to benefit and will result in a general deterioration of the quality of medical care and increased expenses.

War On Poverty:

Our nation was founded on the Christian principle of individual freedom, the right and the responsibility of the individual to work out his own destiny and to choose his own future. The proper function of government is to provide a climate favorable to freedom, initiative and growth, leaving to the individual the largest possible area for development. Furthermore, the Council believes that direct relief, when necessary, is the responsibility of the States and localities. For these reasons the Council advocates the elimination of the Federal Government from this field.

Public Housing—Urban Renewal:

The Council opposes subsidized public housing because it uses the taxes paid by all the people for the benefit of a few. In particular, it condemns the abuse of the power of eminent domain to seize homes and other private property, which are then resold, below cost, to private developers. Slums are created by people and could be minimized if local governments would adopt and enforce decent housing codes.

Unemployment and Workmen's Compensation:

The States should have maximum latitude in the solution of unemployment problems peculiar to their localities. The Council strongly opposes any Federalization of the unemployment program, or workmen's compensation program, including Federal payment of benefits or the imposition of Federal standards for the payment thereof.

Job Corps Program:

The Council does not believe that this program will solve the problem of untrained young people. The young people of America need to

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work in free enterprise organizations, not in any form of Federal labor battalions. But they must first receive at least an elementary education and some vocational training. The Council believes that such a program under State control would be far more productive of the desired results than temporary service in Federal job corps.

X. LABOR RELATIONS

Protect the rights of the individual worker and the general welfare of the people by opposing compulsory and monopoly unionism and by advocating State control of strikes and picketing.

Compulsory and Monopoly Unionism—Industry-Wide Bargaining—State Control of Strikes and Picketing:

The Council believes that the privilege of seeking and keeping employment, with or without union affiliation, is a birthright of every American citizen guaranteed by the Constitution.

Under existing Federal law permitting the imposition of the union shop, the individual worker may be compelled to join the union in order to keep his job. Present law also permits industry-wide bargaining and industry-wide strikes. This further limits the worker's freedom of choice and gives to a few union officials the power to paralyze the industrial life of the Nation. To remedy this situation, at least in part, the Council advocates:

1. That the States be allowed to exercise their constitutional authority to deal with strikes, picketing and boycotts and that this power not be usurped by the Federal Government.
2. That Federal anti-trust laws be made to apply to unions as they now apply to industry and business;
3. That strikes be made subject to control of the bargaining unit by secret ballot of membership after consideration of the employer's last negotiated best offer;
4. That picketing for organizational purposes be made an unfair labor practice;
5. That existing restrictions against secondary boycotts be retained and strengthened;
6. That compulsory check-off of union dues be prohibited: whenever check-off of any nature is allowed, that the employee be permitted to terminate the check-off agreement on exactly the same basis that was used in agreeing to the check-off;
7. That all union officials be elected rather than appointed, such elections to be held regularly by secret ballot.

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National Labor Relations Board:

The NLRB has completely lost any inclination to act as an impartial, judicial body. Instead it has become a policy-making tribunal which is blatantly pro-union and anti-employer and anti-free enterprise. The whole concept of "administrative" justice is fallacious and unworkable. The Council believes that the NLRB should be abolished and legislation passed to replace it with a labor court similar to a federal tax court.

Right to Work:

The Council is opposed to all forms of compulsory unionism, including the closed, union, and so-called agency shops. It supports State Right-to-Work laws, and opposes repeal of Section 14(b) of the Taft-Hartley Act, which authorizes them.

Common Situs Picketing:

The Council feels that existing Taft-Hartley prohibition against secondary boycotts at construction sites should be retained.

Strike Violence and Lawlessness:

The use of physical force, threats, violence and mass picketing interferes with the employee's freedom of choice and should not be permitted. Conscientious and fearless enforcement of the law at State and local levels would largely eliminate these evils. In many instances, public officials, charged under their oath of office with law enforcement, have been grossly derelict in their duties.

Fair Labor Standards, Walsh-Healey and Bacon-Davis Acts:

The Council opposes government wage and price fixing on principle. However, so long as the present Wage-Hour law is on the books, minima established under it should also become the minima for employees engaged in work on government contracts.

The maladministration of the Walsh-Healey and Bacon-Davis Acts regulating the wages paid on government procurements and construction contracts constitutes a prime example of executive distortions for political purposes. The Council believes that both of these laws should be repealed.

It opposes current proposals for rationing job opportunities (shorter work week and double pay for overtime), and believes that the Federal minimum wage law should be amended to permit marginal workers, including the least skilled and the very young and very old, to obtain jobs at rates they are willing to accept and employers are willing to pay. In addition, the regulations now applying to youthful workers should be relaxed so as to permit them to work at any non-hazardous occupation.

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THE COMMITTEE ON DECLARATION OF POLICY

W. M. Blount, Chairman, Blount Brothers Corp., Montgomery, Ala.

Allen Nixon, President, E. C. Barton Co., Jonesboro, Ark.

William B. Bryan, Assistant Vice President, Southern Bell Telephone & Telegraph Co., Atlanta, Ga.

Chester Gulick, General Manager, Kentucky-Tennessee Clay Co., Mayfield, Ky.

Charles W. Wallace, Chairman, Union Oil Mill, Inc., West Monroe, La.

Robert N. Winston, Vice President, State Loan & Finance Management Corp., Silver Spring, Md.

Frank G. Smith, Vice President, Mississippi Power & Light Co., Jackson, Miss.

John R. Griffiths, Vice President, American Zinc Co., St. Louis, Mo.

Louis V. Sutton, Chairman, Carolina Power & Light Co., Raleigh, N. C.

E. R. Patterson, Vice President, Patterson Steel Co., Tulsa, Okla.

E. B. Rodgers, Vice President, Standard Knitting Mills, Inc., Knoxville, Tenn.

Paul S. Belknap, President, Charleston Rubber Co., Charleston, S. C.

J. Lewis Foster, President, Foster Cathead Co., Wichita Falls, Tex.

L. C. Brennan, Treasurer, Columbian Peanut Co., Norfolk, Va.

L. Newton Thomas, President, Carbon Fuel Co., Charleston, W. Va.

R. R. Burns, President, Tennessee Corp., New York, N. Y.

W. L. Thornton, President, Florida East Coast Railway, St. Augustine, Fla., Chairman.

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Mr. EVANS. Despite a major effort, the committee was unable to identify the "secret southern organization" that Mr. Sutherland referred to, according to Mr. Byers, but it did establish strong segregationist leanings in at least two of the organizations he did belong to, and in Mr. Sutherland himself. Indeed, one close associate told the committee that Mr. Sutherland was a "diehard southerner" who would "never let the Civil War die."

A committee investigation of Mr. Sutherland's financial condition revealed that he left an estate valued at more than $300,000.

While the committee has been unable, 10 years later, to show a direct link between either Mr. Kauffmann or Mr. Sutherland and the events in Memphis, it did determine that they met the necessary criteria for being considered participants in a serious conspiracy, to wit: (a) they had the motive—in Mr. Sutherland's avowed social, political and economic attitudes and Mr. Kauffmann's readiness to earn money legally or illegally; (2) they had the monetary means—from Mr. Sutherland's own funds and from those of associates; and (3) they actively sought an opportunity to carry out their objective, as evidenced by their alleged solicitation of at least Mr. Byers.

The committee was unable to find evidence to counter Mr. Byers' claim that he declined the offer to assassinate Dr. King.

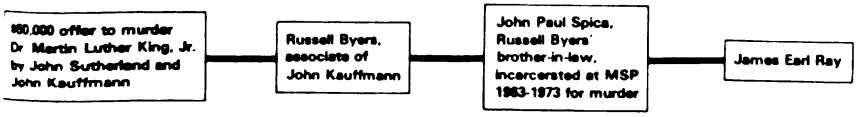
Because of the apparent serious character of the offer to Mr. Byers, the committee explored the possibility that the offer might also have been communicated to someone other than Mr. Byers, or that Mr. Byers, intentionally or unintentionally, so transmitted it himself. The investigation yielded four theories of possible connectives between Mr. Sutherland, or Mr. Kauffmann and James Earl Ray, the convicted assassin.

I would ask at this time, Mr. Chairman, that MLK Exhibit F-579A be inserted into the record and appropriately displayed.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[The information follows:]

ST. LOUIS CONSPIRACY (1)



MLK EXHIBIT F-579A

Mr. EVANS. There are a total of four exhibits here, Mr. Chairman, and I would just like to enter this one at this time, and the total of four illustrate the theoretical connectives, though emphasis should be placed on "theoretical," since the evidence available cannot be taken as having shown that all individuals and organizations identified on the charts were actually involved in a conspiracy to murder Dr. King.

The charts merely are intended to depict the means by which word of the existence of an assassination contract might have reached Ray. Each theory, in turn, will be considered.

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The first chart which is displayed, is called "St. Louis Conspiracy (1)," shows how there could have been links from Mr. Sutherland, Mr. Kauffmann, and Mr. Byers via John Paul Spica, a relative of Mr. Byers who was a fellow inmate of Ray at the Missouri State Penitentiary.

The committee determined that Mr. Spica, a brother-in-law of Mr. Byers, was convicted and imprisoned in 1963 for the contract murder of a St. Louis businessman. Missouri State Penitentiary records show that Mr. Spica was incarcerated from 1963 to 1973, and that for at least part of that time he occupied a cell in the same cellblock and same tier of the prison as Ray.

In testimony before the committee, Mr. Spica has acknowledged that he was acquainted with Ray, but he denied having had close contact with him. Committee interviews with prison officials and other inmates, on the other hand, indicate a much closer friendship between Mr. Spica and Ray than Mr. Spica admits.

Mr. Spica has stated that he knew nothing of the offer to Mr. Byers by Mr. Sutherland and Mr. Kauffmann until Mr. Byers advised him of the committee's investigation in 1978.

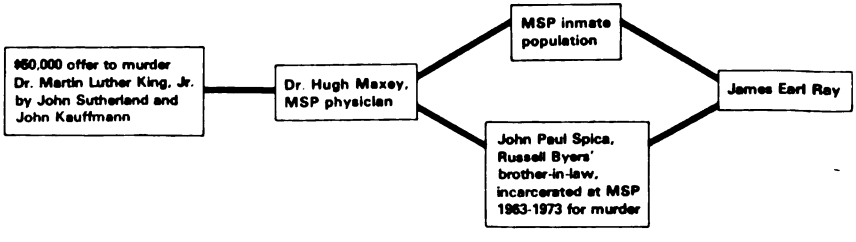
As Mr. Byers has told the committee, he never mentioned the offer to Mr. Spica in visits to the prison. A check of prison records reveals that visits by Mr. Byers to Mr. Spica at the prison occurred after the assassination of Dr. King.

Mr. Chairman, I would like to have introduced into the record now that which has been premarked MLK exhibit F-579B.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

ST. LOUIS CONSPIRACY (2)



MLK EXHIBIT F-579B

Mr. EVANS. This chart labeled "St. Louis Conspiracy (2)", shows a possible connective to Ray at the Missouri State Penitentiary through Dr. Hugh Maxey, a medical officer at the prison.

Interviews with relatives and associates of John Kauffmann indicate that Mr. Kauffmann and Dr. Maxey were associated for several years. Mrs. Kauffmann said it was a purely social relationship, one that lasted from the early 1960's until Mr. Kauffmann was sent to Federal prison for the sale of amphetamines.

Dr. Maxey, who is over 80, acknowledged in an interview with committee investigators that he had known Mr. Kauffmann. He declined to discuss the association, except to say it was social.

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The committee looked into other reasons for an association between Dr. Maxey and Mr. Kauffmann. It was learned, for example, that Dr. Maxey assisted Mr. Kauffmann in obtaining the services of parolees in work-release programs; and there were reports that Dr. Maxey was involved with Mr. Kauffmann in the distribution of amphetamines in the prison. While it was confirmed there was an amphetamine problem at the prison in the 1960's, the charge that Dr. Maxey was involved in distribution could not be substantiated. Dr. Maxey also denied any participation in illegal drug distribution.

Prison health records show Dr. Maxey had contact with James Earl Ray at the prison and the doctor told committee investigators he did know Ray, but only as a patient.

While Ray was pushing a food cart in the prison hospital, John Paul Spica, in fact, worked for Dr. Maxey in the same hospital. During this same period Ray was disciplined for trying to smuggle contraband into the prison infirmary.

Dr. Maxey said he was unaware of an offer to murder Dr. King circulating at the prison while he was employed there.

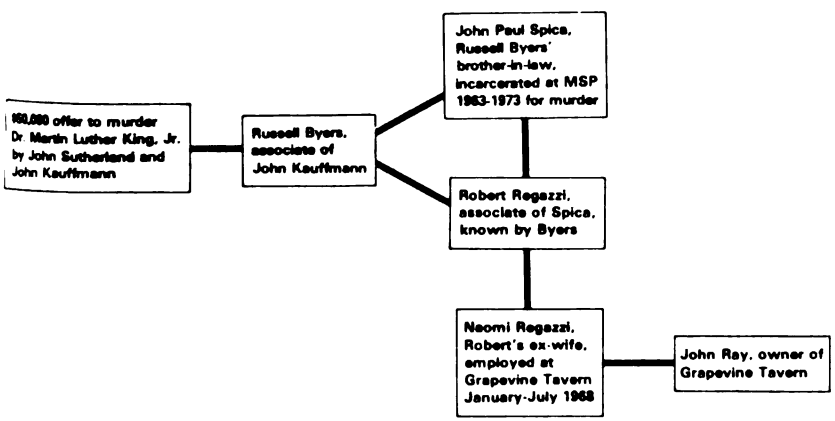
Sixteen Missouri State prison inmates were questioned as to the existence of an offer to kill Dr. King, or any rumors that one existed, and most said that speculation about a reward did not arise until after the assassination.

The chart labeled "St. Louis Conspiracy (3)" which is MLK exhibit F-579C, I would like to have entered now, if I may, Mr. Chairman.

Chairman STOKES. Without objection, it will be entered.

[The information follows:]

ST. LOUIS CONSPIRACY (3)



MLK EXHIBIT F-579C

Mr. EVANS. This chart shows a possible connection between the offer and James Earl Ray through a Spica associate and Ray's brother, John.

Mr. Byers told committee investigators that he was acquainted with a St. Louis resident named Robert Regazzi, and that Mr. Regazzi and Mr. Spica also knew each other. The significance of

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this is amplified by the knowledge that Naomi Regazzi, a former wife of Robert, was a bartender at the Grapevine Tavern in St. Louis from January to July 1968. The Grapevine was operated by John Ray at the time.

The committee reasoned that if Mr. Byers had told Mr. Regazzi about the offer of money to kill Dr. King, Naomi could well have been aware of it and, in turn, communicated it to John Ray. Mr. Byers said, to the best of his recollection, he did not discuss the offer with Mr. Regazzi.

Mr. Spica was questioned about his association with Mr. Regazzi. He said he knew him but there was no friendship between them. Since—as Mr. Spica has claimed—he had no knowledge of an offer to kill Dr. King, he could not have passed it along to Mr. Regazzi.

Mr. Regazzi, when interviewed by committee investigators, claimed he had no knowledge whatsoever of the King assassination. He said he had been separated from Naomi at the time she was employed at the Grapevine and he could not have communicated an offer to her had he known about it.

Naomi Regazzi told committee investigators she did not recall hearing about an offer for the murder of Dr. King. She said she had never talked with John Ray about Dr. King, except to ask him if James was his brother, after he had been identified as the assassin.

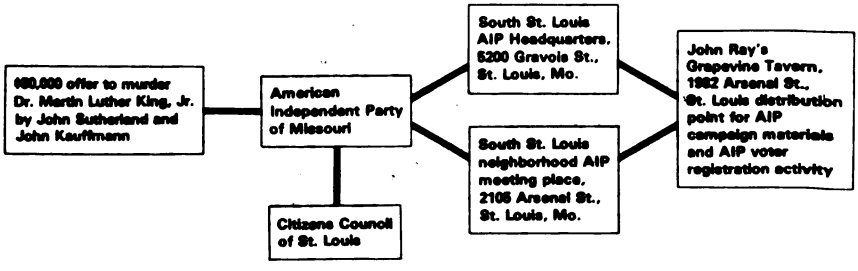
Naomi Regazzi confirmed she was separated from Robert during the period she was employed at the Grapevine.

Mr. Chairman, I would like to have entered into the record now MLK exhibit F-579D.

Chairman STOKES. Without objection, it may be entered.

[The information follows:]

ST. LOUIS CONSPIRACY (4)



MLK EXHIBIT F-579D

Mr. EVANS. This chart shows a possible connective through the American Party campaign for the Presidency in 1968. Both Mr. Sutherland and Mr. Kauffmann were active in the party, also known as the American Independent Party. Mr. Sutherland was a political activist, while Mr. Kauffmann appears to have worked in a supportive capacity.

Committee interviews with officials of the American Party in 1968 have revealed that Mr. Sutherland, who was a candidate for elector, was active in behalf of the party at both the local and national levels. Committee interviews with American Party mem-

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bers in St. Louis in 1968 indicate that support was derived from people who felt that both the Republicans and Democrats were too liberal on civil rights.

Former associates of Mr. Sutherland also said that his strong support of the American Party was based in large degree on the party's conservative positions on civil rights. The committee also learned that considerable support for the American Party campaign was drawn from a White Citizens' Council in St. Louis, an organization dedicated to racial separation. As has been noted, Mr. Sutherland was a member of the council.

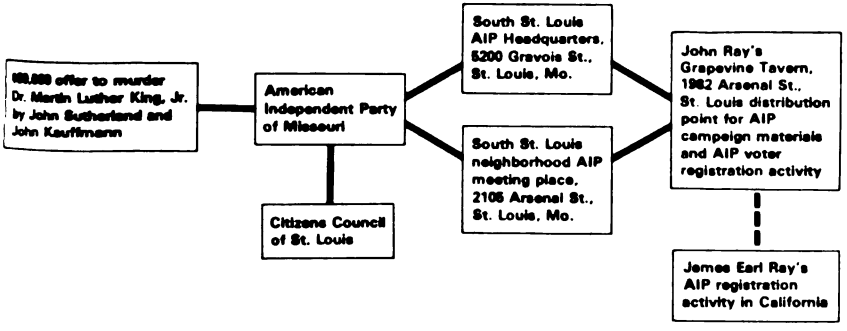
Floyd Kitchen, a former White Citizens Council field director, an organizer for the American Party in St. Louis in 1968, and a Missouri State chairman for the American Independent Party, indicated to the committee that his AIP salary of $600 a month was paid by Mr. Sutherland.

John Ray was also active in the 1968 American Party campaign. Investigation by the committee, as well as testimony by his own brother, Jerry Ray, indicate that the Grapevine Tavern was a distribution point for party literature. At the same time, James Earl Ray was engaged in party activity in California.

Mr. Chairman, I would like to have the overlay which has been marked as MLK exhibit F-579E be entered into the record.

Chairman STOKES. Without objection it may be entered into the record.

[The information follows:]



MLK EXHIBIT F-579E

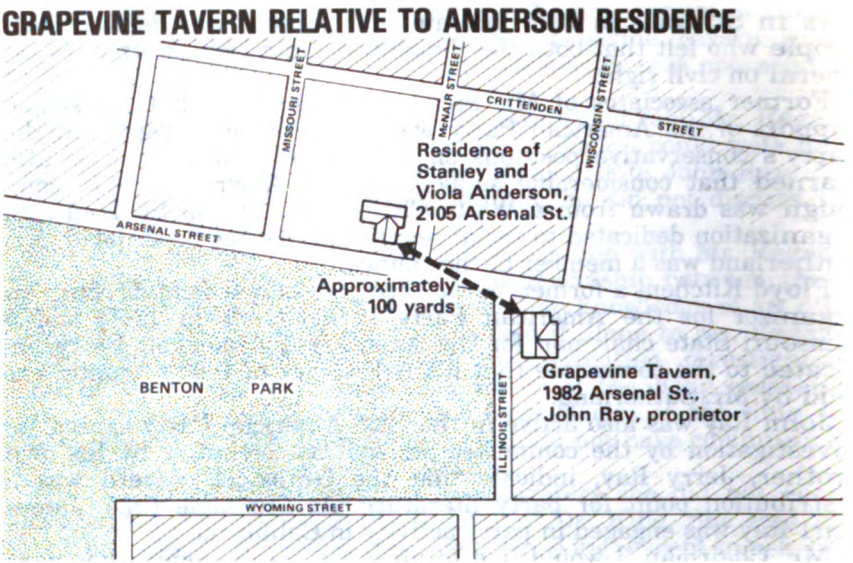
Mr. EVANS. John Ray's interest in politics seems out of character since he apparently had never evidenced it before 1968, and since a convicted felon, he was not able to vote. Nevertheless, extensive research of party activities in St. Louis in 1968 revealed that a woman who was extremely active in the party in the southern part of the city was Viola Anderson. Her home at 2105 Arsenal Street was only about 100 yards from the Grapevine Tavern. Though Mrs. Anderson died in 1977, her widower, Stanley Anderson, confirmed her party activities.

Mr. Chairman, it would be appropriate at this point to insert into the record and appropriately display MLK exhibit F-580.

Chairman STOKES. Without objection it is so ordered.

[The information follows:]

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MLK EXHIBIT F-580

Mr. EVANS. Mr. Chairman, I would also like to have entered what has been previously marked 580A, 580B, and 580C which are photographs.

Chairman STOKES. Without objection they may be entered into the record at this point.

[The information follows:]

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MLK Exhibit F-580A

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MLK Exhibit F-580B

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MLK EXHIBIT F-580C

Mr. EVANS. Mr. Anderson acknowledged to committee investigators that his late wife had met Mr. Sutherland, but she was not close to him. Mr. Anderson insisted that neither he nor his wife nor Mr. Sutherland were prejudiced against Black people. Mr. Anderson also said that he and his wife had once met J. B. Stoner of the National States Rights Party. He said that he did not feel Mr. Stoner was prejudiced against Blacks.

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Although Mr. Anderson said he could not remember ever meeting John Ray, he volunteered that he and his wife and another party worker visited the Grapevine on at least one occasion.

Mr. Anderson denied ever hearing of an offer to assassinate Dr. King, but he indicated, after repeated questioning, that conversations critical of Dr. King's activities occurred frequently at meetings he and his wife attended prior to the assassination.

In an effort to gain further insight into the activities of the American Party in St. Louis and their connections, if any, with the assassination of Dr. King, the committee turned its attention to Glen Shrum. Mr. Shrum, it was learned, became active in the party in December 1967 or January 1968. He was instrumental in the organization in the Third Congressional District, and he was in close contact with Viola Anderson in building neighborhood support.

Stanley Anderson told the committee Mr. Shrum and Anderson remained in close touch for several years after the 1968 campaign, and relatives of Mr. Shrum, who subsequently died, said he was also in contact with John Sutherland. While they maintained such contact was minimal, other committee sources revealed Mr. Shrum's activities were directed by Floyd Kitchen.

After the 1968 campaign, Mr. Shrum continued to be active in the American Party in St. Louis as an official and board member. Along with Mrs. Anderson, he also became involved with the White Citizens Council, of which Mr. Sutherland had been an early organizer.

The committee contacted several American Party and White Citizens Council members who said that several informal meetings were held at the Anderson home during the 1968 campaign. Reportedly, Shrum attended many of them. According to Mr. Anderson, he also was a patron of the Grapevine Tavern.

Shrum was also described to the committee as an activist with radical right wing organizations. He belonged to the John Birch Society and the Minutemen. He attended meetings of the National States Rights Party, and he may have been in contact with the Ku Klux Klan. His friends also indicated he held strong opinions on civil rights, leading him to be openly critical of Federal legislation and court actions dealing with equality for Black people.

The committee further learned that Dr. King and his efforts in behalf of the civil rights movement were frequently discussed in meetings at the Anderson home and elsewhere. Witnesses of the meetings were unable to recall specific statements with regard to Dr. King, but they did say the general attitude was not favorable to the endeavors of the civil rights leader.

Committee investigators asked the witnesses about the reaction at the meetings to Dr. King's death. No one was greatly disturbed they said. In fact, there was an atmosphere of jubilation at one get-together shortly after the assassination.

One further aspect of the committee investigation of the Byers allegation must be mentioned. The committee also sought an answer to several other questions: Did the FBI know of the Kauffmann-Sutherland offer prior to the assassination? Did it know of the offer during the active investigation of Ray?

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Assuming it had no knowledge prior or subsequent to the assassination, at least until 1974, should it have uncovered the offer at least following the assassination? This aspect of the investigation, as well as others, continues, but certain results may be reported now.

A former St. Louis County detective has been interviewed. He advised that sometime in 1971 or 1972, he was not sure exactly when, a St. Louis Post-Dispatch reporter asked him to check out a rumor that Mr. Byers and an unidentified lawyer had been involved in an offer to kill Dr. King. The detective said he had been unable to develop further information on the rumor. The reporter himself died on February 14, 1974.

Investigators also interviewed a man who, acting under police instructions, had frequented the motel owned by John Kauffmann. The man now occupies a respectable position with a major American manufacturing company. He says, he and a number of "friends" who lived at the motel in 1966, 1967, and 1968, indicated that during that period, those "friends" had engaged in a number of thefts that provided them with a source of income. Kauffmann's role was that of a fence. The individual also stated that he had overheard discussions of other income sources, including "picking up $10,000 or $20,000 or $30,000 from John for killing King."

He said he believed the "John" referred to was Mr. Kauffmann, though he added he had no information that any of his acquaintances at the motel had actually participated in the assassination of Dr. King. He said that this information had been supplied to local police officials at the time.

Mr. Chairman, that concludes this report. I would be glad to answer any questions.

Chairman STOKES. The committee will operate under the 5-minute rule with reference to questioning Mr. Evans.

Mr. Evans, let me ask you this: You are an experienced homicide detective, one of extensive experience with the New York Police Department. Can you say to the committee that in terms of following all police leads relating to the Byers' allegation, that as an experienced investigator the committee has done everything possible to run out every possible lead?

Mr. EVANS. That is correct, Mr. Chairman.

Chairman STOKES. My next question perhaps either you or Professor Blakey might be able to respond to. It would relate to our exhibit F-577 which is now part of the record.

In the FBI report over to this committee, I want to refer to the exact language of what it says there. It says:

> During the fall of 1973, 5 or 6 months ago, date not recalled, Byers came to the shop inquiring as to whether they could get together to talk, and they later did so at Pizza and Cream, Clayton, Mo., in the area of a Broad-Dugan Paint Store, where informant had traveled on business.
>
> Byers talked freely about himself and his business and they later went to informant's house where Byers told a story about visiting a lawyer in St. Louis County, now deceased, not further identified, who had offered to give him a contract to kill Martin Luther King. He said that also present was a short, stocky man, who walked with a limp. (Later, with regard to the latter individual, Byers commented that this man was actually the individual who made the payoff of James Earl Ray after the killing.)

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Now in light of Mr. Byers' testimony here this morning where there was no mention of this particular allegation with reference to a payoff of James Earl Ray, what can you tell us about any information on this?

Mr. EVANS. Chief counsel will take that question, Mr. Chairman.

Mr. BLAKEY. Mr. Chairman, let me comment on both the question that you asked initially of Mr. Evans and respond more particularly to your question with reference to the FBI report.

Let me do the first first and the second second.

Mr. Evans is quite right that this committee has utilized all the investigative techniques available to it as a congressional committee to explore this allegation. We have conducted field interviews of everyone we have been able to identify. We have subpenaed, of course, through the committee, the key individuals and talked to them in executive session under oath, and where necessary utilized the immunity techniques to make an effort to break through the normal ring of silence that would surround a conspiracy of this character.

Frankly, though, the question seemingly implied whether everything had been done that could be done. To that question the answer has to be no, that there are investigative techniques available to an executive agency to explore conspiracies of this kind. It is not the normal thing for a congressional committee to develop paid informants in and around a conspiratorial group. That technique has not been employed by this committee. It could be employed by an executive agency. It is prohibited under law and specifically contrary to the rules of this committee to employ either consensual or nonconsensual but lawful electronic surveillance.

Those techniques could be applied in this situation to investigate this case if it were handled by an executive agency. Both of those techniques were available to executive agencies in 1968 and could have been applied at that time. With what results, of course, only educated guesses can be made.

To answer your second question, an effort was obviously made to see if verification could be made of that aspect of the informant report that indicated that the individual probably under the circumstances of Mr. Kauffmann was according to the informant, from Byers' statement, the one who actually made the payoff to James Earl Ray.

As Mr. Evans indicated in his statement, the committee has identified the informant involved and had extensive conversations with the informant. The committee, of course, has also had extensive conversations with Mr. Byers and the committee has been in contact with the FBI agents involved.

The FBI agent has no specific memory, including this informant report. The informant indicates that he did not say that and Mr. Byers indicates that he did not say that. Consequently, that aspect of this informant report is unsubstantiated.

Chairman STOKES. One further question.

I notice the same FBI report says:

> Extensive further research in the St. Louis indices has failed to reveal this information was in any way disseminated and the information simply reposes in the informant file.

What can you tell us with reference to that?

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Mr. BLAKEY. Mr. Chairman, shortly after this memorandum was forwarded to this committee, the committee was contacted by FBI Director Webster and a request was made of the committee for its permission for the FBI to conduct administrative examination of why this memorandum was misfiled, mislaid or not properly disseminated within the FBI.

That permission was given and an administrative investigation was conducted by the FBI. The reports based on that administrative investigation have been available, made available to the committee, and of course are in the committee files.

In broad outline, that report indicates that this was nothing more than an administrative error. All of the agents involved were interviewed by FBI agents and all indicated that they just made a mistake.

The committee itself has not yet conducted its own investigation of the administrative issue associated with this report. Candidly, its investigative resources have been allocated elsewhere.

I might note for the record that it was necessary for Judge Webster to ask the committee for permission to conduct this administrative investigation since under the memorandum of understanding between the committee and the FBI, anything having to do with the King case will be investigated only by this committee and not by the Department of Justice, or more particularly, the FBI.

Consequently, when this memorandum showed up in 1978 in a file review of an unrelated matter, the FBI and the Department of Justice, under the memorandum of understanding, did not have investigative jurisdiction to act on it at that time.

Chairman STOKES. Just one further question: In his testimony this morning, Mr. Byers, in response to a question I posed to him, indicated that he has never been interrogated or talked to by the FBI. Is that your understanding of our investigation of the matter also?

Mr. BLAKEY. That is correct, Mr. Chairman.

Mr. EVANS. That is true.

Chairman STOKES. Thank you.

I have no further questions.

The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. I have no questions at this time, Mr. Chairman.

Chairman STOKES. The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

Mr. Evans, just to clarify the record, on page 10 of your testimony, the third paragraph from the bottom, you say 16 Missouri State Penitentiary inmates were questioned as to the existence of an offer to kill Dr. King or any rumors that one existed, and most said the speculation about a reward did not arise until after the assassination.

Now the 16 inmates were interviewed by whom? Our staff?

Mr. EVANS. Our staff, that is correct.

Mr. DEVINE. Did any other information develop from these inmates relative to either James Earl Ray or this particular offer of a reward?

Mr. EVANS. Well, some of the inmates indicated that James Earl Ray was involved in the pushing of amphetamines within the

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prison, but we were never able to specifically pin this down with any hard evidence, so we omitted that from our report.

Mr. DEVINE. These 16 inmates, among those were some that were associated with James Earl Ray?

Mr. EVANS. That is correct. They worked with him on details. They were housed with him in different cell blocks during his period of incarceration.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Mr. Evans, were we able to investigate any possible linkage between this allegation of conspiracy and any others which the committee may have been pursuing, more specifically, between this allegation and the one dealing with Leon and Claude Powell and a mysterious person identified as Ralph who offered, as I understand it, $50,000, according to the allegation, at least one of the allegations, to them to kill Dr. King?

Mr. EVANS. Mr. Fauntroy, we made extensive efforts to hook this conspiracy up with other conspiracies and in particular the one that you are referring to in Atlanta. But to date we have been unable to connect the two.

Mr. BLAKEY. Mr. Fauntroy, it might be appropriate for the record to note that the information dealing with the Powell's came to the committee prior to the information dealing with the Byers' allegation.

Nevertheless, the similarity between the two offers, the similarity in the nature of the offer, the amount of money involved, and the apparent kind of people involved is obvious to the staff and an effort was made to see if all people who might be associated with Sutherland could be in some way identified and then compared or contrasted with the individual who allegedly made the offer to Mr. Powell.

An extensive effort was made to do that; looking at photographs, reviewing lists of businessmen, lawyers and other associates. To date the committee staff has been unable to show any relationship.

Mr. FAUNTROY. Do you think further investigation of both these allegations could produce any more information than we have been able to obtain thus far?

Mr. EVANS. Mr. Fauntroy, we are continuing with the investigation until December 31. Up until that time we are still making every effort to further pursue the Byers' allegation or to understand better the implications or the facts surrounding the Powell allegation.

Mr. FAUNTROY. Two quick questions.

You mentioned a St. Louis Post-Dispatch reporter who had been making inquiries about an allegation of conspiracy; namely, this one, who died. I wonder if you can tell the committee how old that reporter was and under what circumstances did he expire in 1971?

Mr. EVANS. His death was due to natural causes, I believe. We are in the process of making contact with the publishers of the paper to obtain his files. We are also still in the process of following that particular lead out. I think we will be able to better report on that at a later date.

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Mr. FAUNTROY. Can you tell us when and under what circumstances did Mr. Kauffmann die in 1974, Mr. Sutherland in 1970?

Mr. EVANS. That is correct. Natural causes, as best we can determine.

Mr. FAUNTROY. Thank you.

Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Tennessee, Mr. Ford.

Mr. FORD. Mr. Chairman, I don't have a question but I do have a comment that maybe the chief counsel or Mr. Evans could respond to. I am concerned about the purpose of this summary.

We have discussed the offer that was made to Mr. Byers and possibly others that might have been made to them.

Do you think there is anything that could be forthcoming out of this particular area, this offer in connection with the Ray family, before we complete our investigation December 31 that would give us more information than we have at the present time?

Mr. EVANS. I am hopeful, Mr. Ford, that we will be able to answer this conspiratorial allegation as well as others. We are always open to new and additional information. We are in fact obtaining additional information and continuing our investigation relative to the allegation as well as others that we are aware of.

Mr. FORD. We only have 30 or 35 more days.

Mr. EVANS. That is correct.

Mr. FORD. Mr. Blakey, after of December 31 would the committee staff continue on beyond that?

Mr. BLAKEY. Mr. Ford, all things, good and bad, come to an end and this investigation will come to an end as well. While it is true that the committee can continue the investigation through December 31, I think candor requires that we say on the record that the resources that can be devoted to the active investigation are diminishing and that the realistic expectation of a major breakthrough in this area between now and December 31 is small.

I would also make the assessment for you in this public hearing as I would elsewhere that a realistic possibility of a major breakthrough in this body of material by a congressional committee given the inherent limitations of a congressional committee in conducting this kind of investigation is small.

Mr. FORD. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. Yes, Mr. Evans, I listened with some interest to the Judge's speculation, knowing Mr. Byers, as I undestood what he said, that he thought perhaps Byers had really made this offer up and floated it through this gentleman named O'Hara to see if it got back to the FBI so he could confirm the identify of a report of an informer.

Did you catch that testimony?

Mr. EVANS. Yes, I did.

Mr. SAWYER. How do you weigh that?

Mr. EVANS. Well, I know Mr. Byers and Mr. Byers would avoid any kind of contact with the FBI if he could. I think he would seek to establish whether or not the individual was an informant through any other way at his command rather than involve him-

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self in any sort of conspiracy allegation, conspiracy to assassinate Dr. Martin Luther King.

Mr. SAWYER. But here, of course, under his story, he never had any meeting of minds with anyone. He rejected the proposal. He doesn't become involved in a conspiracy and I am sure he is well enough informed on criminal law to know that when he turns it down.

Both the other gentleman are dead. So he is not really running any danger. Would this be just an ideal thing to try out on an informer and you could almost be certain if he was in fact an FBI informer that such a thing would get back to the FBI and he would be questioned.

Doesn't that sound like an appealing ploy to you?

Mr. EVANS. I beg to disagree, sir, but what I know of Mr. Byers, Mr. Byers is quite active in certain kinds of activity and he would rather not have the FBI or the local police looking at. That kind of a ploy by him by its very nature would insure that he would get some supervision or surveillance over a period of time even after being brought in and confronted with that.

Mr. SAWYER. Wouldn't it be less surveillance than associated with a suspected informer? Might it not be much the better of two evils?

Mr. EVANS. One might just cut one's connections off with that particular person and he can still continue his activities, whatever they might be.

My assumption, and it is perfectly an assumption, were that those activities were of a criminal nature. Mr. Byers is well known in the St. Louis area for his connections.

My thought is that he would avoid that person rather than give the FBI any reason to supervise his activities or to question him.

Mr. SAWYER. Thank you. That is all I have.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. Evans, I take it from your report that you have surveyed and contacted, et cetera, about everybody that you can think of who frequented the Grapevine Tavern on a regular basis; is that correct?

Mr. EVANS. Well, we made an effort in that direction, but the area—the Grapevine is now closed. It is called Tom's Place and it has been closed for some years. The area where it was located is a transitory area and people frequently move.

I had my investigators there for a couple of weeks conducting canvassing of the neighborhood. They were not well received in view of the fact that that area is still, in my opinion, mainly an area where people, a blue-collar worker area, and they are not quite receptive to this investigation, nor were they to my investigators.

Some had doors slammed in their face and dogs were put upon them. Those people that did talk to us would only indicate that the bar was a place that they did not frequent but they knew that it was there and they cannot associate any activity with it other than there was some Wallace campaign activity in that area.

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Mr. FITHIAN. Then at this point you cannot really indicate how widely known, if this offer were indeed made, how widely known that would become in the area of the Grapevine and its inhabitants. Is that what you are saying?

Mr. EVANS. Well, I can't say now what had occurred in 1968, but our investigation shows from other interviews that we conducted that there was talk and there was a rumor of a $50,000 contract to kill King.

Now whether the persons that reside in the area of the Grapevine Bar were aware of that or not I don't know. As I said before, a lot of residents that are presently there denied that they frequented the bar, although they often passed it.

My investigation revealed that the patrons of the particular bar were persons that did not necessarily reside in that particular area.

Mr. FITHIAN. Thank you, Mr. Chairman. I have no further questions.

Chairman STOKES. I just have one further question for either Mr. Evans or Professor Blakey.

In the narrative this morning some reference was made to other conspiracy allegations that were investigated, reference just being made to three or four of them as I recall. I do note over the last 18 months the King subcommittee spent an enormous amount of time in executive session questioning witnesses with reference to 21 other conspiracy allegations.

I do know that Mr. Evans' investigators have been all over the country pursuant to running out those allegations. I think it might be good to have some comment since we have now zeroed in on only one of those conspiracy allegations in a public hearing, to have some further comment with reference to the results of the other 21 and what the public can expect to learn in terms of some final report.

Mr. BLAKEY. Well, Mr. Chairman, consistent with the practice that has been followed in these hearings, on the whole the staff has not made an effort to evaluate the evidence but really has reported it to the committee.

The ultimate judgment of whether these other five here that were mentioned as more serious and the others that have not been mentioned as serious but have been investigated carry weight obviously will have to wait for the committee's final determination in its final report.

If you would want a general evaluation of them, I suspect I could say a lot more than the one the staff has brought to the committee in the public session. Obviously, as the committee has said, this is the one that seems the most serious.

Chairman STOKES. Thank you.

Is there anything further from the committee?

Mr. Evans?

Mr. Blakey?

Mr. BLAKEY. Mr. Chairman, I might ask Mr. Evans if he might comment on the general character of the population that did frequent the bar. You indicated the geographic character. I wonder if you would indicate the character of them.

Mr. EVANS. What our investigation revealed, my investigators met a lot of hostility in that area in view of the fact that they were

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investigating the assassination of Dr. King. Somehow, and we suspect through a local citizens council, the residents of that particular area were alerted that we would be coming and they were quite hostile. I think their actions sort of reflect a racial attitude, much of which we found when we spoke to people in the local citizens council of St. Louis. That attitude was definitely anti-Black, anti-investigation.

Mr. BLAKEY. I wonder if you would comment on whether or not your investigation indicated that any of those people who associated together and were together at the Grapevine Bar in the period 1967 to 1968, prior to the assassination, had criminal records?

Mr. EVANS. Yes, we found that many of the patrons of that particular bar did have criminal records.

Mr. BLAKEY. Was that on occasion a meeting place?

Mr. EVANS. Yes.

Mr. BLAKEY. Where robberies and burglaries were planned?

Mr. EVANS. Yes, it was. The St. Louis intelligence file indicated that it was a place where one could in the vernacular sort of find out what is going on in town, a place where one could hook up a contract and make money.

Mr. BLAKEY. Thank you, Mr. Chairman.

Chairman STOKES. The committee is advised that immediately upon adjourning this open session of the committee there will be an executive session of the full committee in room 304 immediately after we adjourn here.

There being no further witnesses to come before the committee this afternoon, this meeting is adjourned until 9 a.m. tomorrow morning.

[Whereupon, at 3:31 p.m. the committee adjourned, to reconvene at 9 a.m., Thursday, November 30, 1978.]

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INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

THURSDAY, NOVEMBER 30, 1978

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON ASSASSINATIONS,
Washington, D.C.

The select committee met, pursuant to adjournment, at 9:20 a.m., in room 345, Cannon House Office Building, Hon. Louis Stokes (chairman of the committee) presiding.

Present: Representatives Stokes, Devine, McKinney, Fauntroy, Sawyer, Ford, Fithian, and Edgar.

Also present: Mark Speiser, staff counsel; Elizabeth L. Berning, chief clerk, and G. Robert Blakey, chief counsel and staff director.

Chairman STOKES. The committee will come to order.

The Chair recognizes Professor Blakey.

NARRATION BY PROF. G. ROBERT BLAKEY, CHIEF COUNSEL AND STAFF DIRECTOR

Mr. BLAKEY. Thank you, Mr. Chairman.

When James Earl Ray appeared before this committee last August, the question of his participation in the assassination of Dr. Martin Luther King, Jr. was examined principally through the questioning of Ray himself. Ray's own story was also put in the context of the overall investigation, and such important issues as the validity of his guilty plea and his alibi were considered.

In this current set of hearings, evidence of Ray's participation in the murder has been more fully explored, and the committee has examined facets of his possible motive. In addition, the question of conspiracy has been raised, as the committee has probed a number of puzzling issues, some of them suggesting that officials of the Government might have been guilty of complicity in the assassination.

Yesterday, Mr. Chairman, the committee heard evidence of a conspiracy that might well have led to the death of Dr. King, one involving certain individuals in the St. Louis area. Part of the report of the investigation that was presented by Mr. Evans, the chief investigator of the King staff, was a series of possible ways that word of the contract for the assassination might have reached James Earl Ray, the convicted assassin.

Today the committee will look further into the question of Ray's possible role in the conspiracy. In doing so, the committee is reaching the climax of its investigation of the King assassination.

This much can be said with confidence at this time—if, in fact, there was a plot to murder Dr. King, as the evidence yesterday

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strongly suggested, it is logical to assume that the convicted assassin was a party to it.

As those who have followed the hearings will recall, the committee gave careful consideration to the conspiratorial implication of Ray's accounts of his dealing with the mysterious Raoul, even though Ray himself was unable to provide further identification of this individual. All leads on Raoul were pursued on the assumption that such a man might indeed exist.

Nevertheless, when you come down to it, the Raoul theory that seems best to fit, although the ultimate question is for the committee, is that the mysterious accomplice might actually be one of Ray's brothers, Jerry or John, or a composite of the two of them.

The committee has tested this alternative theory against the evidence provided in the statements of James and Jerry themselves, and although the ultimate validity of the theory is obviously something that the committee will have to wrestle with later, it seems to be true that at each point where James' movements or his funding during the fugitive period are explained by James by reference to Raoul, one of the brothers is in fact either on the scene or in contact with James. One question the committee must explore today, is this more than a coincidence?

Four charts have been prepared to demonstrate or show a pattern of James Earl Ray's associations with Raoul, according to James' own story, and with his brothers, according to Ray and other sources.

I would ask at this time, Mr. Chairman, that Martin Luther King exhibits F-607, F-608, F-609, and F-610 be entered into the record and appropriately displayed.

Chairman STOKES. Without objection they may be entered into the record at this point.

[The information follows:]

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JAMES EARL RAY'S TRANSACTIONS IN CANADA -- WITH "RAOUL;"* *WITH HIS BROTHERS*

7-18-67	Ray rents room in Montreal
7-25-67	About a week after arriving in Montreal, Ray meets "Raoul" at the Neptune Tavern*
7-30-67	Ray goes to Gray Rocks Inn, north of Montreal
8-4-67	Ray tells female friend at Gray Rocks that he had been at the inn about a week, *and that he would be leaving in a few days to meet his brother in Montreal*
8-5-67	Ray checks out of Gray Rocks, returns to Montreal where he meets with "Raoul" several times *
8-18-67 or 8-19-67	Ray, visiting in Ottawa, tells female friend *he is working for his brother, that while there isn't much to do, he is well paid and that he has no problem with money, since he can always get some*

*According to Ray's own account.

MLK Exhibit F-607

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JAMES EARL RAY'S TRANSACTIONS, CANADA, CHICAGO, BIRMINGHAM -- WITH "RAOUL;"* *WITH HIS BROTHERS*

8-21-67 Ray receives $1,500 payment from "Raoul" at the U.S. - Canadian border*

8-22-67 *Ray meets with brother Jerry in Chicago*

8-28-67 Ray rents safe deposit box in Birmingham

8-30-67 Ray receives $2,000 payment from "Raoul" in Birmingham*

8-30-67 Ray purchases 1966 Mustang in Birmingham, costing approximately $2,000

8-30-67 Ray receives $1,000 payment from "Raoul" in Birmingham*

*According to Ray's own account.

MLK Exhibit F-608

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JAMES EARL RAY'S TRANSACTIONS, LOS ANGELES, NEW ORLEANS, LOS ANGELES -- WITH "RAOUL;"* *WITH HIS BROTHERS*

12-14-67 or 12-15-67	Ray cancels an eppointment with a psychologist, *stating his brother had found a job for him in tha Merchant Marine based in New Orleans*
12-15-67	*Ray calls brother Jerry enroute from Los Angeles to New Orleans*
12-17-67	Ray receives $500 payment from "Raoul" in New Orleans*
12-21-67 to 1-68	Ray makes $364 payment for dance lessons, *later advising instructor he had met his brother in Louisiana*

*According to Ray's own account.

MLK Exhibit F-609

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JAMES EARL RAY'S TRANSACTIONS, LOS ANGELES, NEW ORLEANS, BIRMINGHAM, ATLANTA, BIRMINGHAM -- WITH "RAOUL;"* *WITH HIS BROTHERS*

2-68	Ray is told by "Raoul" to meet him in New Orleans in March*
3-2-68	Ray states intention to go to Birmingham *to visit his brother*
3-9-68	Ray turns down a bartending job, *explaining he is leaving Los Angeles within two weeks to visit his brother*
3-17-68	Ray departs Los Angeles
3-21-68	Ray gets message in New Orleans to meet "Raoul" in Birmingham*
3-23-68	Ray meets "Raoul" in Birmingham, they travel to Atlanta*
3-29-68	Ray and "Raoul" go to Birmingham to purchase rifles*
3-29-68	Ray receives $750 from "Raoul" and buys a rifle at Aeromarine Supply Company, but "Raoul" rejects it and tells Ray to exchange it for another model*
3-29-68	*Ray tells Aeromarine salesman by phone that, based on a conversation with his brother, he has purchased the wrong rifle, that he wants a Remington 760 30.06 caliber in its place*
3-30-68	*Ray exchanges the rifle for a Remington 760 30.06 caliber*

*According to Ray's own account.

MLK Exhibit F-610

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Mr. BLAKEY. The first chart, Martin Luther King exhibit F-607, refers to Ray's trip to Canada in the summer of 1967. Having arrived in Montreal on July 18, Ray claims to have met Raoul for the first time in a bar on July 25. Then, on vacation in August at a resort in the Laurentian Mountains, he told a woman companion about his brother who lived in Chicago, an apparent reference to Jerry. More significantly, he told the woman he would be leaving shortly to meet his brother in Montreal. And with whom did he meet in Montreal upon his return? According to James, none other than Raoul.

Later in August, Ray visited the woman in Ottawa. He told her then that he was in business with his brother, and he was well paid for doing little. Ray also said that he had no problem with money, that he could always come up with some.

The second chart, Martin Luther King exhibit F-608, covers Ray's move from Canada to Birmingham, still in the summer of 1967. He says he met at the Detroit-Windsor border with Raoul, who paid him $1,500 for helping in a smuggling operation. This was supposed to have occurred on August 21.

On August 22, from accounts given by both James and Jerry, we know the two brothers met in Chicago. Ray reports two payments from Raoul in Birmingham in August for $2,000 and $1,000, with which Ray says he paid for his 1966 Mustang and some camera equipment.

So these facts can be established about Ray in August 1967. He had received or was receiving a substantial amount of money. This we know from his own account and from his expenditures.

He met with Jerry. Thus, the inference that Raoul, the source of his funds, is actually Jerry, is one that the committee must wrestle with.

The third chart, Martin Luther King exhibit F-609, is for the latter half of December 1967. On the 14th or 15th, Ray canceled an appointment with a psychologist in Los Angeles. His stated reason: His brother had found him a job in the merchant marines in New Orleans. There is circumstantial evidence that the brother again was Jerry, for en route to New Orleans on December 16, he placed a telephone call to Jerry. Yet, Ray claims it was Raoul who gave him the $500 in New Orleans on December 17, although back in Los Angeles he told a dancing instructor of a recent meeting in Louisiana with his brother.

In a conversation with a committee witness, who has asked for anonymity, Jerry Ray has admitted he was in New Orleans with James in December. And the fact that James received a payment of at least $500 in New Orleans is substantiated by the fact that, back in Los Angeles, he made a lump sum payment of $364 for dancing lessons, while prior to the trip to New Orleans he had been paying for the lessons at a rate of $29 to $50 a week.

The fourth chart, Martin Luther King exhibit F-610, takes Ray from Los Angeles to Birmingham via New Orleans and Atlanta in February and March 1968. Ray claims that in February Raoul alerted him to a meeting in New Orleans in March. Then on March 2 Ray remarked in the presence of a witness at a bartending school in Los Angeles that he was going to Birmingham to meet his brother.

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Again on March 9, as a reason for not accepting a bartending job, Ray explained his intent to depart Los Angeles within 2 weeks to visit his brother. In fact, Ray departed Los Angeles on March 17, arriving in New Orleans on March 21 where, according to his story, he got a message to meet Raoul in Birmingham.

After the alleged meeting in Birmingham, according to Ray's account, he and Raoul traveled to Atlanta on March 23, whereupon Raoul took off for points unknown, leaving Ray alone until March 29.

On March 29, again according to Ray's story, he and Raoul went to Birmingham to purchase the assassination rifle. Ray claims he bought a rifle at the Aeromarine Supply Co. with $750 given to him by Raoul. Ray claims further that Raoul rejected this rifle and told him to exchange it for another model, but when Ray telephoned the salesman at Aeromarine, he said he had learned he had purchased the wrong type of a rifle from a conversation with his brother. The following day Ray made the exchange for the rifle that was found at the scene of the King assassination.

The witness today, Mr. Chairman, is Jerry Ray. He is the brother to whom James refers in all of his admitted contacts with the brother during the fugitive period. What is more, he has spent more time than anyone else with James since his arrest for the assassination itself.

It would be appropriate at this time, Mr. Chairman, to call Jerry Ray.

Chairman STOKES. The committee calls Mr. Jerry Ray.

Would you please stand and be sworn? Please stand. Raise your right hand.

Do you solemnly swear the testimony you give before this committee is the truth, the whole truth and nothing but the truth, so help you God?

TESTIMONY OF JERRY RAY, ACCOMPANIED BY FLORENCE R. KENNEDY AND WILLIAM PEPPER, ATTORNEYS FOR MR. RAY, AND BETSY WEST, PARALEGAL ASSISTANT TO MS. KENNEDY

Mr. RAY. Yes.

Chairman STOKES. Thank you. You may be seated.

Would the other persons at the witness table please identify themselves for the record?

Ms. KENNEDY. My name is Florence R. Kennedy. I am an attorney, 8 East 48th Street, New York, N.Y. This is my assistant paralegal, Betsy West, 8 East 48th, New York, N.Y.

Mr. PEPPER. William F. Pepper, attorney from Westerly, R.I, associated with Florence Kennedy. We have been called to represent, and accepted the call to represent Jerry Ray, pretty much at the 11th hour, Mr. Chairman. In light of that, and in light of ensuing publicity over the course of the last 2 weeks, which we think has been distressingly inflammatory with respect to this witness, we would request an opening statement of 5 minutes, which is certainly within the realm of the committee's power to grant.

Chairman STOKES. The Chair would state that there is no provision under our rules for an opening statement by the witness of 5 minutes. There is provision under our rules at the conclusion of the

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witness' testimony for either the witness or his counsel to make a 5-minute statement to this committee, at which time the witness can amplify or explain or in any way make further comment upon his testimony before this committee

Ms. KENNEDY. Mr. Congressman, let me just say for the record that in light of the fact that counsel for this committee has stood here and indicated on the record a number of speculations, a number of possibilities, a number of leaps of logic to this media event makes it very prejudicial to Jerry Ray.

We have found this throughout this committee's hearings that every truth or everything that works against the theory that James Earl Ray is a lone assassin has been covered by a story based on speculation and circumstancial evidence, and you just heard a perfect example of it this morning, and these people have taken this statement, and now you deny us the right even to make a statement in response to that, and this is typical of the way this entire subcommittee has been handling this affair.

Chairman STOKES. Counsel's comments will be noted for the record.

At this time the Chair desires, Mr. Ray, to address you with reference to the scope of the inquiry that this committee will be conducting today. The scope of the committee's inquiry is defined in House Resolution 222. It is to conduct a full and complete inquiry into the facts and circumstances surrounding the assassination and death of Dr. Martin Luther King, Jr. This will enable the committee to examine the adequacy of existing laws, including the civil rights statutes, and the investigatory jurisdiction and capabilities of agencies and departments of the U.S. Government, and to recommend the amendment of existing legislation or the enactment of new legislation if the committee deems it appropriate

The Chair at this time recognizes counsel for the committee, Mark Speiser.

Mr. SPEISER. Thank you very much, Mr. Chairman.

I would like to welcome you to Washington, Mr. Ray. Before I begin my questioning of you, Mr. Ray, I would like to ask and address one question to counsel, and that is, I would like to have counsel answer on the record whether or not he and she are or have been in the past affiliated with any other attorney that has represented a witness in the past before this committee?

Ms. KENNEDY. Would you want to name the attorneys that you have in mind?

Mr. SPEISER. I do not have any attorney in mind. I am asking you a question of a general nature.

Ms. KENNEDY. And may I ask the nature of the association you have in mind? You want to know whether we know any of the other attorneys?

Mr. SPEISER. I am asking you whether you are associated as counsel with another attorney that has represented another witness before this committee?

Ms. KENNEDY. I take it you are fishing to find out if we know Mark Lane. I know Mark Lane. I have seen him about three times in 10 years.

Mr. SPEISER. Ms. Kennedy, you can comment as you choose on my question. I am asking you for a direct response. Are you or are

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you not affiliated with any attorney that has represented a witness in the past before this committee?

Ms. KENNEDY. I don't know all the attorneys who have represented witnesses before this committee. I know Mark Lane, and I know Mark Lane for many years, and I have seen him twice or three times in about 10 years. I have not discussed the representative, the representation of James Earl Ray with Mark Lane.

Mr. SPEISER. Thank you very much, Ms. Kennedy.

Mr. Pepper?

Mr. PEPPER. Counsel, I have not been associated with any attorney who has represented any witness before this committee.

Mr. SPEISER. Thank you.

Mr. Ray, before I begin my questioning, I would like to advise you of the posture which you take before this committee. This committee views you in a dual capacity. You are appearing here as a witness to assist this committee in its investigation in areas that are relevant and pertinent and material to this investigation.

In addition, I must advise you that we have received information of an incriminatory nature which would suggest that perhaps you might be involved either as a coconspirator or otherwise in assisting Mr. Ray to escape from prison, harboring him once he escaped from prison, financing him while he was a fugitive, and, last but not least, assisting him possibly in the assassination of Dr. Martin Luther King. So I want to emphasize to you, Mr. Ray, that you must be aware of the posture in which we view you when you are testifying here today.

Now we have called you back today not for the sole purpose of questioning you strictly on the areas upon which you were questioned when you were here in executive session. Some of the questions that will be propounded to you in fact were addressed to you while you were here in executive session, but the reason why that is being done is because, subsequent to your appearance here, this committee has received information, credible information, which would suggest that your testimony was perjurious, false, and inaccurate.

In addition, Mr. Ray, the second reason why we are asking you to appear here in public session is that new information has been uncovered since your prior appearance, information which you are no doubt aware of through coverage in the press, concerning possibly a St. Louis-based conspiracy that might be responsible for the assassination.

In view of this, Mr. Ray, I would like to advise you that this committee, on November 8, secured from U.S. District Court Judge Charles Bryant an immunity order. This immunity order can only be effectuated upon your assertion of your fifth amendment privilege. Whether or not you assert that privilege is a matter that is up to you and a matter which I suggest that you should discuss with your counsel, but this immunity order will not take effect until you assert your fifth amendment privilege. Do you understand that?

Are you ready to begin?

Mr. RAY. I would like to ask one thing. You uncovered reliable information that I was involved in the murder of King? Is that what you said?

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Mr. SPEISER. This committee has received information which would suggest that perhaps you were involved in the assassination directly or indirectly, or perhaps facilitated the means by which the assassination took place. We will get into that area at a later juncture in this questioning, but I just wanted to advise you of that fact to make you aware of the posture in which we view you here today.

Mr. RAY. I was wondering——

Mr. SPEISER. Will you speak into the mike, please?

Mr. RAY. I was just wondering if it came from people like this, Ollie Patterson and Richard Geppardt?

Mr. SPEISER. Excuse me?

Mr. RAY. I was just wondering if information came from people like this.

Mr. SPEISER. Mr. Ray, later on in our questioning we will enlighten you perhaps on the source of information. Now that you brought the matter up, I want to advise you further, Mr. Ray, that this is not a grand jury, and consequently we are going to confront you with all the information that we have, and that has come into our possession, because we are here seeking the truth. We are not here seeking to entrap you. We are not here seeking to trick you into making perjury. We are going to confront you with all the information that we have. Do you understand that?

Mr. PEPPER. Would counsel advise our client why this confrontation has been a unilateral one for the last 2 weeks in the media based upon leaks from this committee, rather than this committee and counsel waiting so there could be a face-to-face confrontation?

Mr. SPEISER. I do not think it is appropriate for me to——

Chairman STOKES. I do not think that counsel has to respond to that. It is not true, and counsel is out of order.

Proceed.

Ms. KENNEDY. Mr. Congressman, I want to know if there is going to be any limit to the amount of speculation, the amount of testimony referred to, information alluded to, without any support that can be cross-examined or even heard by this witness. And I want to know whether or not counsel is going to be able to indulge in any fantastic theory without giving defense, the witness, an opportunity to learn whether or not an equal amount of inquiry has been made into other possibilities to account for what seems to be an effort to cover up other conjectures, other possibilities, and other facts which have been brought out.

It would seem to me that if this much latitude is given to this committee, with all these charts which give validity to the sort of testimony that you heard on yesterday from a lawyer who, in violation of the client privilege, has indicated——

Chairman STOKES. Will counsel suspend? The Chair is not going to entertain some form of final argument at this time.

Now the Chair will recognize you as counsel to represent your client adequately at any time you interpose objections. There is nothing pending before you at this time to object to.

Ms. KENNEDY. All right, Your Honor.

I move that the entire statement just made by this counsel, whose name I can't see from here, be struck from the record in that it involves a tremendous amount of speculation possibilities,

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and that this committee does not afford this witness an opportunity to respond or to hear the testimony on which this purported questioning is based.

Chairman STOKES. Objection is overruled. Counsel will proceed.

Ms. KENNEDY. That figured.

Mr. SPEISER. Ms. Kennedy, for your information, my name is Mark Speiser, so that you can refer to me.

Ms. KENNEDY. Can I have the spelling?

Mr. SPEISER. S-p-e-i-s-e-r.

Ms. KENNEDY. First name?

Mr. SPEISER. Mark.

Ms. KENNEDY. C or k?

Mr. SPEISER. K.

Mr. Ray, I would like you to acknowledge for the record that you are appearing here pursuant to a subpena.

Mr. RAY. Yes; correct.

Mr. SPEISER. And Mr. Ray, I would like you to further acknowledge that this committee on May 4 of this year, November 7 of this year, and November 22 of this year sent to you letters in which we outlined the scope of our inquiry as it was directed towards you, and the urgency that you retain counsel, and bring counsel with you.

Now I see that you have brought counsel with you. I would like you to acknowledge for the record that you have received these letters.

Mr. RAY. I received the letter telling me I couldn't have Mark Lane as my counsel.

Mr. SPEISER. For the record, Mr. Chairman, I would choose to have these letters entered into evidence as MLK exhibits F-590, F-591, and F-592, and if Mr. Ray's current counsel do not have copies of those letters, I see no problem in the clerk showing them to them at this time.

Chairman STOKES. Without objection, they may be entered into the record at this point, and will counsel specify the basis or the reason for the insertion of the letters?

[The information follows:]

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MLK EXHIBIT F-590

Select Committee on Assassinations
U.S. House of Representatives
3331 HOUSE OFFICE BUILDING, ANNEX 2
WASHINGTON, D.C. 20515

May 4, 1978

Mr. Jerry Ray
591 Cherokee
Marietta, Georgia 30060

Dear Mr. Ray:

In connection with your forthcoming appearance before the House Select Committee on Assassinations, Committee staff attorney Michael Eberhardt has advised me of your request to have the Committee reconsider the prior disqualification of Mark Lane as your attorney due to his conflict of interests in representing both James Earl Ray and yourself before the Committee. I must advise you that, while you are certainly free to petition the Chairman for a reconsideration of his earlier ruling, counsel for the Committee has determined that the facts surrounding the earlier ruling by the Chairman as to Mr. Lane's conflict of interest remain essentially the same. Therefore, counsel would urge the Chairman to abide by his earlier ruling on this matter.

Mr. Eberhardt advises me that you are perhaps contemplating an appearance before the Committee without the assistance of legal representation in view of Mr. Lane's disqualification. As a general proposition, and in view of recent problems this Committee has faced with certain witnesses (whose identity I am not at liberty to divulge) where such witnesses have given the appearance of obstructing the investigation of the Committee by fabricated failures of memory as to significant matters, I would suggest to you that an unrepresented appearance on your part would be quite unwise. While the Committee has no current reason to believe that you will embark upon an obstructionist course during your answers, it is important for you to realize that there are numerous and somewhat complex legal ramifications for such conduct. Furthermore, if you recall, the Committee has indicated that you are a potential subject of its inquiry and that an examination of you might tread upon areas involving criminal conduct on your part. Indeed, you have already invoked the Fifth Amendment and been granted immunity. Apart from your rights under such a grant of immunity, the Committee can foresee possible legal questions as to other rights and privileges which require your benefit of advice from counsel.

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While you have expressed an interest in having counsel familiar with the facts of James Earl Ray's case, I would recommend to you that even counsel without the benefit of such knowledge could assist you in terms of your own legal posture before the Committee. Therefore, I strongly suggest that, in view of your prior indication as to the lack of necessary funds to retain counsel, you permit the District of Columbia Bar Association to appoint private independent counsel to represent you. Should you choose to follow our recommendation, please call Mr. Eberhardt and he will make the necessary contact with the District of Columbia Bar Association which in turn will arrange for counsel.

As I am sure you are aware from the prior remarks made to you by the Chairman, and indeed from this letter itself, the Committee has no desire to deprive you of your right to counsel before the Committee. While circumstances have precluded Mr. Lane's representation of you due to a conflict of interest on his part, you should be cautioned that any appearance by you before the Committee without counsel would in our opinion be a grave mistake.

Your appearance before the Committee is now scheduled for May 10, 1978 at 1:00 p.m. Please contact Mr. Eberhardt for further information as to the place where the hearing is to be held.

Very truly yours,

G. Robert Blakey

G. Robert Blakey
Chief Counsel and Director

GRB:meh

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LOUIS STOKES, OHIO, CHAIRMAN
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CHARLES THONE, NEBR.
HAROLD S. SAWYER, MICH.
(202) 225-4624

Select Committee on Assassinations
U.S. House of Representatives
2369 HOUSE OFFICE BUILDING, ANNEX 2
WASHINGTON, D.C. 20515

November 7, 1978

Mr. Jerry Ray
591 Cherokee
Marietta, Georgia 30060

Dear Mr. Ray:

In connection with your scheduled appearance before this Committee in public session on November 30, 1978, the Committee again wishes to advise you that such an appearance without legal representation would not, in the judgment of the Committee, best serve the protection of your legal rights. As you are aware, the Committee has urged you (to no avail) to either retain private counsel or accept counsel appointed by the District of Columbia Bar Association ever since the disqualification of Mr. Mark Lane as your attorney before the Committee. Attached hereto is a copy of our earlier letter of May 4, 1978, on this topic. Furthermore, given the possible perjurious nature of some of your testimony in executive session and the apparent involvement on your part in serious criminal activity in the past several years, it would appear necessary, again in the judgment of the Committee, for you to have the benefit of legal advice during your public testimony and in any ensuing actions.

Sincerely,

Michael C. Eberhardt

Michael C. Eberhardt
Assistant Deputy Chief Counsel

MCE:lh
Encl:as

MLK EXHIBIT F-591

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Select Committee on Assassinations
U.S. House of Representatives
3333 HOUSE OFFICE BUILDING, ANNEX 2
WASHINGTON, D.C. 20515

November 22, 1978

Mr. Jerry Ray
591 Cherokee
Marietta, Georgia 30060

Dear Mr. Ray:

Mark Speiser, Committee staff attorney, has advised me of his conversation with you on November 21, 1978 in which you confirmed your intention of traveling to Washington by car and your securing of your own hotel accommodations while you are here, pursuant to subpoena to testify before this Committee on November 30, 1978.

Let this letter serve to remind you, as we have done in prior correspondence to you on May 4, 1978 and November 7, 1978 that it is our firm belief that you should be accompanied by counsel when you appear to testify at the public hearings. Counsel will be in a position to advise you as to your constitutional and legal rights. This should be of paramount concern to you in view of our earlier warning to you that you are considered a subject of this investigation and furthermore, in light of the apparent falsity of portions of your testimony in executive session.

Our position remains unchanged with respect to your representation by Mark Lane. Mr. Lane, in view of his serving as counsel to your brother James, would have a conflict of interest should he likewise appear as your attorney. Mr. Lane's disqualification in executive session will not be reconsidered merely because you will now be testifying in a public forum.

Therefore, should you choose to bring counsel as we suggest you do, but are unable to afford the cost of such legal services, please contact Mark A. Speiser (202 225-8353) immediately so he can arrange to have independent counsel selected for you by the District of Columbia Bar Association.

Sincerely,

G. Robert Blakey
Chief Counsel and Director

GRB:msc

MLK Exhibit F-592

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Mr. SPEISER. The records are being inserted for a twofold purpose: No. 1, to show that this committee has attempted to bend over backward to advise Mr. Ray prior to his appearance of the nature of the inquiry and the urgency that he retain counsel. Mr. Ray had advised this committee on several occasions that if he could not be represented by Mr. Lane that he would not appear with counsel, and these letters stress the fact that we would be willing to work with the District of Columbia Bar Association to have counsel appointed for Mr. Ray free of charge, in the event he could not afford counsel.

Chairman STOKES. Will counsel make a statement with reference to the conflict-of-interest issue, so that the record is complete on that?

Mr. SPEISER. Well, at this time, Mr. Chairman, there does not appear to be a conflict of interest with Mr. Ray being represented by Ms. Kennedy and Mr. Pepper.

Mr. Ray had represented to this committee, in fact when Mr. Ray appeared here in executive session he appeared initially with Mr. Mark Lane, who was current counsel for James Earl Ray, Jerry Ray's brother, and this counsel felt that there would be a definite conflict of interest in Mr. Ray, in the two Ray brothers being represented by the same attorney, Mr. Mark Lane.

James Earl Ray is the admitted assassin, and Jerry Ray, based upon information that we have, possibly could be incriminated in the assassination. For that reason, in anticipation of a possible conflict, we felt that Mark Lane at that time and at this time could not satisfactorily represent the rights, constitutional, legal or otherwise, of Jerry Ray. And we want to set forth that fact in these letters that I have just marked and requested be entered into evidence.

Ms. KENNEDY. We appreciate your concern for avoidance of a conflict of interest between Jerry Ray and James Earl Ray. However, I am a little mystified by the arrangement that you came up with, which was to appoint counsel from the D.C. Bar. Does this mean that counsel of his own choosing will not be compensated or will not be approved for compensation, because if it does, it means that his right to counsel, a constitutional right, is seriously jeopardized.

Mr. SPEISER. Ms. Kennedy, I think the question is moot at this time, and I would choose to proceed to the substance of our questioning today.

Mr. Ray, are you currently married?

Mr. RAY. No, I am single.

Mr. SPEISER. Do you have any children?

Mr. RAY. One.

Mr. SPEISER. Are you currently employed by Mr. J. B. Stoner?

Mr. RAY. That is correct.

Mr. SPEISER. And is Mr. Stoner currently affiliated with the National States' Rights Party?

Mr. RAY. That is right.

Mr. SPEISER. What is his relationship with the National States' Rights Party?

Mr. RAY. He is the head of it; chairman.

Mr. SPEISER. When did you first meet Mr. Stoner?

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Mr. RAY. Late 1969.
Mr. SPEISER. Late 1969?
Mr. RAY. Late 1969.
Mr. SPEISER. It wasn't near the time that your brother was getting ready to plead guilty to the assassination of Dr. King, which was in March of 1969?
Mr. RAY. No. It was after the guilty plea.
Mr. SPEISER. It was after the guilty plea?
Mr. RAY. After the guilty plea.
Mr. SPEISER. Substantially after the guilty plea?
Mr. RAY. Yes.
Mr. SPEISER. In what capacity are you employed with Mr. Stoner?
Mr. RAY. I wouldn't know how to describe the job. I just run errands and pick up the mail at the post office, and things of that nature.
Mr. SPEISER. Since when have you been employed by Mr. Stoner?
Mr. RAY. Since the FBI got me fired off my job at the Twin Orchard's Country Club.
Mr. SPEISER. I do not know if you answered my question. At what point in time was——
Mr. RAY. It was when he escaped the place.
Mr. SPEISER. The escape from Brushy Mountain?
Mr. RAY. In June 1967, I think.
Mr. SPEISER. Are you employed as a bodyguard for Mr. Stoner?
Mr. PEPPER. Mr. Chairman, I want to object to this whole line of questions that deal with any activities of Jerry Ray subsequent to the arrest and capture, and in this instance even the guilty plea offered by James Earl Ray. I want to object to this whole line of questioning on the basis of pertinence, with respect to the scope of the resolution that has established this committee, dealing, therefore, with the assassination of Martin Luther King, and the events subsequent to that with respect to Mr. Ray; I respectfully suggest to the committee they are not pertinent, they are not relevant, nor are they material.
Chairman STOKES. Does counsel to the committee want to be heard?
Mr. SPEISER. Mr. Chairman, I would respond to that by pointing out that questioning of Mr. Ray concerning his activities and actions subsequent to the assassination are definitely pertinent and relevant to the scope of this inquiry.
Let me finish, Mr. Pepper, please.
Following the assassination of Dr. King and a plea by James Earl Ray, I submit that actions and activities of Jerry Ray subsequent to those dates are relevant, since they serve as a good indicator of prior actions of Mr. Ray.
Second, they served to establish, in the committee's eyes, the credibility of the witness, namely Jerry Ray.
For example, this committee has been furnished with certain information concerning the activities of Jerry Ray subsequent to the plea by his brother to the assassination of Martin Luther King. This information appears credible and verifiable.
Now if Mr. Ray is going to sit here and deny those actions concerning activities he was involved in subsequent to the plea,

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then that would serve as an indicator to this committee as to whether or not he is telling us the truth about actions and activities he was involved in prior to the assassination. So for those reasons, Mr. Chairman, I feel that the questions that I am propounding to Mr. Ray are directly relevant.

Chairman STOKES. Does counsel desire to be heard further?

Mr. PEPPER. Mr. Chairman, we are referring specifically and focusing on those questions subsequent to the capture of James Earl Ray, not merely subsequent to the assassination between the period of time of assassination and capture. We are talking about questions that relate to the arrest and capture of James Earl Ray. We do not share learned counsel's position that an individual's future actions, present or future actions, are necessarily linked in relevancy with his past actions or behavior, or should they be given the same credibility.

We will not advise, counsel will not advise that Mr. Ray not be responsive to these questions, but we for the record want to note our objections and our exception to counsel pursuing this line of questions.

Chairman STOKES. Counsel's objections are properly noted and the Chair rules that they are pertinent.

Counsel may proceed.

Mr. SPEISER. Mr. Ray, in view of your association and affiliation with J. B. Stoner and the NSRP, do you share the basic tenets and principles of that organization?

Mr. RAY. Let me to respond to one thing. I never heard of J. B. Stoner or the States' Rights Party until J. B. Stoner visited James Earl Ray in the Memphis county jail in Memphis, Tenn., and the first contact I ever had with him was after the guilty plea when he didn't have no attorneys, and J. B Stoner offered to represent him for free. And since that time I have been unable to hold a job on account of FBI harassment, and so the only place I can work at is for J. B. Stoner.

Mr. SPEISER. Is your answer then no or yes? Do you share the principles advocated by J. B. Stoner and the NSRP?

Mr. RAY. No, I don't share every principle J. B. Stoner has. I don't share principles you have. The only way I ever got in contact with him was him being James Earl Ray's attorney.

Mr. SPEISER. So your answer is no?

Mr. RAY. No.

Mr. SPEISER. You are aware, are you not, that the organization headed by J. B. Stoner advocates white supremacy and racist principles?

Mr. RAY. Oh, yes, I know that. It is in the papers.

Ms. KENNEDY. May I just put on the record that this kind of prejudicial questioning is a bit absurd in a totally racist society. Most people are employed by people who have either capitalistic views or corrupt views, whether it is Lockheed or whomever, and I don't understand why it will be used further to prejudice this witness, to try to ask him whether he holds with the views of his employer. I don't really feel that this is appropriate, except to prejudice this witness.

Chairman STOKES. The Chair wants to admonish counsel. The Chair will not indulge in statements of this type.

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In the first place, you have not even placed an objection before the Chair. You are merely making a statement which the Chair will not indulge. You are overruled. You are out of order.

Proceed, counsel.

Mr. SPEISER. Mr. Chairman, at this time I would like to have introduced into the record MLK exhibit F-593.

Chairman STOKES. Without objection, so ordered.

[The information follows:]

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MLK EXHIBIT F-593

105-66233-2095

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N. S. R. P. AMERICA'S LARGEST WHITE RACIST PARTY

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Politicians Protect Black Revolution

Demands Investigation Of Riot Protectors

Congressman John R. Rarick of Louisiana is demanding an investigation of why Lyndon Johnson used troops to protect the rioters instead of using them to end the rioting in Washington.

"Earl Warren's dream has now departed from lofty platitudes and sugar-coated force laws to become a nightmare for all Americans," Rep. John R. Rarick of Louisiana's Sixth District said in a speech before Congress yesterday.

"All about us is Earl Warren's dream come true. Forced equality, court decreed laws favoring Communism, minority pressure control, reapportionment, handcuffing of law enforcement officers, and destruction of all States' rights -- have now centralized all power in the hands of a few who have demonstrated their incapability or lack of courage to protect their country and people," Rarick told his colleagues.

"America's cities are ravished by hordes of revolutionaries, sacking our land. While the nation's capital burned, the President proclaimed again, "We shall overcome," Rarick pointed out. "His behavior raises the question, 'Do we have a President of all the people or a commander-in-chief of the revolution in the White House?' "

"Hundreds of thousands of Americans want to know why some 20 hours elapsed in Washington, D. C., before the federal troops were called to offer an image of concern over the wholesale burning and looting.

"I feel strongly that the House owes a duty to every American citizen to ascertain why, in the federal District of Columbia, the headquarters of the government of all our people, immediate effective action was not taken to protect life and property," Rarick declared.

"For this reason, I am introducing today a resolution calling for a special investigation of this matter by a Select Committee to be composed of members of both parties appointed by the Speaker."

A copy of the resolution is attached.

H. RES. 1129

RESOLVED, That there is hereby created a select committee to be composed of seven

Continued On Page 8

The death of Martin Lucifer King in Memphis was the natural result of a lawless career. On the very day of his death, King was proclaiming defiance of the laws of the land. He was in Memphis for the announced purpose of defying the local Federal Court and of deliberately violating the Federal Court's injunction against his leading a massive black march that was designed to end in rioting and violence.

This decoy has been used against Whites in Little Rock, Ark. and Oxford, Mississippi, among other places, to force White people to obey the injunctions of the Federal Courts. Memphis proves that troops are only used to force White people to submit to federal tyranny and never used to force blacks to obey the law or injunctions. America is suffering from a double standard of "justice" which grants to black lawless mobs while denying rights to Whites.



Martin Lucifer King

APPEALS COURT INJUNCTION

The man who shot King was actually upholding the law of the land and enforcing the injunction of the United States District Court in Memphis which had forbidden King's marches. The White man who shot King did what was actually the duty of President Johnson, the federal marshals and the U. S. Army to do. He upheld the law and the dignity of the federal courts and the executive branch of government by doing their duty for them. He should be given the Congressional Medal of Honor and a large annual pension for life, plus a Presidential pardon.

King's doctrine of non-violence was only a tactic to enable him to more effectively incite violence. He was actually courting head on with Stokely Carmichael, Rap Brown and other blacks who advocate violence. King clearly stated that the forthcoming black march on Washington was designed to paralyze our nation's capital and close down the federal government until it granted the demands of the black revolutionaries. That means violence regardless of how much King screamed "non-violence." His brand of non-violence has always been a hoax and a fraud.

CONGRESS YIELDS TO MOB RULE

In the aftermath of King's death, Congress passed another so-called civil rights bill that takes more Constitutional rights away from Whites and gives them to black beasts. The latest civil rights law is known as the Dirksen Act because LBJ was not able to pass it until backstabbing Dirksen betrayed the White people of Illinois and America by joining with LBJ to force it through the Senate with the support of both the Democratic and Republican parties.

CONGRESS HAS ABDICATED

A majority of the members of Congress are degenerate black hearted scum who were happy to use King' death for passing another civil rights law against the White people of America. There are only a few patriotic loyal Americans in Congress and one of them is the Honorable John Rarick of Louisiana. The others are the dregs of creation and not fit to associate with decent men.

KING'S DEATH MEANS MORE BLACK ANARCHY

King' death is being used by the jew money, power and jew financed blacks as an excuse for general lawlessness and a stepping up of the revolution against us Whites.

MAYOR DALEY PRESSURED

Mayor Richard Daley of Chicago knows what kind of methods are necessary to stop arson, looting and general insurrection. He gave orders to stop the revolutionaries by shooting to maim and shooting to kill, orders that are in support of the common law and American law in general as it has always been the law. As soon as Mayor Daley gave the kind of orders to the police that would stop black rebellion, he was condemned by Mayor Lindsay of the jew-owned City of New York and by Ramsey Clark, the lawless Attorney General of the United States. Daley's methods would stop black rebellion by allowing the local police to do their duty and uphold the law. The jew methods of Lindsay and Clark would render the local police helpless and then continue to protect the black revolutionaries with the Army while the black beasts loot, burn, steal and murder.

The Thunderbolt believes in law and order and demands that the black rebellion be crushed as provided by law. This means that the police should be given the necessary arms and ammunition and ordered to mow the black rebels down. That is the traditional and customary way that rebellions are terminated. Otherwise, the White people will protect themselves as they have a right to do.

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Negro Solicitors Irk Valley Housewives

San Gabriel, California

"Do you hate Negroes?" asks the Negro man of the lady of the house.

Puzzled — and rightfully so — the woman responds, "Why, no."

"Well, then you wouldn't mind contributing to a Watts children's recreation center, would you?" the man says.

Some of the women who have reported such encounters recently to local police agencies said when they declined to contribute, the solicitor asks to use the bathroom. When permission is granted, the man, the women reported, enters and dallies around the inside of the house looking everything over. Some householders contributed to the children's center and jet it go at that.

As Harry Gist, El Monte city treasurer put it, "It certainly was a poor approach."

Gist had just gotten home from work recently when a young man using the same words called at him through his front screened door. Gist said as he got up to go to the door, the caller started to walk into his house. Gist said he stopped the young man and told him that he did not want to contribute to the child's center. He then asked the man for his solicitor's license.

The young man produced the license, said Gist, then Gist said he advised the solicitor that it was his (Gist's) signature that was written on his El Monte license.

Gist explained that last fall many representing themselves as distributors of the Black Muslim's newspaper, Muhammad Speaks, were issued El Monte licenses to sell their newspaper in El Monte. It is classified as a religious publication.

He said "they" came back recently and wanted the exempt permits to solicit for the children's center in Watts. Gist said the permits were also issued.

One of the problems that has come up in that, solicitors using this distinctive approach have been popping up in Los Angeles, Whittier, Covina, San Dimas and elsewhere. Of course, the solicitation licenses are only good in the city of El Monte but unless a person were to read the small print on the license he would not be able to tell where the license was issued.

One possibility for going in El Monte for their licenses could be that licenses of this type are easy to get in El Monte.

The Tribune checked with Councilman John Gibson's Watts field office and with Muhammad's Mosque No. 27 in Los Angeles, the Black Muslim Temple.

Black Muslim minister Herman Russell and a spokesman at Gibson's office responded the same. Neither knew anything about a charitable solicitation for a Watts children's recreation center. In fact, neither knew of a planned center at all.

Russell said, "It is not a legitimate solicitation as far as I am concerned. If we could find out who is doing it, we would take legal action to put a halt to it."

He said, "With the racial situation as tense as it is, this is something that should be stopped."

The law enforcement agencies which have had inquiries from citizens regarding these solicitors, however, say this is a very difficult thing on which to obtain a formal complaint. The reason is that the persons who are confronted either do not obtain sufficient information about the solicitor while he is making his pitch or would rather just forget it than become involved.

Musician Gives Quarter Million To Israel

One of the most popular bands with the younger set in the Tri-Jones Brass. Most people think they are Spanish, but Herb Alpert, its leader, is Jewish. Recently he gave a quarter of a million dollars to the United Jewish Appeal. All this money went to Israel to be used against the Arabs.

All his money comes from the sale of records to White Christian children. Let's cease buying records which support Israel.

Negro Officials Unable To Function

(Continued From Page 8)

blems of governing underdeveloped countries having primitive populations know that the first imperative essential is STRICT SEGREGATION (or separate development) in schools, colleges, churches, housing, business, government and armed forces. It should be recalled that Abraham Lincoln stated in 1864, "... I am not, nor ever have been, in favor of making voters or jurors of negroes, nor qualifying them to hold office." Note that the recent legislation permitting illiterate negroes (and whites) to vote is just a Red-inspired scheme welcomed by unscrupulous politicians to give political control to the enemies of our U.S.A. The enfranchisement of unqualified voters should be rescinded.

Surely it is urgent to stop all law-defying movements, including racial violence and rioting. All agitators, especially those with Red affiliations, should be promptly arrested and given long prison sentences. Since this lawless mass is a prelude to the ultimate violent revolution planned by the Communists to seize control of the United States, the authorities of our nation, states and cities should use whatever FORCE is necessary to preserve order.

In countries where strict discipline is enforced and all subversive activities are put down with an iron hand, hard-boiled rulers would not hesitate to stop the propagation of undesirable children by compulsory sterilization of feeble-minded, incurably insane, habitual criminals and subversive troublemakers.

Should we allow our United States of America to become the Soviet States of America - a slave state?

Research Department
Grass Roots League, Inc.
Charleston, S.C.

Charges Pro-Red Officials Hamstring Military Action

A well known military expert Gen. Thomas A. Lane has analyzed America's inability to counter Communist attacks and states: "There is only one way to handle Pueblo type incidents. Commanders on the spot must have authority to act with all available power to protect the interests of the United States. These attacks will come only when the Kremlin knows that this authority rests in the field commanders. In days when the United States was more respected, commanders had this authority."

(Editor Note: L.B.J. has had all military decisions transferred to a handful of so-called civilian advisers -- most of whom are Jews. See article elsewhere in this issue on Jewish influences of high government posts.)

Gen. Lane also said: "In the United States we fearful of opening a new front in Korea that it will condone the Pueblo piracy! We are weakened not physically but psychologically. Washington's illusions about peaceful living inside the Communist system. The chaotic hope that our threats will be met not with firm mass retaliation but with protracted negotiation. The more out of negotiating such an insane demands the United States and all nations the Communist conquest of the world."

Stoner Speaks In Meridian, Miss.



LIKES KING BETTER — J. B. Stoner, vice-chairman of the National States Rights Party, said here last night of the death of Martin Luther King that "he's been a good nigger now since six or seven o'clock tonight."

—Staff Photo

J. B. STONER SPEAKING—

More Violence Predicted In Wake Of King's Death

The vice chairman of the "white racist" National States Rights Party predicted here last night the Martin Luther King's death will bring more Negro demonstrations and violence than anything since the Civil War.

"King's death I predict, will trigger off more nigger violence than we have had in the last year or in the last 100 years," J. B. Stoner said. "The black powers niggers will now say that non-violence has failed and that violence is the only answer."

Stoner, who was in Meridian for an organizational meeting of the NSRP, told a small group that his party is a "white racist, anti-Jew" organization.

"We are white racists and we are proud to be white racists," he said. "The black supremists are proud to be black supremists.

"The National States Rights Party advocates an end to all friendship between the black and white races ...an end to all relationship between the races," he said.

Stoner charged that King was not non-violent, but that King "like all niggers," hated the white people.

"King was not non-violent," he said. "All the time he was saying non-violence he was planning a communist revolution. King's war was bloody and violent. He wanted a bloody revolution.

"So Gus hastred for us they have brought about the second Civil War and that is what we are now in," Stoner said.

"He has been a good nigger now since 6 or 7 o'clock tonight," Stoner said of King's death.

He said the NSRP welcomed the riots which are expected to follow and that they were glad to see others encouraging the Negroes to protest.

Stoner said that his group is planning marches and rallies of its own—beginning in May—in support of their "political" aims.

"For many years the FBI has guarded King's house and guarded him everywhere he went and yet he is dead," Stoner said. "I'd rather die in combat than keeping in a concentration camp."

He said the NSRP rallies and marches will start in Mississippi or Miami and "before the summer is out, I think we can arouse the majority of the white people in Mississippi."

Asked about reports that King's death might increase Sen. Robert Kennedy's chances of becoming the next president, Stoner replied:

"I wouldn't think so at all. I think the niggers were going to try low all summer to help Bobby Kennedy, but now they won't be able to control them. They won't be able to control the nigger lawlessness."

"... We (Zionists, ed.) are eager to join hands with the Jews of the Soviet."—Journal of Jewish Life and Letters" (New York), August 1948, p. 4.

SUBSCRIBE FOR A FRIEND

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Mr. SPEISER. MLK F-593 is an excerpt from the tabloid published by the NSRP entitled "The Thunderbolt." At this point I would just like to read a small excerpt from that magazine. This is on page 1:

> The man who shot Dr. King was actually upholding the law of the land and enforcing the injunction of the U.S. District Court in Memphis which had forbidden King's marches. The white man who shot King dead did what was actually the duty of President Johnson, the Federal marshals, and the U.S Army to do. He upheld the law and the dignity of the Federal Courts and the executive branch of Government by doing their duty for them. He should be given the Congressional Medal of Honor and a large annual pension for life, plus a presidential pardon.

Do you agree with the statements in that?

Mr. RAY. When was that published?

Mr. SPEISER. In May 1968?

Mr. RAY. I never heard of J. B. Stoner when that was published. I am not responsible for what the Thunderbolt publishes.

Mr. PEPPER. Mr. Chairman, counsel objects again to this whole line of questioning, particularly as it impinges on the client's first amendment rights embraced by the whole process and range of associations. If counsel wants to proceed to the substance of this hearing, we suggest that you do so rather than dwelling upon any associations of Mr. Ray, and perhaps we can get to the heart of the matter.

Reading such a statement as that into record is inflammatory and we object and ask that it be excluded.

Mr. SPEISER. Mr. Chairman, I appreciate counsel's argument and position. However, we are trying to get at the racial attitude of Jerry Ray at the time Martin Luther King was assassinated, for we feel that that attitude was shared with James Earl Ray.

Counsel, I would appreciate it if you would let me proceed. We have noted your objection.

Mr. PEPPER. But your comment, counsel, does not speak to the fact that Mr. Ray has already stated that he does not know J. B. Stoner at that time. You read an article in the record which was published prior to any knowledge or association with J. B. Stoner. On that grounds it should be excluded.

Chairman STOKES. The Chair is going to sustain counsel's objection and request that counsel for the committee proceed directly into those pertinent questions relating to Jerry Ray.

Mr. SPEISER. Mr. Ray, is it your statement that you did not meet or know of J. B. Stoner until after the assassination of Dr. Martin Luther King?

Mr. RAY. I never heard of J. B. Stoner or the Thunderbolt until—the first time I ever heard when he visited James in the Memphis jail when Arthur Hanes was his attorney. That is the first I ever heard of him.

Mr. SPEISER. At this time, Mr. Chairman, I would choose to have marked into evidence MLK exhibit F-597.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

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MLK Exhibit F-597

Jeff Facter - And did you have a conversation with Jerry Ray?

Harry Avery - In the warden's office at that time.

Jeff Facter - And can you tell me what that conversation was?

Harry Avery - Yes, I asked him about the contract and he said he had it with him and I asked him if I might read it and he handed it to me and I read it and it was pretty lengthy, and a lot of things in it that more or less startled me and I said it will take a little time, it's Saturday afternoon and I want to get a copy of this and I don't know whether the warden has got somebody here to do it this afternoon or not.

Jeff Facter - Excuse me, this was the contract between Hanes, Huie and James Earl Ray?

Harry Avery - That's right and one of the things that interested me about that contract was that it was signed and acknowledged by Huie and Hanes a long time before James Earl Ray signed it. He acknowledged it after he got back to the United States before a notary in Shelby County in jail down there and this thing was gotten up in Birmingham without James Earl Ray having the slightest idea that it was being prepared and that interested me terrifically in saying to Jerry, it will take some time to get a copy on Saturday afternoon. He said, well I've got to go to the Noal Hotel and I'll be down there awhile, can you tell me how to get down to Noal Hotel and when I get back, I'll pick it up. And I said well, I wanted to have some excuse for him to ride with me and me have a chance to be with him and talk with him, so I said I could tell you how to get down there

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Avery - but I'm sure you would get confused because they are building an interstate across a lot of these streets and they are blocked off and you have to take a sort of a circuitors route to get downtown from here now. But I said I'm going to go and I'll be down there in an hour or two, why not just ride with me and I'll pick you up and bring you back. I said what's the purpose of your trip to the Noal? Well, he said, I am suppose to meet Stoner down there and I said you mean — at that time I knew his given name. I had read a lot about him and his representation of that case in Alabama, and he said yea, and I said well tell me how he got into it, into this case. And he said why he's been our lawyer for at least two years before Martin Luther King was ever killed.

Jeff Facter - Could I just stop you right there for a second? Are you positive that he said that Stoner had been the family lawyer for two years?

Harry Avery - Had been our lawyer for at least two years before King was ever killed, that was his exact words. Now whether he meant our family lawyer, whether he meant just me and James Earl Ray, I don't know but he said our lawyer.

Jeff Facter - And you are certain about the two years prior to this?

Harry Avery - Yes sir, I'm certain about that. So I not only carried him down there but I asked him then how this fellow Hill got into this case? I think his name is Hill, a young lawyer from Chattanooga and he said, well you know, I got a daughter that lives here in Tennessee. No, I said I didn't know that. Well, he said yea, she's not the

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Mr. SPEISER. MLK F-597 represents an interview that was undertaken by this staff with Harry Avery, who was the Commissioner of the Tennessee prison system.

Mr. Avery was interviewed by staff counsel and Mr. Avery indicated, when interviewed, that you advised him when he was taking you to a hotel in Nashville to meet with Mr. Stoner, that Mr. Stoner had been attorney for you and your family for 2 years prior to the assassination of Dr. Martin Luther King.

Is that statement accurate or inaccurate?

Mr. RAY. It is a joke, a sick joke.

Mr. SPEISER. Did you make that statement and intend it as a joke or are you suggesting Mr. Avery is lying?

Mr. RAY. Mr. Avery is lying. I don't joke like that.

Mr. SPEISER. Mr. Stoner has represented you in a prior criminal action, is that correct?

Mr. RAY. That's true.

Mr. SPEISER. And Mr. Stoner has represented your brother, John Ray?

Mr. RAY. Yes.

Mr. SPEISER. And at a time Mr. Stoner has represented James Earl Ray?

Mr. RAY. Yes.

Mr. SPEISER. Do you know why your brother, James Earl Ray, has furnished a waiver to this committee for every single attorney that represented him with the exception of J. B. Stoner?

Mr. RAY. No; I thought he didn't waive Percy Foreman. I thought Foreman was up here illegally making up stories and telling the committee a lie because James wrote a letter I think I got in my thing that he didn't waive Foreman's thing and Foreman just went ahead and came up here and tried to influence the committee and so I thought Foreman and Hanes—Foreman and Stoner neither one was waived.

Mr. SPEISER. In April 1968 how were you employed?

Mr. RAY. April 1968? I was employed at the Sportsman's Country Club in Northbrook, Ill.

Mr. PEPPER. Mr. Chairman, does the committee have in its possession a waiver of Percy Foreman from James Earl Ray?

Chairman STOKES. Counsel will reply to that.

Ms. KENNEDY. Mr. Chairman, is it——

Chairman STOKES. Just a moment.

The Chair is taking an inquiry from your cocounsel.

Ms. KENNEDY. Thank you.

Chairman STOKES. The answer to counsel's inquiry with reference to Mr. Percy Foreman is that Mr. Ray did give the committee a waiver and pursuant to that waiver we interviewed Mr. Percy Foreman on two occasions.

Subsequently, Mr. Ray revoked all of the waviers previously given to this committee.

Mr. PEPPER. Is the Foreman waiver a matter of the committee's record? Has it been entered into the committee's record?

Chairman STOKES. I believe it is a part of the record.

Ms. Kennedy, did you have——

Ms. KENNEDY. Yes, sir, I apologize for stepping on my cocounsel's application, but I was wondering whether or not Mr. Ray can have

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copies of the waiver and revocation or if the record can indicate the dates involved in the withdrawal of the waiver for counsel's appearance?

Inasmuch as this has been introduced and counsel was not aware that this would be introduced, I would appreciate copies of the waivers and the revocation.

Chairman STOKES. Ms. Kennedy, I don't think for the purposes of the questioning here of this witness that that is either pertinent or relevant.

The inquiry is merely made as to whether or not he was aware and he has himself replied—he is the one who responded to counsel's question in a way that is now of record.

Ms. KENNEDY. Well, Your Honor, in light of the attorney/client privilege, it would seem rather important if an attorney is making statements against the interests of a present or former counsel, that the waiver situation be clarified.

I just want to make that for the record without taking any more of the committee's time on that point.

Chairman STOKES. The waiver is on the record and counsel can proceed.

Mr. SPEISER. Mr. Ray, in April 1968, you acknowledged being employed by the Sportsman's Club?

Mr. RAY. Yes.

Mr. SPEISER. In what capacity?

Mr. RAY. I was the overnight watchman.

Mr. SPEISER. What were your working hours?

Mr. RAY. Eleven at night until seven in the morning.

Mr. SPEISER. What was your day off?

Mr. RAY. I believe it was Thursday, I believe.

Mr. SPEISER. Thursday was your day off?

Mr. RAY. Yes.

Mr. SPEISER. So you would get off work at 6 o'clock in the morning——

Mr. RAY. About 7 o'clock.

Mr. SPEISER. Seven o'clock in the morning, Thursday morning, and not have to return to work until 10 o'clock or 11 o'clock on Friday evening?

Mr. RAY. Yes.

Mr. SPEISER. Is that accurate?

Mr. RAY. Yes.

Mr. SPEISER. When was your vacation in 1967 and 1968?

Mr. RAY. I cannot remember that. It would be when the season was probably over, probably late in the year, November, December usually.

Mr. SPEISER. Did you normally have a Christmas vacation?

Mr. RAY. No; I worked on Christmas or somebody had to do the job. I was usually around there for Christmas.

Mr. SPEISER. In 1967 you did not take Christmas vacation?

Mr. RAY. I am not saying one way or another because there is no way I can remember that far back. You can check my work records and find out.

Mr. SPEISER. Mr. Ray, I would like to direct your attention to MLK exhibit F-598. F-598 is a copy of your visitor's record at the Missouri State Penitentiary in Jefferson City, Mo., which reflects

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the dates that you visited your brother, James Earl Ray at that institution. That exhibit is being shown and put on the easel there.

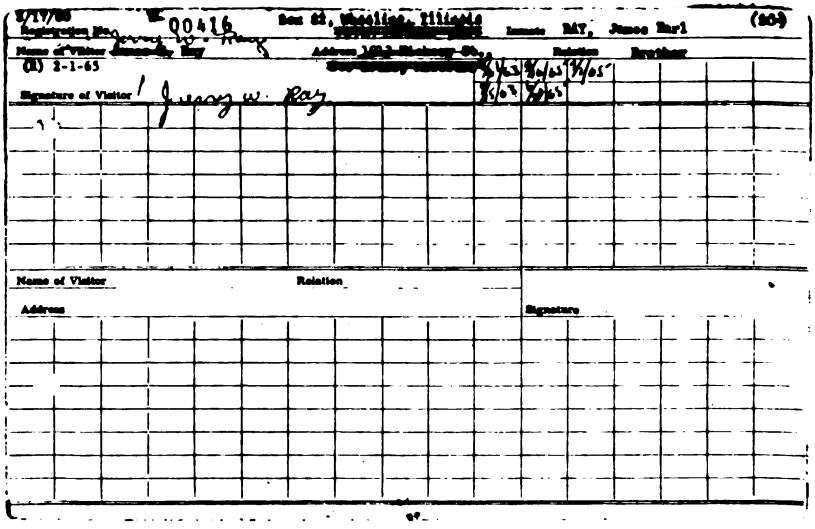
Chairman STOKES. Is counsel asking that exhibit be made a part of the record?

Mr. SPEISER. Would the clerk furnish the witness with a copy of that in the event he cannot see the easel?

I will request that this document be introduced into the record.

Chairman STOKES. Without objection, it may be entered.

[The information follows:]



MLK EXHIBIT F-598

Mr. SPEISER. Mr. Ray, does this record accurately reflect the visits you paid to your brother, James Earl Ray, while he was incarcerated at Jefferson City?

Mr. RAY. There is no way I can remember back that far, but that looks like—that is my signature and I can tell my own signature, and I visited him a few times while he was down there. I don't know how many times exactly. That—it might be true, I don't know, because that is my signature.

Mr. SPEISER. Do you have any recollection—let me rephrase the question. Did you have your own visitor's pass when you visited your brother James?

Mr. RAY. I am pretty sure you can get a visitor's pass. I think you had to have a visitor's pass to get in.

Mr. SPEISER. Did you use anybody else's visitor's pass?

Mr. RAY. I don't think so. I don't remember doing it. I don't think so. It is hard to remember all that stuff. That has been 15, 16 years ago.

Mr. SPEISER. For your recollection, Mr. Ray, James Earl Ray escaped from the Jefferson City prison on April 23, 1967. Do you have any recollection of visiting James Earl Ray the day prior to his escape?

Mr. RAY. I positively didn't visit him. That is a positive.

Mr. SPEISER. Do you know if your brother John visited him on that day?

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Mr. RAY. I don't know what John did because he was in St. Louis and I was in Chicago, the Chicago area.

Mr. SPEISER. So your answer is no, you do not know if John visited him the day before?

Mr. RAY. I don't know if John did. I know definitely I didn't.

Mr. SPEISER. Were you aware that your brother James, prior to a successful escape in April of 1967, had twice previously attempted unsuccessfully to attempt to escape from Jefferson City?

Mr. RAY. There is no way I can respond to that because that goes too far back to remember. I have heard since then about it, but I don't remember hearing about it before.

Ms. KENNEDY. Mr. Chairman, before we proceeed too much further, may I just request that the witness be provided with a copy of this record in order for counsel to confer with him subsequently? Thank you, sir.

Chairman STOKES. Counsel's request will be granted.

Ms. KENNEDY. Thank you.

Mr. SPEISER. Mr. Ray, do you know who assisted your brother James in escaping from Jefferson City?

Mr. RAY. Do I know who assisted him? There is no way I can know. I am working in Chicago. I am working every night when he escaped that place.

Mr. SPEISER. So your answer is you did not assist your brother James in escaping?

Mr. RAY. I did not assist him and there is no way—I hear rumors, but I am not one that pays any attention to rumors.

Mr. SPEISER. Well, setting aside rumors for a moment, do you factually know who assisted James in escaping from Jefferson City?

Mr. RAY. The only way I would factually know is if I was there and seen the escape and I wasn't there. I was working in Chicago and there is no way I can know who helped him.

Mr. SPEISER. Did anyone ever tell you they assisted James in escaping?

Mr. RAY. I never—nobody has ever told me that.

Mr. SPEISER. John never admitted that to you?

Mr. RAY. Never has admitted that to me.

Mr. SPEISER. Did you ever tell anybody that John assisted——

Ms. KENNEDY. Mr. ——

Mr. SPEISER. May I finish my question, please?

Ms. KENNEDY. No; I want to refer to the question before this. I would like to ask, Mr. Chairman, to strike the word "admitted." The word "admitted" suggests a fact and I would like the question to be rephrased to eliminate an implication that this committee has firm, factual evidence that John Ray assisted James Earl Ray in escaping from the penitentiary.

Chairman STOKES. Ms. Kennedy, I don't think counsel intended that implication by his question.

Mr. SPEISER. Ms. Kennedy, I asked your client whether John ever indicated or admitted to Jerry that he——

Ms. KENNEDY. I am objecting to the word "admitted." I am objecting to the form of the question, and I am asking that the word be stricken and a less culpatory, objective word be substituted in the question.

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Mr. SPEISER. Mr. Ray, did you ever tell anybody——

Ms. KENNEDY. Could I have a ruling?

Chairman STOKES. Can counsel rephrase his question?

Ms. KENNEDY. Thank you.

Mr. SPEISER. Did your brother John ever indicate to you that he assisted James in escaping from Missouri State Prison in April 1967?

Mr. RAY. Not that I remember.

Mr. SPEISER. Did you ever tell anybody that John assisted James in escaping from Missouri State Prison?

Mr. RAY. I have never told nobody anything like that, but I am positive that you can run some informants up here, ex-convicts or FBI informants that will say whatever you want to hear.

Mr. SPEISER. Mr. Chairman, at this time I would like to have marked for evidence and introduced into the record MLK exhibit F-599 which reflects the notes of author George McMillan, taken in a series of interviews with the witness, Jerry Ray; attached to the notes is a brief letter from Mr. McMillan to an attorney on the committee's staff.

Now, on page 25——

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

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MLK Exhibit F-599

220341

March 16, 1978

Dear Mr. Eberhardt:

I'm returning herewith the copy of the Jerry Ray interview notes you handed me in your office yesterday.

And, in compliance with your request, I have underlined in red ink those words, phrases, and sentences which are my own notes, thoughts, interlineations.

I understand from your phone call this morning that you will be sending me a voucher for the expenses I incurred in coming to Washington to be interviewed by you and members of your staff.

Sincerely,

Mr. Michael Eberhardt
Select Committee on Assassinations
U.S. House of Representatives
3331 House Office Building, Annex 2
Washington, DC 20515

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ALTMAN

JERRY RAY -- SECOND CHICAGO INTERVIEW

MONDAY, JUNE 26, 1972

Went only once New Orleans -- Florida several times. He'd pull job. $1,000 -- $1,000 -- he'd take off, go Florida, New Orleans. XIII

Dope started in Army. XI

He'd go on vacation after every hit (robbery) -- go California. XIII

He never screwed punk in prison. XV

PRIORY ran prison. Nash was liked. Rumor is Nash committed suicide (JER said) was because his daughter pregnant by black man. XV

JER talked about Robert de Pugh, Minute Man, leader. There are Minute Men in Jeff City. XV

Melba was not prostitute. XIII

That was KK did stabbing in Jeff City. Some of those fellas make themselves The Klan after they get in. Hadn't been in Klan before, Menards were Klan inside. They were dangerous, hung out to themselves. XV

They all pack shivs. Shivs, Jimmy, Burns file down a spoon. Nobody bother them. XV

He did get more bitter over the years. XV

Stuff about Knasas City, girl, signature man doesn't sound right now. XIV

I used to sit around dreaming about job two or three hundred thousand dollars -- Instead of being rehabilitated -- but these dreams fell apart when I got out -- like ~~unless I would~~ charter a plane. XII

Your mind acts completely different in there (in jail). Different lawyers have different Even old crazy Hill. XV

Questioning re Curtis notes

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If you took something of his, he'd kill you-- it was some kind of a challenge to him.

He's fanatic about his health (mineral oil). Body -- always does exercises no matter where he goes: walks on his hands, push-ups. Been doing it for years and years.

He always like kids; when he's around -- they're the only ones he shows affection to, not grown-ups. Comes out whenever you're around him.

Don't talk about your people in prison because that gets you in a depressed mood.

(Escape Meet)

The town was St. Auber -- the trusties told JER about town. Jack missed him because JER didn't get there -- Jack had given him pay phone and JER called it and Jack came. What he told Huie was true -- a little creek by St. Auber. Jerry went down there a couple of times. Little creek just before como in to St. Auber from West -- Jimmy told Jack where to pick him up. They went East St. Louis and then Chicago.

Jerry wouldn't eat rice at dinner -- "That's Japanese food." Like father, like son.

3x5 card

Knollwood Country Club, Lake Forest, Ill.

TUESDAY, JUNE 27, 1972

(Pleading Guilty)

JER wrote Foreman 10 reasons why he wouldn't plead guilty. Got from Foreman 1) hurt my social standing; 2) number Nixon, Wallace, Humphrey supporters in Memphis -- that he would never be convicted.

JER was getting more and more depressed way he was locked up in Memphis. Pleaded guilty because he wanted get out of that place.

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(Atlanta Bombing)

JER had 14th St. place in Atlanta. Guy was from Atlanta. He didn't know Guy well. Met him in Atlanta. Guy didn't know anything about JER. He was racist guy, hated King, Nggroes, Met him in bar. JER didn't trust Guy. They were gonna blow house up. Guy was supposed to be expert. If expert, he must have been in dynamiting before. JER said Guy lived around there. JER frequented this bar -- it had pool table -- play pool with this guy. Also TV. This brought discussion -- some trouble with Black -- policeman shooting Black. This started discussion between him and JER -- Guy said should give cop medal. Dynamiting came up. He knew Guy knew what he was doing but guy talked too much. The two of them talked about it. They made plans. JER felt guy would be bragging. He was big guy. JER called him BUTCH. Butch was always in that bar. He also came to JER's apartment. They made plans there. The guy had the dynamite. Theyewasn't no money involved -- just for their own satisfaction.

JER knows all these groups -- where they are-- their addresses -- phone numbers. FIERY CROSS -- LIBERTY LOBBY. Would know must how to get in touch.

He knew Courtney -- how to get in touch --

Way JER told Jerry it was simply that they met in bar over remarks about cop shooting Negroes.

JER ~~doesn't know his~~ he would be listening -- know what everybody saying 3 or 4 tables from him -- whoxx was for him, who against him.

Stoner never did have no contract with JER. If he had, don't worry JER would have had plenty of money to leave U.S.

(Fiery Cross)

Only organization ever mentioned was FIERY CROSS. JER mentioned that several times. He asked me to write to them -- THE SWORD and THE FIERY CROSS. This was before he plead guilty -- when Foreman was on case.

When Stoner went see JER he wanted criminal part, not life LIFE. JER wanted Klan lawyer in Memphis-- Went to Ryan, even before Foreman. JER knew one guy belonged to Klan -- something like Stephens -- from Florida. JER met him in Alabama -- rooming house. Met Stephens in Alabama. In Fla. (JER said) Klan has kitty for legal defense. JER finally told me to forget about writing to FIERY CROSS -- he knew address

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everything except zip code.

(Stevens)

Positive/ ~~Portsac~~ name was Stevens, Jacksonville, FLA. "Cal"

JER knew him while he was in ~~Jx~~ Birmingham-- But they weren't gonna do anything together. Just told me to get in touch to help get lawyer.

Stevens only bar-room or casual acquaintance. He wouldn't have known what was on JER's mind.

(Last Phone Call)

That last phone call -- all excited and worked up -- more anxious couldn't wait for day.

When talk Chicago -- or at no other time -- in the whole year -- did he mention any group or individual.

He wasn't plotting nothing with Stevens -- There wasn't nothing to tell me.

The only guy that I can put on any kind of a conspiracy is that guy in Atlanta.

(Kennedys)

Only people he talked about were/ politicians -- cussing Democrats -- Johnson, Humphrey -- Kennedys (thought they were lowest trash in world -- "All three of them should meet same fate. Wiped out.") Also Jacob Javits. Johnson was lowest of bunch -- a southerner and a turncoat. His mind's on political stuff all the time, then and now talks more about people he hates than people he likes. "Goldwater would have shot down Blacks." JER

First time I noticed anti-Black feeling was after he got out of Army.

For all talking we ~~did~~ money those times, the most talk was about how to make/ Of course, you can't talk to Jimmy but so long before politics comes up. He likes Nixon and Agnew.

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(Chicago Meeting April 1967)

I knew all about excape but didn't know when they would arrive. Jack met him because he was in St. Louis and I was in Chicago. I was half-way ~~xxxxx~~ expecting phone call. I got it. I couldn't leave right then. Next day I went -- met Atlantic Hotel. They had already checked in. Main reason took separate rooms. JER been in long time. We all got girls that night. One I got called Co-Co. We talked in Jimmy's room. I registered Jerry Ryan. Jimmy also registered Ryan. Don't know how Jack registered. $6.50 or $7.00 for a room.

It was kind of strange seeing ~~somebody~~ him I was tickled but I knew better than to grab him. He would have knocked me down.

After we talked for so long we went down to Victorian Hotel bar -- had several drinks.

Then back to rooms -- Then JER said "I better get me a head job" so we parted for a while.

At bar, all the talk we did, not over 20 or 25 minutes, was just friendly -- he's serious, he's a businessman --

Main thing we talked about was this ~~xxx~~ pornographic business. Him and Jack talked porno -- Jack had experience. Had figured out before, how to run ads. They were just discussing, neither telling the other. Jack said ads Midnight, Insider -- "The bigger the ad, the more the response. Put everything in that" legal. They send a legal picture. Then pay prostitute to make some real strong pictures."

JER real interested -- said he read in prison how guys get rich off it. Said get Mexican girls to make pix -- do almost anything -- for nothing.

JER said in prison didn't have equipment to learn how to make and develop pix. "That wouldn't be no problem," JER said. "Problem is to get names and sorting out good ones from bad ones. Have to be careful because federal people get you."

John said, -- "Way to beat that is get pix -- no fingerprints on pix or envelope -- no return address -- mail it at post office -- you get the money first."

(Porno)

His big idea was to make plenty of money.

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He never went all out on one thing but he thought he would turn that porno into a big thing. But it's a slow process -- You have to build that thing -- Who's right and who's not right and JER's not too patient a fellow.

(Chgo. Meeting -- continued)

We discussed where to run them ads -- x either in underground papers or scandal sheets. Woman knows if she answers ad one of those papers that you want everything.

When came back Chicago after 1st Canada he told me about ads he had run ads in Toronto paper FLASH or something like that. He said something there about French culture. He got a few replies. He met one girl there from ad. He was surprised she was nice-looking woman. Met her twice. She was all hot, got head job -- divorcee.

"How can person just go for one way -- just that one thing" -- said Jerry laughing.

Porno was the main topic that night -- less chance of getting caught -- if you did it right -- also he thought there'd be more money in it.

He had graduated (he thought) from this robbery, burglary. Didn't want to go back to that.

He was running dope, too, no matter what FBI says.

We discussed that kidnapping for a while -- Him and me discussed that -- That's too rough -- They never kk give up on you.

From time he got Chicago until he was caught Porno was main thing on his mind.

(Dancing School -- Bartending)

Dancing School because he really wanted to learn. He always felt uneasy about dancing. He's not good at meeting people. He said -- "I can't dance, Jack can't dance, Jerry can't dance." He thought he'd blend in better with people. It wasn't just to meet 'em for sex.

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Didn't want to mix so much as to blend with them. Baseball, sports, entertainment, he didn't feel at ease, couldn't get in conversation.

wanted to date girl at his co. without having to be associated as a whore

Bartending kind of same thing -- Even if you've got a withdrawn personality good place to learn to talk -- people will talk to bartender -- ex especially women -- would resent other men getting fresh and take all kind of stuff from bartender.

(Women)

He was looking for a way to approach women. It's always been on him that's its a kind of task to meet women -- He'd like to meet better women.

He wanted to be able to get a woman on his own -- who liked him -- it's bad on a person's ego just to always be getting a woman from a bellhop.

(Girl at Grey Rocks)

Girl at Grey Rocks -- he was using her for information -- she worked government. Had Head job wasn't main thing. Reason he broke off with her he was getting serious. He really liked her. She wouldn't give him head job. He screwed her. He got afraid and broke off her. First time since early Chicago days that he liked a girl.

That wasn't his aim in life, to xxxx stay with woman. He wanted more than that. The Big Boy.

Only 2 things he did (in 12 months) was dope business and porno business -- he didn't roll nobody, hustle nobody.

(Porno in Birmingham)

Xxxx Jerry went down there -- JER wanted Jerry to go in with him -- talked about having to make own movies, pix of everything, girls with girls, boys with boys, in the rear, animals -- had to have everything -- talked in his motel room --

Atlanta police 404-659-1313.
(Birmingham Meeting JER & Jerry, Porno)
JER met Jerry at plane and we went his motel.

He wanted me for Porno -- But he had these 2 or 3 runs from New Orleans to L.A. Then I was gonna

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stay put in L.A. and handle porno business -- for he might like to travel some.

He had wanted me to go down Birmingham in Chicago but I was getting divorce.

But I went Birmingham shortly after he got there. He paid for trip to and from.

Porno was main thing. Dope thing was just temporary -- He was gonna get away from that entirely later on.

He wanted me make dope runs with him -- go to Mexico with him to make movies.

Jerry doesn't know of any dope or jewel smuggling across Mexican border.

I might make first dope run to L.A. and stay there.

I wished I had gone with him. He could have done porno if he could have had just one thing on his mind. If I had gone with him, if money had really started rolling in it's possible he could have forgot about THE BIG BOY. But I don't know, If I'd gone with him (to Mexico, etc.) he might not have done anything.

But he couldn't keep his mind just on Porno.

He did get pix in Mexico, a lot. He sold a few in L.A. Nothing to amount to anything.

He didn't make any movies. Just pictures (stills) and this wasn't of him. It was somebody. Women and women -- that stuff takes time -- You take even lot of prostitutes won't take stuff like that.

He mixed that with a kind of vacation. Just enjoyed himself.

Carried on experiments in porno -- how to set stuff up.

Got pix of woman and a m woman.

Didnt ask me come L.A. because he had just about given up on me and he didn't have anybody else he could trust.

(Mexico -- Los Angeles)

When he got kxSx L.A. he started working like hell for Wallace, had dope thing going.

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It would k drive him almost crazy to see King on TV but I don't think he was stalking him then.

What doing Wallace was people in Mustang to sign petition for Wallace -- Got people kn around hotel, in bars, maybe as many as 300 people. He never rang doorbells, just talking that stuff to people he ran into. ONly thing on his mind from time he got up until time go to bed. -- He wasn't quiet about his ideas either.

NOTE: Did he stop working Wallace because Wallace had enough signatures.

He still kxi talks about that till today -- how he helped Wallace get on ballot. He thinks af if Wallace president would put heat on governor Tenn. and commute sentence to 10 years.

First thing he did in Mexico was to get lay of land -- (this typical criminal approach, to stop and think). Went there big reason was to make contact -- see what he could do.

Same as Canada -- to make contacts & -- to look situation -- to feel it out -- to line things up

He didn't mean to marry girl in Mexico -- kn He just meant to use her. He would never get married to no woman!

When he came back from Canada to Chicago he said he had some with him. More than enough for him -- but don't know whether $200 worth or $2,000. He didn't talk about any business in Canada then.

He tried to talk me into going into business with him and when I wouldn't he left car with me.

The whole thing about Raoul and running drugs from Canada was bullshit. He didn't go Canada for porno either.

It was just to look Canada over -- see what things were like.

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But from time he escaped until time he was caught in porno.

Raoul was to throw HUIE off.— For some reason he didn't want HUIE to know about porno -- He would laugh in his cell about how he was throwing HUIE off.

All the Windsor-Detroit thing DOPE was BULLSHIT.

Mexican DOPE also bullshit.

Only thing Jerry knows about for sure about DOPE business is from New Orleans to L.A.

It is dangerous down there in New Orleans. They get pretty mean down ther.

Stuff about in the tire -- BULLSHIT -- kept dope right in glove compartment.

Way from New Orleans to L.A. -- well, because important thing is contacts.

Dope was a minor thing to him -- I don't know exactly how much he made. It was hard stuff -- He picked up from guy x named Eddie and delivered.

When I called, I said:

"Eddie?"

"Who do you want?" he said.

Then I told him JER's brother, etc.

"Everything's all right. Nothing for you to worry about."

A very short conversation.

Usually when guys get picked up they tell everything Jimmy just wanted guy to know he hadn't talked.

Jimmy was making run the time he came to Chicago from New Orleans -- He left and went California.

He told me had a run to make --

Divorce was big (obsessive) thing to Jerry -- had witnesses lined up, everything . Told him I'd go in with him when I got divorce -- but he never asked me again.

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He must have made drug contact in Canada. He knew it before he went Birmingham. When Jerry went Birmingham -- JER already knew about runs.

I think he made between $3,500 and $5,000 each run for two runs.

He spent quite a bit of money -- hotels, whores, food --

If killed King, he didn't figure be that much heat. He was going to Rhodesia. He was desperate in London. Had more heat on him than he ever dreamed of.

He would never have been caught (he told JER) if he had enough money -- He expected make big score in U.S. before he left but too much heat, he couldn't.

If he had four thousand dollars he wouldn't have been caught to this day.

He figured time was right. Everything jelled. Although newly broke, he figured he could make some money -- didn't realize be so much heat on him.

Things falling into place, moved King from Rosemont.

He knew he was coming back to Memphis. Though that would be a good place -- Memphis police up in arms about King, town against him.

Situation -- Wallace OK on ballot -- Porno lit. a flop -- only one thing on his mind was King -- only thing I left.

See, it wasn't necessarily that he would have to leave country after killing King -- he didn't see how much heat there would have been. His main idea was not going Canada but Mexico. He had it on his mind that he might have to leave country and Canada was best wasy to go. But if hadn't had all that heat on him he would probably be living in Mexico today.

It wasn't his plan to abandon his car and everything. His ACTUAL PLAN was after Memphis was to go to Atlanta, pick up his stuff and go to Mexico. It was all over news, FBI came into it right away. He heard it while he was leaving Memphis.

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By time he got Atlanta ditched car and caught bus for ~~Mx~~ Canada.

He never smoked a cigarette in his life.

He didn't get lost. Took Interstate out of Memphis -- went over into Mississippi and then turned west.

Had King been to Memphis first time by March 17?

Nose operation. He could blend into crowd in looks -- except for two things: his ear and his nose.

Lawson asked King come -- extended invitation -- at end of February. Did he announce it at this time? Ask him?

Lawson telephoned King on March 17 to give briefing -- called King in Los Angeles. Did King announce there that he was going Memphis? That day? Same day JER left Los Angeles.

King arrived Memphis March 18.

Announced that night he was returning Memphis March 22nd.

But snowing March 21st and postponed morning of 21st to 28th.

But 28th was bad day, riot -- King announced would return.

What did King say about his plans on March 16 or 17 in L.A.?

Jimmy told Jerry that something went wrong in Alabama.

He wanted cut King off before Poor People's March--- That if King went, some strong laws would be passed.

Also he figured wouldn't be all-out manhunt because Hoover hated King, didn't want him come Washington.

But it worked just opposite, hated King so much was forced to go out and catch Jimmy.

Even though Jimmy breaks law all the time, he goes by that law book. If King got laws changed, that threat would have upset Jimmy -- more than King's publicity or appearance.

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The main thing was Alabama -- but if not there, Memphis.

(He didn't have right gun, did he, to shoot in Selma, didn't buy rifle until after Selma.)

When ~~Jimmy~~ left Los Angeles he knew he was ~~going~~ gonna do it.

Last phone call from Memphis was only one when he really said anything about doing anything.

He bought rifle because he knew it was gonna have to be from a distance.

He took rifle out and target-practiced that day he bought in Birmingham at Aero marina.

Also he wanted rifle do it in one shot.

He's an expert shot.

Call day before -- Je just acted excited, ~~very~~ jubilant.

He called Jerry about 9 (nine) times -- once from Mexico, Memphis, Texas, New Orleans~~&&&~~

That first meeting in Chicago -- he wouldn't even talk much about N's or MLK in front of Jack. King didn't even come up -- if it had, Jack would have stopped it.

First time anything serious about King was that time I went to Alabama but it hadn't jelled then, no definite time and place. But when he talked about him his whole face changed.

He had mentioned King in prison when I visited him. "Somebody ought to kill that coon."

He talked ~~f~~ definitely about killing King that time he came Chicago from New Orleans and we talked Cypress Gardens.

Still had Porno on mind when he left L.A. So he did still have two things on his mind even then -- when MLK had become main thing.

SEX MANUALS -- § Going back years, since he first mentioned sex, he only talked about head job.

He might have wanted know how, in case he had to screw a woman -- he probably hadn't had.

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He talked about leaving country even before Jeff City -- where he could start new.

Thought about leaving country even x before he had King in mind.

Mexican girls give best head jobs in the world. He said best he ever had.

WEDNESDAY, JUNE 28, 1972

2. If JER could have got in touch with Perez -- he could have got money for killing MLK. Trouble is to get to those people -- you can't just walk in.

Never did talk about making money from killing King. Didn't try get money from Courtney.

He xxid sent Jerry $1,000 and I gave him $900. Jack gave him $3,800.

Kept some money on him -- couple thousand -- when he travels doesn't spend as much as people think he does.

Only money JER had:
1) what Jerry and Jack gave him,
2) Klingeman's restaurant,
3) dope.

$4,600 from prison
7,000 drugs
$11,600

Went to Birmingham, establish residence, live there while drug runs. It was to be like Germany. He'd brag about being from "Wallace Country."

Jerry gonna take week off in August and visit JER and Jack.

About being broke at time killed MLK -- he didn't realize how much heat. Thought he could go Mexico, if necessary sell car.

Went to Canada first time to look the place out. How to get out of country.

Met at Cypress Tavern three times -- once before he went L.A., twice while working Ninnetka. We might talk baseball.

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He was gonna leave country. "He just didn't like United States. Not the way it was going. Way back in Fifties when first civil rights.

He didn't leave from Canada first time because he wanted to get Wallace in and kill King.

I don't believe he escaped for just that one thing -- killing King. He felt everybody had responsibilities -- if you don't do your duty it's not worth living. But he had several things on his mind.

He had everything set up in Mexico for a life after killing King.

He must have studied photo in Birmingham.

Porno -- trace ads Toronto FLASH. He must have had postoffice box. Would have had to give name. Could check that way.

But he didn't place any ads to sell his pictures. Didn't consider ~~it~~ himself set up nor ready to go into business of selling.

What happened pix? Does FBI have any? Stein? Were any in Mustang?

He hadn't reached stage of placing ads for customers only for participants. Pilot sure

Grace Weiss -- Neighborhood Bar -- 20th and Hickory, St. Louis. Homer Townsley, bail bondsman, owned bar.

Lonely Hearts Club was to get people for pictures Porno.

Running is bullshit -- "comedy stuff."

Porno in L.A. -- made some pix in L.A. as result of Free Press ad.

Cable release was so he could have pix of himself getting head job. But he would never let pix be taken of his face.

Call New Orleans number 389-7581 cited by Weisberg, p. 336.

He got sex magazines, sex manuals for porno business, studying up on all that stuff.

He never liked sex magazines in prison -- didn't

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want any.

He didn't rob market in Montreal.

New Orleans police dept. 504-821-2000.
April 9, 1969. Sgt. Buras.

Officer BOUGEOUIS
Carol Goman
Info. office 821-2000
11 am CST.

"No record in our detective bureau of any such meeting."

THURSDAY, JUNE 29, 1972: Phone conversation, office Carol Goman, information office, New Orleans police dept.

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NOTES
July 12, 1975 Interview with Jerry Ray

Jerry had an account at Wheeling State Bank, Ill., with $2,900 in it when Jmimmy escaped.

He had been getting money from Smitty, the Jeff City guard, from 1965 to 1967. That is, for two lyezars. And it came to about $2,900.

Before that, Jack got the money from Smithy. That went on about two years. Jack had something between $2,000 and $2,500 to give Jimmy in Chicago. NOTE: Was any of this money in Caol's bank account?

Smitty sent the money in postal moneyd orders, usually $100 atx a time. Thyy were bogut and mailedfrom Jeff City. Sometimes Smitty sent cash -- a $100 bill usually when he sent cash.

It was all this one guard, Smitty. He got shook down later, an dx ~~fixdx~~ fired.

Jimmy's hustling wasn't all drugs. It was anything. Sandwiches, magazines, books drugs. SSame guard bro ght drugs in. Smitty hustled for about 10 ~~gxxxxx-guey~~ guys. JER paid guys in the kitched for ~~geedy-ea~~ food, etc.

Jerry took the moneyd got to the Wheeling bank and deposited it in an account in Jerry's real name. Jerry thinks the FBI knows about the account because they asked him about it. But in Jerry's eyes it was always, "Jimmy's account," and he never took any money from it for ~~hxx~~ his own use, he says.

When they et at the Atlantic, Jerry was there only one night, he only had one night off. "I gave him everything in the Wheeling account excpt for two or three hundred," Jerry says. This later turned out to be $300.

Account name was Jerry William Ray.

He handed JER aroynd $2,000 in $100 bills.

Smitty had been sending money out to Jack before me. Probably from 1963. JER was hustling whole time he was in Jeff City. And thru the same guard. Jack at the time he received money was in Bensonville, Illinois, working at White Pines Golf Club. He had a postoffice box there. Jack handed Jimmy about $2,000 in $100 bills, a few $50's. Jack never handled any more money after that.

Pepper Printing didn't have anythingto do with Jimmy's hustle. Carol didn't even known that Jimmy escaped until after he did.

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page 2 -- notes on July 12, 1975 interview with Jerry Ray

Jimmy carried the money on him, either in his suitcase ~~xx~~ or in his pants.

Remember that he had the money he made in the ~~x~~ Winnetka restaurant -- on top of what Jerry and Jack gave him. That would mean that he had between $4,500 and $5,000 when he went to Canada.

He called Jerry up when he got back from Canada, surprised Jerry -- which means that he had not called Jerry from Canada. Told Jerry to meet him at a place that Jerry was not familiar with, on North AVenue. Jerry was living at Nort brook then, said he had got married, told me that his wife was now living in a samall town near Morristown, Tennessee, and that he had a 13-year-old son there.

The night the two of themd met on North A enue, Jimmy did not say anything about the Gray Rocks woman which makes Jerry think that ~~xxxx~~ he did like that woman, and he told Jerry later that he did.

~~Jerry drove Jimmy down to the~~ When Jimmy was ready to leave Chicago for Birmingham, he drove them down to the Greyhound bus station in Chicago, got out and turned the car over to Jerry, ~~xx~~ and left.

In Chicago, Jimmy did tell Jerry that he had a contact in Montreal who put him in touch with a guy in Birmingham who put him in touch eventually with The Fence in New Orleans.

In the Birmingham safe deposit box Jimmy put money, car title, plus "Raynax I. D." "Remember he was switching I. D.'s right then," says Jerry.

The Fence offered Jerry a job. He apparently estimated Jerry as a somewhat less high-powered operator than Jimmy. He offered the job of simply hiking up a car someplace and driving it to Los Angeles, or someplace else. The car would already have to have drugs in a tire. But Jimmy carried the drugs on his person, said Jerry, and delivered them to someone at the St. Francis in Los Angeles.

Jerry said The Fence really liked Jimmy, and they got close. Jerry talked with ~~xxxxxxxx~~ The Fence twixe, the se ond time for more than 2 hours. He said The Fence had lots of confidence in Jimmy. And Jimmy had confidence in him, talked with The Fence about hustling in prison.

About the ?Grey Rocks girl: "He had feelings for her. I know because he didn't mention her to me."

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page 3 -- notes on July 12, 1975 interview with Jerry Ray

The guys name

Reynard J. Rochon
~~xxxxx~~ 246 Crowder Road
New Orleans, La.

Jerry gave me the address as 7080 Dreux Avenue, but when I called information she gave me the Crowder Road address. I was pleased to find this confirmation, that the guy actually existed, after Stronein.

The way a fence works. If you brought him $10,000 in jewelry he would pay you $3,000 cash. Jimmy would bring in enuf for $600, $800 or even $1,000.

Jimmy hauled dope to Los Angeles.

The last time Jerry went to see The Fence, he gave Jerry ~~xxx~~ $1,000. That was January 20, 1975 -- this year! "Jimmy wasn't putting heat on him," says Jerry. "He just asked him." Of course there is an implied threat that Jimmy will expoose The Fence.

The Fence gave Jerry $800 the first time he went to him, this was the time that Jerry saw Courtney, in 1969 (check Courtney interview for exact date).

Jimmy hauled dope to Los Angeles.

He knew Jimmy as Harvey Lowmeyer.

Of course he, the Fence, didn't know that Jimmy meant to kill King.

When Jerry went down the second time they met at Howard Johnson's motel. That is where Jerry was supposed to have stayed, but he couldn't get a room and stayed instead at The Tamanaca Downtown Motel.

Jimmy saw The Fence about 15 times. Sometimes he'd get only two or three hundred. When you're in them places, jewelry stores, you don't pick up no $20 watches. You don't get nothing out of tha t.

Call from Mexico. He called. He was high. How you doin', slavin' aways. You ought to be over here laying out with these senorites.

Jerry confirmed many telephone calls. Apparently in most of them Jimmy did n't say anything much more than he did from Mexico. It was the same kind of jazz, nonsense, just wanting somebody to talk to.

He didn't call Christmas: "Christmas was just another day to him."

Ther e wasnt anyone else that Jimmy had deals with in the time he was an escaped convict before he killed King. "Jimmy didn't have anything to do with anybody else but this guy in New Orleans. He told me that."

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page 4 -- notes on July 12, 1975 interview with Jerry Ray

We knew (Jerry knew) that he went twice to New Orleans. He went more than that. He would get in that car and drive and drive and drive. He was a good driver.

He sent money from Birmingham in 1967. Sometime between September 15 and October 15. He sent $1,500. Jerry kept it in a safe deposit box at the Wheeling state bank. This money kep by Jerry for his expensesx after Jimmy's capture. It wass this money that Jimmy was talking about when he told people in London thxt to see his brother Jerry if money was needed. The sum was actually $1,800, for Jerry still had $300 in bank account.

NOTEk: On July 16, 1975, I called the Continental Bank branch at O'Hare airpokt and kxkx asked the notary there if the lost document had been found. This is the power of attorney Jerry gave me to examine his bank records at the Wheeling bank. I talked with Miss Wendy Rosenberg, O'Hare branch, Continental Bank, Box 6605, Chicago, Illinois. She told me that someone had found and turned in the document, and that, after a couple of days, she had destoryed it, because it was a "elgal document."

Jimmy kept New Orleans safe deposit box in name of Harvey Lowmeyer. It must have "just expired." Might have taken it out just before went Selma, that is the money in it. Jimmy went to New Orlenas just before he went to Selma.

Jimmy held lup jewelry stores. In prison he was known as The Mole, and The Roofer. He liked to go in over the roof. He would choose a placw ehre it looked like thzt ever-in- even if the burglar alarm w nt off it mwould take the npolice a few mintues to get there. You know, he considers himself a xp professional.

The Fence told Jerry that Jimmy was just about the best all-around hustler he lhad ever met.

Jerry opened the Manufacturers Trust account (of which I have his savings book) on February 1969 with the $300 that was left over from the Wheeling Trust account.

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ALTMAN 1 (21)

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Jeff City integration- JER told Jerry on visit that he had been involved incident-with Burns-Poiry had control prison that time-He was con-wise. He really knew. JER told Jerry Menards involved. Burns' brother was detective city police St. Louis-hated each other.

** Somebody to contact Incident had just happened- "That ends integration here, " JER

JER only Drake, Burns, one of Menards was only one he would-Drake got out before JER escaped- Drake looked Jerry up-He was in that money business with JER

** Drake in St. Louis now unless back in, Mother lives there. got out 1966. His brother in Terre Haute.

QUINCY 1950's

Germany: 1948 or 1949-made trips to Quincy from Chicago living Quincy 214 Spring St.
Before I went St. Charles 1950/ Ceal and old man lived downstairs, drank alot so I moved upstairs. rented out upstairs front rooms. I lived in 2 rear rooms, also Jack. Little kids stay downstairs. I used set pins. Wouldn't wake up old man-sleeps all time but can hear needle drop. Every time came Quincy give me a few dollars. Kidded me I was from mixed parents, might not be his brother. Would call me Nigger. Because dark complexion.

When drinks he warms up to you lot more. Him and old man go out drink quite a bit. Sometimes Willie with them.

Came upstairs "my half-brother" He was drinking. Old man must know. Old man and Lucille don't go for that stuff (nazi) Never forget that name-Stroheim

Told how he had worked some niggers over-Stroheim used go in bar where JER went on duty MP. That's when brought Emmet Daniels up-They had worked some blacks over. JER and Daniels got 2 Black guys in Tavern, told them to leave, he and Daniels worked them over.

Jack and Jimmy didn't see each other until 1960- 10 or 15 years later, none during Fifties

We knew even before he went in that he meant to stay in Germany-old man knew that

Stroheim asked him to join some kind of org. He told Stro. he was coming back U. S. disillusioned.

Changed his whole life-the Army, his disillusionment.

He was behind Stumm 100% JER never went to his house.

When JER drinking he run around with Old Man-He wouldn't see Carol if sober. He get old man drunk. He don't tell a woman nothing.

Girl friend Chicago. Engaged. Took stock car races.

He talked to Mabel quite a bit until he started getting in trouble. still her favorite. She was high-toned. I got jail 1954. I wrote her a letter. Please send $10 if you don't I'm going tell all.
JER told JErry at Menard Jerry tried black-mail her.

He always had strong beliefs. Believed Germans getting raw deal.

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Lucille told him he gonna get killed with his ideas even before he got in Army while working at Tannery.
Mabel used send cigarettes
He used gamble a lot over there-poker-good gambler-win money
Sent money back to Mom-she took care of his money. She put it in her name (in Alton bank?)
Bought car when he got out of service (less than a year old)-gambled, drank some-it wasn't long before money was gone-take old man out, play pool-
He doesn't drink beer-those days nothing but whiskey-Screwdriver-he used to have pint of whiskey with him-mix it with water-
Only pills-goof balls-until after got out of Army 1st I knew was when went Jeff City-

Jeff City-guard who used to bring JER stuff got caught-was fired-guards bring in stronger staff at Jeff City
Number of hustlers at Jeff City. Some are known. They eventually get busted. If too much heat on you, guards don't like to fool with you. JER had hard stuff. Stuff you sniff, all kind of stuff. Just 2 people, the guard and Jimmy-JER always known. nobody wanted to mess with- he's not gonna give anybody trouble, nobody gonna trouble him
Guard bring stuff-in socks-JER kept stashed in cell-only shakedown if under suspicion and JEr so quiet.
When guard bring something he wants cash-Money outlawed in 1950's-but all kinds money in prison
If customer didn't have cash, JER would take cigarettes but charge more.
$1 green worth $1.50 commissary or 6 packs cigarettes
Little pills $1 benzies
Hard stuff was expensive
Guard only take cash
Guard could be in kitchen, in yard-but JER's was in cell block.
No money in Menard, can't make anything
If hustling you first live good-keep clothes pressed - extra candy, orange drinks, radio, ice cream yards-
A good hustler had everything, steaks, different kinds soups-if you're a good hustler if a guy wants something you're supposed to have it.
That's Jimmy's life-he's got to have something to do-if he wasn't hustling, he'd go crazy.
You only have so many hustlers-not everybody's got it in them-I haven't-but everybody in prison knows the hustler in whole prison 12 or 15 hustlers-
If no money in prison, no hustling-as Pontiac, Menard

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150 a month 1800 a Year
12 7 Years
300 12,600
150
1800

What throws people off-why did he go to work when he went out? He had his reasons. Not sure
John had around $3,000 } 3200
I had $1,000 } when JER escaped

Guards send Jerry money Box 22, Wheeling, Ill.-send in $100 bills in mail, nothing else in envelope

He was also paying lawyer in Columbia, Mo.-Jerry would send him $100 or so - probably 1200

You're born hustler, like baseball player-everybody's born to be something-he's born to be one-
Hustler-Life a good one, he has lot of bullshit
Jimmy quiet-everybody, bkack white know they can trust you-some people got that little extra-He can get you this, he can get you that
Main thing trustworthiness
Menard has good hustlers but there's nothing to hustle
In prison everybody would like to be one- but only a select few can make it. It's just in you
Main thing is for guard to trust you- They could shake JER down and nobody could break him-He wouldn't talk
That's key-the guard's trust.
You have to close-mouthed
Lazy person can't be hustler
You have to get out-Jimmy talked to lot of people but he didn't have friends.
Little Menard is a hustler
Call them Hustlers-not Merchants
The Hole sounds right for him
Lot of hustlers put on show-Not JER he just wanted money, didn't put on no show-didn't want anybody to know his business
Pill man
But JER dealt in everything.

NOTE: probably started drugs Leavenworth
NOTE: JER sold Mustang to guard

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Some questions to ask:

QUESTIONS

What were his reasons for working even though he had stash

How actually did he develop as hustler? Got his start at Jeff City? Was Earl one at Menard?

If he told Lucille his ideas while at tannery, what were they then, at that point?

What exactly did JEr day about staying in Germany? What exactly was his plan?

Did the old man beat Jimmy?

What was Old Man's exact objection to Nazi stuff? Lucille's?

Did JER cheat? How exactly?

More detail about how guard-contact worked with JER?

Did JER want to be in Top Ten? SHIT

How much did JER get from guard for MUSTANG?

Why did he get discouraged about going straight? Chicago period April, 1950-May 1952-Get more about this.

Why did he take Spanish Leavenworth? Mexico?

What did he do after April, 1958-paint for Willie? Until October 1959?

Sentenced 2o yrs. Jeff City from March 1960.

Escapes 1961, 1966

Was on librium by prescription

Read Jerry report p. 18-19 Huie. Comment? Was JER faking? What was he going to do?

Comment on Huie p. 24, 25

If he had $5,000, why did he think he needed more? Huie 25

JER at 2731 North Sheffield, Chi April , 1967

At Indian Trail $813.66

What about phone calls at Indian Trail p. 33 Huie

Huie p. 37

Was JER smuggling in Canada?

Who was Raoul?

Money from Jeff City-

The Pepper printing account was set up as a trial to get money out but it didn't work so it was given up- never more than couple hundred dollars in it. Came to rely on guard- who also kited letters out.

**What did he say in these letters?

Name of guard?

Guard was called Smitty. Would put $100 bill between pieces paper Box 22, Wheeling, Ill. no return address. He also sent some to Jack. Then Jerry write short letter saying everything OK.

Started latter part of 1963.

1960 and 1961 Jerry and Jack worked together rolling Green. Jack worked on until 1965-1966 White Plains, Bensenville, Ill.

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Atlantic 5

Jack met JER in Chi and gave mon/ey-
Jerry gave JER money in La Salle Street hotel next door Victoria-gave it to him just way it had come to me-I had kept it in my room.

Jack saw JER day before he escaped.
Jimmy asked him to come-you knew something up-Jack called Jerry that night told him to expect to see Jimmy couple days. Prison not bugged. He told Jack where he wanted him to pick him up. Jack gave him phone number in case something went wrong. Jack went down to pick him up about 40 miles from prison. He'd drive by right on highway, flash his headlights, drive on by, go on a mile and Jimmy come out- He did that twice. Then realized something went wrong. Went back St. Louis. Waited for call and JER did call him-and he picked him up. Went to East St. Louis and came rightup Chicago. Then all 3 met in Chicago it was the next day after the escape. I was ready with money.

Atlantic La Salle

We met at Hotel next to Victorian on South St. went in Victorian and couple drinks-down State Street couple games pool. I went back North Brook. Jack stayed with him at that Hotel.

Next night I came in and all 3 spent night together. Went around bar-hopping. JER talking about-he had bum feet. Said gonna rest up. Then make some plans.

JER asked JErry-did I want to make some money. I knew illegal. I was gonna get divorce. Didn't want to leave state said he wasn't gonna do anything right away, said gonna look for a job, get straightened out.

We spent night together-got three separate rooms. We talked "legal stuff", jobs we might do to make some money-he'd been thinking a long time-my time hasn't been wasted. He thought best way to make big bundle was kidnapping-He had been over every kind to commit-safest dope but not as big money as kidnapping. Not kidnap no name person with big heat. A banker, a few hundred thousand dollars. Told Jerry was in good position to finger somebody at golf course. Told me I wouldn't have to be involved

JER did most of talking. Jack didn't talk much. He didn't like dope, didn't take it, didn't sell it. JER stayed away from that while Jack was present.

I hung around Caravelle at Northbrook.

Cypress Gun

Jack left and went back to St. Louis.

Then me and JER would meet at tavern by train depot at Northbrook. The only one where I didn't know anybody. I knew everybody at Caravelle.

FBI sent notice to Jerry telling him get in touch of JER

Met several times-JER and Jerry-at Northbrook Tavern

JER wanted know if Jerry had figured out anybody on whom they could make big score. I told him several people but I

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didn't know anything about. family. only one I know anything about whose got lot of money, married, old, no kids, I gave name and where he lived

JER kept all money we gave him, didn't spend any of it. He was just killing time, getting a car, title, driver's license, he's not a bit lazy and he wanted to save what he had his stash.

JER called Jerry many times-Jerry called JER- week before he left-last time saw him about 9 days before left

Said going Canada, might not be back, hadn't decided whether to work out a hustling angle or get passport and leave country-Hated to try some strange country without more money. He knows those countries don't have that much money flowing-can't hustle.

Called him one time to let me know when he was leaving said he wasn't positive-then they asked him to stay at rest. another week.

Called him day before left, said he was gonna leave, didn't know whether come back or not, depending how things go in Canada.

Then he took off, never phoned from Canada.

When he came back he had a lot more money-he had me come back Chicago hotel next Victorian-we went out for few drinks-we spent night at hotel. said he had run into some good money. Asked me if I wanted to go Ala. with him. Told him about my divorce, after hire two witnesses. Said I wouldn't go.

Next day he caught bus for Ala.

Made mon/ey in dope. Told me he had contact, made it in prison, in Montreal. Some guy who had been in Jeff City. Guy would supply JER with dope-JER had contact Detroit-ran it back and forth. Detroit-Montreal. Red Plymouth, 1962. I gave it to girl I was married to.

But before he went Canada, he went Quincy and seen some old friends-Crowley-Ted's Place-They've been friends for years-Also went East St. Louis and bought Plymouth there.

Ted has connections all over. He used to run whore houses in Quincy. You can always get a gun off Ted. JER has got guns off Ted in past, many times. Ted doesn't fool with dope. JER wanted to check on some guy who could be trusted-to get contacts before he went Canada.

I don't know how much he had when came back Canada-but said plenty more to be made.

Whore house robbery is bullshit. What he did was run dope. He had decided kidnapping too risky.

Said he was gonna get late model car in Ala. wanted get car there, plates there, license-

He had MLK on his mind. Crime is state Crime-Wallace was governor-

Killing MLK just didn't pop in his head. But he didn't talk all that much to me-Not about anything.

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He knew there wasn't any money in it. He told me I'd make money on dope stuff. He figured he was gonna be in Ala. long time-that things would work out (note: be pardoned) I was figuring to go with him.

His plan was to make stash for defense, etc. then eventually get pardoned and remain resident of Ala. permanently.

He had contacts down there-Underworld-

He had between 7 and 10 thousand when he went Ala. and he had that much when he left even after buying Mustang, etc.

He called MLK BIG NIGGER-Talked about going to get BIG NIGGER.

In Birm. not just stalking MLK. making money, also campaigning Wallace

His 2 main things MLK-keeping his eye on BIG NIGGER and working Wallace

He had contact in New Orleans

I even flew down there myself-went for 2 reasons to meet this one guy-JER gave me phone number. I met Courtney in park-JER told me to contact Courtney. Courtney, it was right after JER had plead guilty, wanted Courtney to recommend lawyer, a good conservative. Courtney had photographer. Jerry wouldn't go pix. Said no lawyer touch case until Stoner withdraws.

The other name-just a phone number-call guy tell him (Eddie) everything okay from James. That's all there was to that. This was after JER plead guilty.

The $500 Jerry wanted from Foreman was for New Orleans.

Eddie was his dope contact in New Orleans. He wanted Eddie to know he hadn't talked, wasn't going to talk.

This was about 5 days after plead guilty.

JER didn't say anything about MLK when he got Chicago. So happy to be out.

JER had woman sent up to his room. Want head job, hardly ever screws 'em.

JER didn't talk one line all the time. Mentioned MLK only 4 or 5 times. What really used to tear him up was seeing him on TV-MLK like Wallace on other side-get Blacks riled-JER said he should have been killed long ago. This when JER in Chicago.

But he would never talk that way in bars. He never ran off at head. Not even when crinking. In Calif. bar it was girl who did talking.

First time Jerr y got feeling JER was serious about killing MLK was after he left Birm (Oct 7, 1967)-He went directly New Orleans and then up to Chicago where Jerry saw him at Northbrook station tavern. They talked 3 hours. JER looked good, good complexion, dressed well, had all his color back, he colors good, tie on, sun glasses, dark-complected.

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His coming surprised me. He said BIG NIGGER not gonna be around many more months. He was serious in way he had never been before. More sure of himself-business-like. Self-assured-knew what he was gonna do-sure of what he had in his mind-not in no joking mood-about

That night he was talking about how gonna make money Calf.

I wouldn't go with him. I only do stuff for money. I don't care that much about Wallace. Didn't want to get mixed up with him. Trouble was money wasn't his sole interest. Money not his interest. All that dope taking them chances for another reason-reason was King.

At first I was serious about not going because divorce. But later, I might have done it, if looked easy. I didn't see light. I just didn't like doing time. By time I got divorce I knew what was on his mind and I wouldn't go. He never did pressure me. He knew I didn't want to go.

He talked that night about Wallace-How everybody ought to work for him.

He had 2 reasons go Calif-1. to carry dope, 2. to work for Wallace.

He made at least 2 trips if not 3 between New Orleans and Calf.-He was hauling dope and his supplier was in New Orleans-Eddie

When 1st got out didn't say anything about Canada.

Jerry went Birm. flew down there- JER told could make $300 a week-spent nite motel near airport.

He had contact in Birm. who supplied him-he said could make $300 a week.

But there was more on his mind than making money.

He was popping pills but he was always same, talked same way.

300 was good to me and I would have gone Birm. with him except I knew he had something else on his mind.

He thought MLK situation getting worse all the time-too many rights for Blacks, getting them jobs-what bugged JER more than anything was hearing him talk and seeing him.

That Big Nigger has to go-more and more on his mind

Began to mention MLK more than Wallace- I knew something changing.

He called me all time-called me from Texas. Feeling good-not drunk-how's things-would ask me if I had changed my mind about coning with me.

He called me one time from Mexico-before he got where he was going. he was supposed contact me from Acapulco

No money in speed, bennies-they don't do that much for you-it was herion-that's where money is.

He had planned to kill MLK in Atl. by blowing up house-some other guy with him-he didn't trust guy. That's why house was circled.

JER was waiting for his (JER's) time to come

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Never thought about doing anything King in Calif.- gonna do it in South-so get "trial right"-he'd rather for it to happen in Ala. Don't know why didn't wait.
Talked 2 hrs Memphis after JER plead guilty.
He said plead guilty-he was gonna fire Foreman in Court-but was afraid would have made him take public defender
Was supposed take place Ala. little bit before that (Selma) something went wrong had to postpone
Ala was supposed to be state where everything happened buying gun, and to have been killed in Selma.
"No jury would ever convict one in Ala for shooting the Big Nigger" -
What could have gone wrong in Selma? MLK changed some plans there? Check out MLK's movements in Selma.
He brought up house circling at Petros. Was MLK in ATL at same time JER was there-right before Memphis
As time passed he was getting more determined-you could see that-that's why he went ahead in Memphis
Finally it became all King-no more bell games, nothing
Called Jerry more than Jack-feel closer to me-Him and Jack both hot-tempered-He might write Jack sarcastic letter Jack would never write him again. He knows I'm not gonna get mad at him no matter what he says Jer knew better than talk to Jack about it. Jack would try to talk him about it Jack gets his steam off by talking about it-Jimmy keeps it inside-JER did not tell Jack-Jack's a racist. Jack would help if you're in trouble-but would have tried to argue JER about it. Jack wouldn't object to job-but not getting anything out of it. Jack sore because he (jack) had put himself in position to get back in prison by going down there and getting Jimmy out. Jack's as strong against dope as Ted Crowley. Wouldn't allow it in tavern. JER never was in Grapevine. Jack never saw JER after 3 brothers in Chicago. Jack a/nd Jimmy don't get along together-They never got in fight. It would have been bull of a fight if they'd ever gone up against each other-
Jack did hard time-laid in deadlock-lay in cell - all day-get out once a week-to exercise, take a bath. In that cell 14 months, wouldn't take no orders.
Mabel Ray Quincy Earl's dtr Cannon's night club on 4th between Main and Jersey, She was pet of Frank Fuller- got everything from him.
** Get mug shot Earl and others from prison authorities
After Eric Galt announced Jerry went down see Jack on his day off. They talked in Grapevine how to help JER, what they could do-they knew who it was. But there was nothing they could do-didn't know where to get in touch with him-Jerry wasn't sure going Mexico or Canada. Told FBI Mexico to throw them off. I told Jack I hope I never hear from him again-knowing then he'd escaped-he knew better /than get in touch with us-

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we didn't know how much money he had, weren't sure how much he had spent

I wasn't even sure when I went St. Louis Jack knew Jack sore as hell-a fellow in that long-tried so hard to get out-then go and do this-bound to catch him-too much heat-been OK if he had killed ordinary white man

When JER returned Canada to Chicago he told Jerry-Now I'm gonna be Eric Starvo Galt

Jr. what? These are notes I made on letters Jerry showed me - from James Earl Ray

LETTERS

From James Earl Ray ~~to Jerry Ray~~

Memphis-20 letters- 8/12/68-2/17/69

8/12/68-Why he want Jerry go Birm?
9/9/68 What kind of job?
9/19/68 asked Jerry talk Percy F., opinion about JER taking stand
9/25/68 doesn't thing "that guy in Ga. that much of a lawyer". Jack's ~~letter~~ also "he has that racial thing against him That look bad right there"

No remorse of any kind-instructions to Jerry-running the case. "No, he ain't a bit sorry for that."
Signs "Jimmy"

10/24-asks Jerry to find names of book authors admited to trial "I suppose people that were recommended by Justice Dept." No fear nor fright.

Has Jerry told JER he is talking to me this time? He says no.

Nashville-24 letters 3/14/69-3/13/70

3/20/69-What Almanac? watch?
4/7/69 "If they can outsmart me, as smart as they say I am, then you don't have a chance"

Who is the real estate tycoon? Jack, Grapevine?

"I learned when I was about 6 yrs old that envelopes can be steamed open"

Who is the Budweiser King? Jerry

Who is Sheppard woman? St. Louis TV

Size 9 shoe

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Jerry may have stayed with Stoner to work on escapes

His concern for Jerry-about a job.

McMillan: "That character must be nuts"

McMillan: "Sent me a crazy letter. He's been talking to Bah-Bah (Willie)

He calls old man "pity"

McMillan "is the worst of the lot"

Who told JER I called Weisberg 3 am?

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Some Questions

1. Must know more about dope activities so I can pin it down-so much will now hang on it. Was there a Raoul?
2. The 1961 and other one-J. promised to tell me reasons why on phone
3. Go thru Huie with Jerry-Place events in
4. Get name Northbrook Tavern, Chi hotel, town where Jack picked JER up after escape
5. Check amount from Jeff City. How often Jerry get bill, how often Jack
6. What said when Jack or Jerry visited JER-day before escape
7. Why camera equipment Birm.
8. What did he intent to write Mexico? typewriter? Pub's asst?
9. What made JER decide time had come to kill MLK? Why did he leave LA when he did

Claa from Rebel Motel-to help quarters Jerry worked 11 pm to 7 am. First time he had called couple of weeks. Didn't surprise me too much

"Tomorrow it will all be over" he told Jerry
He was excited, wouldn't let me talk.
"The Big Nigger has one more day." he said

Talked about 2½ minutes. He paid call.
Said he might not see me a while- Bruiser, Jack "Don't worry about me."
I was expecting something to happen next day.
Usually he talk, I talk. If I tried to tell him anything, he'd not let me. I tried tell him about trying to switch to bartending-But he wasn't wanting no small talk
He'd repeat himself
"The Big Nigger has had it."
I knew he didn't bullshit around. But didn't have full effect till next
Call was between 9 and 11 in morning. Wasn't from bar. No noise in background.

Harvey Lowmyer was friend from Quincy-ex-convict Menard
Monday Atlanta-checked Rebel Wednesday 7:20 p.m.
Thus call was Wednesday morning April 3?
He sounded as if he had just worked it out, excited, all happy about it
It wasn't on road, no sound of cars, no tavern, no sound of voices-just his voice and my voice
He had fired rifle at Corinth.

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Two weeks before he said things going according to plan. That was last call before the last one. It was probably from Alabama, Selma area

Lot of people talk that stuff I knew what was on his mind. He was past making money to get by on and do the other thing. But he didn't give me any details

I first knew he had a definite idea when he got Birm. and when I went down there. That's why I wouldn't go down there.

he'd say-"somebody got to stop him-, the sooner, the better" I knew him-knew he was thinking that he was the one who was gonna stop him

- only time I ever left Chicago in period between Jeff City and Memphis was the time I went Birm.

They JER a loner but he likes to have people around-Wanted me in Birm. Had Rife at Leavenworth. Has one at Brushy Mountain. Burns, Drake and one of the Menards at Jeff City

Jack never saw him between Chicago and Memphis. May have talked phone but not often.

How did they have money at Jeff City? Well, when outlawed money, cons just didn't turn it in, declare it. "There was a helluva lot of money in there"
Money comes in thru guards, they bring it in-Guards don't make a damned thing, have to make money on side.

He began send money out 1963, for about 4 yrs. $500 a year. Sent little under $4,000 to Jack in 4 yrs.

Note time span was not 7 years but 4 years.?

I think I handed 8 $100 bills-I had sent $200 to Lawyer.

First meeting Chicago

He talked about Canada, Rhodesia-which best route to leave country. Said Canada easiest passport, learned prison. He never talked Mexico at all. He said "You two should have passport" I said "can't get one-my name's too fouled up" He explained to us exactly how get passport.

Midnight-Insider News-two pubs where put ads about pix-got some replies and one reason went Mex was to get whore pose cheap-wanted typewriter to correspond with people who answered ads. Couldn't answer longhand. If you can get it down pat, get good names, guys who really pay for stuff. You have to run ads in every tabloids, with pix, they cost. Then you have to pay girls.

They talked this over in Chicago

Customers have diffenent things they like-somebody beating on somebody

To do business you've got to have everything every kind of thing going on-Black and White-head jobs Whipping, everything, queers, lesbians-

When people write in for picture you send him something legal, ~~nude~~ girl, then, ask him if he wants more-

nude

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Keep teasing him, give him something better on up to movies
To be careful (we discussed this a long time in Chicago that night) make guys send cash and when send stuff wipe fingerprints, no return address.
Buzz used to cut guys, keep money when he gets deep enough in.
JER said he was gonna study-would go in it all the way
But he didn't stay any place long enough to work the business. He took box in LA
He had skill-he could make the movies.
That night Chi it boiled down to two things-dope and porno pix-It was porno that took Mexico
He might have sent some pix out when he had Box in LA. but no big money
All those mon/ths he was free he was torn between different ideas-porno pix, dope, killing MLK, Wallace-
He had as much pro-Wallace on his mind as he did anti-King
When we met Chicago I hadn't seen him since 1949 or 1950, since I was 13. You're so happy to see somebody". Also first time Jack had been around him since 1948 or 1949
Why help him- "Hell, he'd help us.
He probably made $7000 out of dope. He spent about $12,000
He was broke in London
Way it happened was "it kept on his mind, kept on his mind, kept on his mind, getting stronger and stronger"
When he left LA "he was on King"
Jerry always asked if OK on money and he never asked for a nickel.
Bartending-he talked about that in Chicago that night. John told him he was gonna open grapevine. JER said always get job as bartender, any country, place to make contacts, prostitution, dope.
(remember Speedy's advice-show business, easy work, stay clean)
Dancing school-If you want to go out with girls, it was to meet right girls-like he did in Canada.
(He didn't just have one thing on his mind)
He had it in mind to get rich woman-you've got know right talk. Try to con them
That night Chicago went over everything from snatching purses to rolling drunks-
Locksmithing-this don't sound sensible but main reason-he's paranoid about one thing-about licking himself out of car-he must have done it once-come in handy other things. Mention that many times-Like on a robbery where you have to get in car quickly
Nose changing. Glasses-disguise-"He knew what he was doing then.
The thing was supposed to have happen before that-means 1st time in Birm. not Selma-too many people around, didn't have right opening-NOTE-check MLK's visits to Ala during time JER Birmingham

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(35)

That's table stuff-a girl
The jig is up-when 1st man on moon.

DOPE RACKET-Met 3 times in 2 months in Northbrook Tavern
Went to Quincy, E. St. Louis before going Canada (Huie p. 39) and that was to contact Ted-to get info and contacts
When went Canada it wasn't to leave country then-went to work dope racket "I'm positive of that."
Did not try to get seamen's job
Did not hold up whorehouse-JER now laughs about it
Did not hold up food store Montreal
Spent $300 on new clothes, trying get rich girl at Grey Rocks. Not ID. It was the money he wanted.
In Canada had suit (48) sent Birm-thus must have known from then-obviously from time he escaped-that he was going kill MLK and intended do it Ala.-Birm.
DOPE-his first time in N. O. was first I knew he was working dope-He ran stuff from N. O. to Calif-at least twice, maybe 3 times
He was in Birm for other (than dope) reasons-to watch MLK's movements, to buy car and make his plans. Get ID
He didn't contact anybody Birm. Wouldn't have trusted. People can be die-hard segs and still turn you into the police when you talk about killing MLK
Dope and dirty pix-these only secondary-just ways to get money-to keep alive until right moment came to kill MLK
He didn't know he was gonna do Memphis thing until couple days before-it just clicked off perfectly for him
These things (assassinations) not easy if you really mean not to get caught-This is the big difference between JER and other assassins. He really thought he was going to get away. He had carefully planned escape as had no other assassin.

CYPRESS INN is Northbrook Tavern-that was meeting place
That's why he didn't do Birm. He could have shot MLK if he hadn't cared being caught like Bremer, Sirhan, Oswald.
He didn't go Mexico escape route-He had that figured out exactly-knew the route-that Canada would be it-
Went Mexico for fun but mainly to make money on dirty pix.
** Everything second to King-even Wallace-he'd see something in paper about MLK, he'd take off-
NOTE-This is more honest version than I was getting this morning.
He left Mexico when he had taken his dirty pix
Went LA because he had dope run from N. O. to Calif.

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(36)

He wasn't following MLK, not stalking there-MLK was out there in fact and JER did nothing. It Had to be a southern State where he killed MLK.

While in LA he went on with his preparations-nose, bar lessons, dance lessons

Put French culture ad in hippie paper to find girl who would pose for dirty pix, Not for himself.

DOPE-Might have made as much as $5,000 dope-running across border
$1,000 a trip

Probably had $6,000 when went Birm.

Next dope was trip to New Orleans and made run to Calif. before went Mexico
Probably made $2500. Not too much chance getting caught but a bad rap. He would get maximum.

Went from LA to Mexico

JER had had experience dope with Rife

He went Mexico in interlude when no dope run to be made "Went to Mexico when he had time to kill."

Worked when had stash-but usually doing something else-preparations for Big Nigger

Staying in Germany-when came home on furlough-He hailed Hitler. Then, even before he went to Germany. He said he'd like to live over there-in a white country.
Later told me Stroheim asked him to stay.

Speedy beat children? Never with fist. Slap me across face. Lucille would do any whipping had to be done with switch off tree and she seldom did it.

He wasn't a dirty kid-never see his face dirty-kept clean what he could keep clean.

Speedy would be same if he had 1 or 20 children-just didn't pay no attention to 'em-show nothing one way or the other. Lucille show affection for all kids

Escaped attempts 1961 and 1966

1961-He got kite out to John, long letter, to pick him up certain time-John working Arlington Hts. So John took off, went down. But JER caught.

1966-got caught out again to John. Then at Grapevine. John went to pick him up. Meanwhile we had been visiting him.

Had planned one for 1965 which didn't work out. Another guy with him. some way to go over wall. If things go right I'll get kite out But he kited that if fell thru.

When I'd go down there main thing he'd talk about was escape, drivers' license, where to pick him up, clothes shoes

Bread truck is the correct story.

He talked about Wallace some when I went down there.

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Jerry Hay Interview
Wednesday, May 31, 1972
Page 6

17

Wrote to me Sportman's how big he was for Goldwater-only 3 of us there for him-telling me to vote for him, everybody in family should vote-but Jerry didn't even vote

Goldwater sparked him-first time he showed any strong indication for any candidate.

GOING STRAIGHT 1950-1952-Why did he give up? Jerry in St. Charles all that time-He didn't go that straight anyway. He probably did other robberies. Never same after Army-Never did that talk anymore about not robbing

MEXICO-right after Leavenworth-made $4000 score and went down-even came see John a/nd I Menard-talked to us about Mexico

He never thought Wallace be president-We started vote for Nixon to keep Humphrey out.

Began to write out of Jeff City about headaches. Had them practically every day. Wanted outside doctor. I figured they came from that dope stuff-taking bennies not hard stuff

After Leavenworth fooled around Willie a few months, painting signs roads. He stayed Willie, Hotels-made pretty good money.

Headaches etc. Jeff City-in last year he in Jeff City he wrote more and more about headaches

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(38)

all Fb this

M E M O R A N D U M

January 5, 1976

SUBJECT: Telephone call from Jerry Ray

This is one of several calls I've had from Jerry about Eugene Straub(Gilbert LeRoy Cameron).

He's still trying to get additional $250 out of me -- which I have refused to pay him unless he gives me way to prove out Gilbert Cameron is Eugene Straub.

Jerry insisted that guy in North Carolina is the ~~xxx~~ same Cameron who was in Jeff City. He does seem to know the gguy who was in Jeff City.

What he told me NEW T today was that he cou ld give me ltters from Cameron to himself, Jerry. These he said, I believe he said, wre signed Straub.

He said he would give ~~xxx~~ me the guard's name who had cazrried money out of Jeff City and drugs in for Jimmy.

He said he would show me two cancelled checks ~~xxxx~~ ~~xxxxxx~~ paid to Straub -- one for $3,000 and one for ~~$2,5~~ $2,500. This raises questions, if it is true. I have checks already for $3,300 ~~xx~~ listed in Carol Ray's cash register for her account at the Mercantile Trust Co. That would come to a total of $8,800. I believe Jerry said these two new large checks were written in March 1967 and April 1967.

Is it possible monies above were involved in Carol's purchase of own home in St. Louis? Check dates.

Jery said also that he had three pix of Cameron, one of which had straub written on theback. One of these pix was taken at Jeff City, one in Milwaukee, one at some spot that Jerry can't identify.

He also this time offered pix of whole family together, taken in 1946 approximateldy when Jimmy was on furlough from the Army, aprobably just before he went overseas.

Jerry said he had a letter from Cameron written to him Jerry from pison in Asheville just nine ~~months~~ ago.

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May 15, 1972

Talk with Jerry Ray

Said he was in Chicago, at Lombard. He told me couple of things I had never known before.

He said he had talked with Jimmy many times while Jimmy was loose, between time he escape Jeff City and time he left Canada. Said they usually talked about 10 minutes and tried not to say anything they didn't mind being overheard. Jerry said he had calls from Jimmy in Texas, Alabama, New Orleans, and many meetings with Jimmy in Chicago.

Jerry said he saw Jimmy only three times after he left for Canada. Once after he first got back, once in Alabama, and once in California.

This means:

1. That he saw Jimmy many times between mid-April 1967 and mid-July 1967.

2. He saw JER in Chciago August 21-22.

3. He saw JER in Birmingham either (1) between August 25 and Oct 7, 1967, or (2) between March 29 and 30, 1968 -- the latter being when JER bought rifle & mentioned his brother.

4. He saw JER in Los Angeles sometime between Dec 15 1967 and March 17 1967.

He also told me no more than $100 in Pepper printing co, that Canale was wrong about that.

39-935 005

Also he told me that JER had something on his mind each time he tried to escape from Jeff C ty -- and that the time he succeeded was his third try. I had thought there were only two attempts.

He said would tell me why the map had those particular circles on it, the map of Atlanta.

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JERRY CRAY – May 6 or 7, 1972 (41)

1. Talked Canada – he'll give me more now.
2. Effect Wallace – no more conspiracy theory, ~~[illegible]~~s no more interest in Hoff – just WHY – Not in money where it came from.
3. Expense of trip plus paying Jerry
4. Frank has it.
5 Atlanta Waste of about $700

I'm gonna finish my book & then see what I need.

[Jerry]
Want to get this over with.
Then I'd forget about whole thing.
too bad Fred

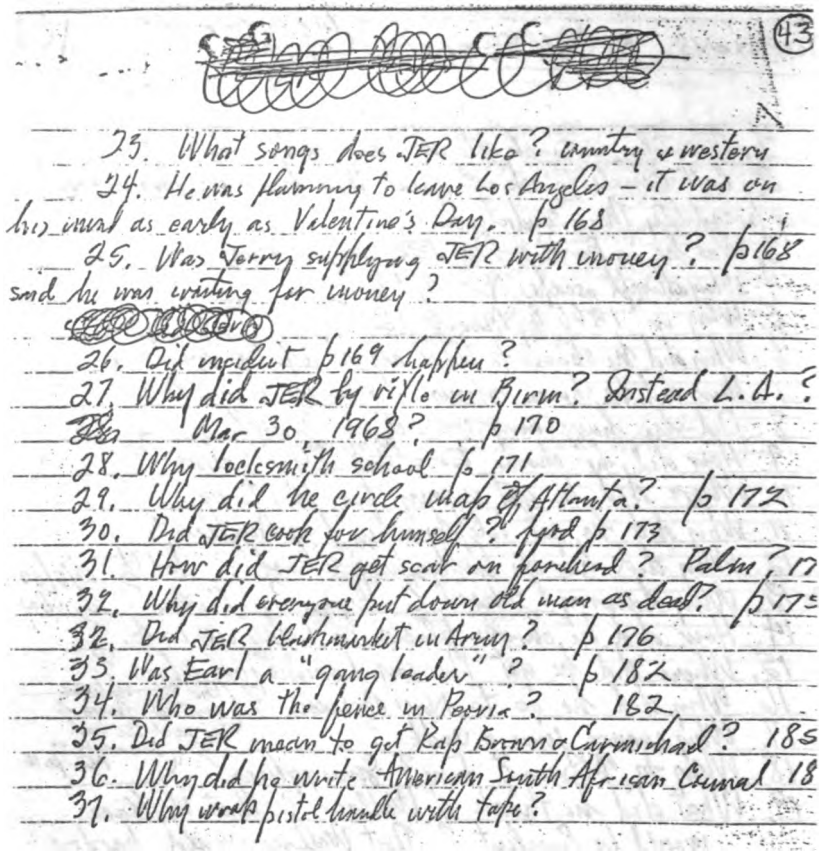
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QUESTIONS TO ASK JERRY: Must sign Waiver! Tape? (42)

all of this

1. Was John in touch & to what degree?
2. Call Canale to ask what they have on Jerry & John Any possibility Their indictment.
3. Was he in Birm. when JER bought gun?
4. Why attempt escape Nov 1961?
5. Why in 1966 & March 12?
6. Why did he choose to leave car at Capitol Homes?
7. How did he choose rooming house in Birm?
8. Did he have any contact in Birm?
9. How did he choose Eric ~~Starvo~~ Galt alias?
10. Where did he get money for Mustang?
11. Why did he get telephone in Los Angeles?
12. Why did he go bartending school? b 191 12/5/67
No 13. Why dancing school? Birm? L.A.? 3/24
14. How did he choose places to live in L.A.?
15. Where did he get Harvey Lowmeyer alias?
16. Why did he go to New Orleans? Did he make a contact there? He said he had business in No. p. 16
17. Why orange juice & vodka?
18. Why to Mexico? Fun? Smuggling?
19. What did he think of Wallace? That Wallace would be President? That Wallace would pardon him?
20. Will you show me letters you got from JER?
21. Why did JER have Kodak?
22. Why was JER calling Jerry on way to N.O. b 165
Remember Jerry mentioned having gone there himself. Who to see?

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(43)

23. What songs does JER like? country & western
24. He was planning to leave Los Angeles – it was on his mind as early as Valentine's Day. p 168
25. Was Jerry supplying JER with money? p 168 said he was writing for money?
26. Did incident p 169 happen?
27. Why did JER by rifle in Birm? Instead L.A.? Mar 30, 1968? p 170
28. Why locksmith school p 171
29. Why did he circle map of Atlanta? p 172
30. Did JER cook for himself? Ford p 173
31. How did JER get scar on forehead? Palm? 17
32. Why did everyone put down old man as dead? p 17
32. Did JER blackmarket in Army? p 176
33. Was Earl a "gang leader"? p 182
34. Who was the fence in Peoria? 182
35. Did JER mean to get Rap Brown & Carmichael? 18
36. Why did he write American South African Causal 18
37. Why wrap pistol handle with tape?

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CAMERON / STRAUB 12/26/75 (44)

Jerry Ray

Family claims Alibi alone

Did tell you them to prove same person.

I figured he would tell you. (He was Straub.)

In Jeff City attempt to take pix in Theis. Don't put no numbers on them. Fix taken in Jeff City.

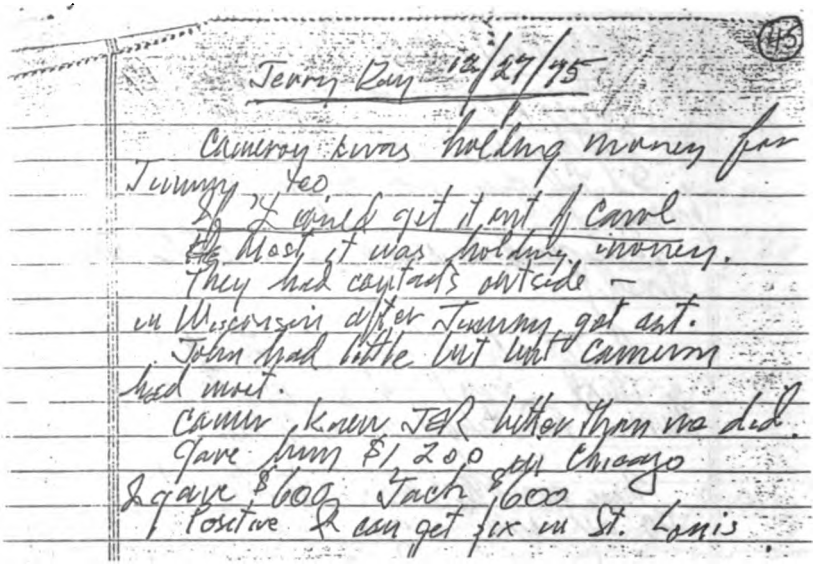
There are other checks to Straub 50 or 100, maybe 200.

Lived Shenandoah 1962 or 1962

I'll tell you one that he (Straub) worked pretty - give you his name and address. He was contact inside to outside.

We left it that Jerry would think over situation, see what evidence he can present & call me in a few days

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(45)

Jerry Ray 12/27/75

Cameron was holding money for Jimmy Ray.
I would get it out of Carol
the most it was holding money.
They had contacts outside —
in Wisconsin after Jimmy got out.
John had little but knew Cameron had most.
Cameron knew JER better than we did.
Gave him $1,200 in Chicago
& gave $600 Zach $600
Positive I can get six in St. Louis.

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(46)

C when you're in prison you meet guys who are closer than your family never seen this guy in your life

TWA 12:30 #107 2:20 pm

Lv 6pm #840 10:48 pm

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(47)

JERRY RAY

Carol Pepper
314 →
487-8870

Mom + John Maher
Granny Ray young
young

Willie Lucile
Marie
Jimmy — after he escaped
boat ride
myself

bank mgr Lewis
Carol had account
Want all that money in printing —
just to throw heat off
few thousand dollars in this account
money to be paid to another guy,
orders from Jimmy
Bank books, cancelled checks
2,500 paid at different times —
contact for Jimmy.
grabs $50 or $100 a week you have to
send it out
this guy bankrolled Jimmy — from
Wisconsin
4 or 7 cancelled checks — just
that one year

Chairman STOKES. Has counsel been provided with a copy?

Mr. SPEISER. Do you have a copy of that, Mr. Pepper?

Mr. PEPPER. We are going to object to the admission of author McMillan's notes until we have had an opportunity to look at them and see specifically which notes the counsel is referring to.

We are doing that particularly because of the enormous discrepancies and considerable question that has been raised about author McMillan's objectivity and the facts in his work.

Mr. SPEISER. Mr. Pepper, if I may respond to that, I do not choose at this time to question Mr. Ray about all of the notes of Mr. McMillan. I am going to direct his attention to certain pages and I am here not to test the credibility of Mr. McMillan. I am here to question Mr. Ray, your client, as to whether or not he did or did not tell Mr. McMillan what is reflected in Mr. McMillan's notes. If he feels he did not say that to Mr. McMillan, all he has to say to me is no.

Mr. PEPPER. We are going to object to the inclusion of any of author McMillan's notes out of context. If the author's notes are to be admitted into the record of the proceedings of this committee, we will request that the entire vestige of his work be admitted; that nothing be taken out of context, and we will request to see all of those notes ourselves.

Now, to do otherwise, to take an author or investigator's partial research and to put it in is highly prejudicial, particularly in line of the total scope of Mr. McMillan's work.

Chairman STOKES. Does counsel for the committee want to be heard?

Mr. SPEISER. Yes, Mr. Chairman. Again, as I just stated to Mr. Pepper, I am not going to question Mr. Ray about the entire notes that are contained in Mr. McMillan's manuscript. I am only going to question him about certain portions.

Now, it is Mr. Pepper's position that these portions may be taken out of context. Assuming Mr. Pepper is arguing accurately, I am not interested in whether Mr. McMillan is accurate or inaccurate. I am interested in hearing Mr. Ray's position here as to whether or not he did or did not tell author George McMillan what I am going to question him about.

If he did not tell him that, all I want to hear is a no. If he did tell him that, in jest, I would like him to explain that. That is the sole purpose of questioning him about the notes. Not for substance but for credibility.

Ms. KENNEDY. One of the disadvantages, Mr. Chairman——

Chairman STOKES. The Chair is going to suggest to counsel that you put all of the notes into the record as requested by Mr. Pepper, if you are going to examine the witness from any of it, and that those portions of the record which you are going to examine the witness from be furnished to counsel at this time.

Mr. PEPPER. Mr. Chairman, we appreciate that, and we would appreciate it further if counsel would advise us as to how the authenticity and the time frame in which these notes were written has also been verified for counsel and the committee's satisfaction.

Mr. SPEISER. Mr. Chairman, F-599, which I choose to have entered into evidence, contains all the notes of author George McMil-

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lan. I was about to direct Mr. Ray's attention to one page concerning the question I propounded to him.

These notes have been furnishd to us by Mr. McMillan, and Mr. McMillan represented to us that these notes represent all the notes he took in his interviews with your client, Jerry Ray.

I would like to question Mr. Ray about one page in those notes at this time if you will permit me.

Mr. PEPPER. Counsel, I will certainly permit you to do that, but if you will just bear with me, I am sure you appreciate the concern that we have with respect to the authenticity in verifying the authenticity of those notes with respect to the time in which they were written and we would like to know if Mr. McMillen under oath has dated for you effectively and verified for you the time in which he took these notes.

Chairman STOKES. All right. Perhaps it can be stated by counsel questioning the witness with reference to whether he did have such conversations with him within that frame of time.

Ms. KENNEDY. Sir, on this same point, I am really not trying to be contentious, but it is extremely important to note that where you have a committee hearing which relies so heavily on hearsay, people who no one has an oppportunity to cross-examine, there must be some effort on the part of this committee to establish the authenticity, the bias, the political conflict of interest that might obtain between a writer, a journalist, a witness in these circumstances.

We have no opportunity to confront this witness; we have no opportunity—and this is a part of the nature of this survey and this inquiry, and it is just that a witness without all the facilities of government is confronted with all kinds of prejudicial hearsay and with no opportunity to cross-examine or check the authenticity or any political conflict of interest or any other attempt to cover what we believe perhaps is a situation which will be prejudicial to the Government.

We just feel that this is typical of the kind of disadvantage that this and other witnesses before this or any congressional subcommittee has.

Chairman STOKES. Ms. Kennedy, I think you have stated your objection adequately.

Will counsel make a further statement for the record?

Mr. SPEISER. Ms. Kennedy and Mr. Pepper, Mr. McMillan has represented to us that these notes were taken contemporaneously with his interviews with Jerry Ray. Now again, we are here just to find out whether in Mr. Jerry Ray's opinion these notes are accurate or inaccurate.

I am not here at this point trying to test the credibility of Mr. McMillan. Indirectly that may be the result, but directly what I am trying to do is question your client.

Now, you have a copy of those notes and now I would like you to turn to page 25.

Now, on page 25, beginning in the second full paragraph, according to Mr. McMillan, on the May 30, 1972 interview with your client, your client indicated that Jack—and Jack presumably refers to John—is your brother John also known by the name Jack?

Mr. RAY. Yes.

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Mr. SPEISER [reading]:

Jack saw James Earl Ray day before he escaped. Jimmy asked him to come—you know, something up—Jack called Jerry that night told him to expect to see Jimmy couple days. Prison not bugged. He told Jack where he wanted him to pick him up. Jack gave him phone number in case something went wrong. Jack went down to pick him up about 40 miles from prison. He'd drive by right on highway, flash his headlights, drive on by, go on a mile and Jimmy come out. He did that twice. Then realized something went wrong. Went back to St. Louis. Waited for call and James Earl Ray did call him—and he picked him up. Went to east St. Louis and came right up Chicago. Then all three met in Chicago. It was the next day after the escape. I was ready with money.

Now, is that information accurate or inaccurate in your opinion?

Mr. RAY. There is no way possible I can remember everything George McMillan said because he hounded me since 1968 and to us he was just a joke. He was a joke writer. So I can't tell what he's got down here. I don't remember.

Mr. SPEISER. Well, Mr. Ray,——

Mr. RAY. I am going to have to invoke the fifth amendment on all this stuff because I can't remember all this stuff and this has been going on since 1968 with McMillan.

Mr. SPEISER. Is your answer that you cannot remember or are you saying that you are asserting your fifth amendment privilege?

Mr. RAY. I am going to take the fifth amendment privilege.

Mr. SPEISER. At this time, Mr. Chairman, I would like to note for the record that committee counsel secured on November 8, 1978, an order from the U.S. district court Judge Charles Bryant. Judge Bryant ordered as follows:

That Gerald (Jerry) William Ray, in accordance with the provisions of Title 18, U.S. Code, Sections 6002 and 6005, shall not be excused from testifying or providing other information before the Subcommittee on Assassinations of Dr. Martin Luther King or of the Select Committee on the Assassinations or the full Select Committee on the grounds that the testimony or other information sought may tend to incriminate him.

It is therefore ordered further that Gerald (Jerry) William Ray appear when subpoenaed by said subcommittee or committee and testify and provide such other information that is sought with respect to matters under inquiry by said subcommittee or committee.

And it is further ordered that no testimony or other information compelled under this order or any information directly or indirectly derived from such testimony or other information may be used against Gerald (Jerry) William Ray in any criminal case except a prosecution for perjury, giving a false statement or otherwise failing to comply with this order.

Now, Mr. Ray, I understand you have just asserted your fifth amendment privilege.

I would like to have the chairman at this time—first of all, I would like to have this immunity order entered into the record as MLK exhibit F-589.

Chairman STOKES. Let's also furnish the witness and his counsel a copy of it.

[The information follows:]

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MLK EXHIBIT F-589

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Application of

UNITED STATES HOUSE OF REPRESENTATIVES
SELECT COMMITTEE ON ASSASSINATIONS

Misc. No. 78-0326

FILED

NOV 8 1978

JAMES F. DAVEY, Clerk

ORDER
CONFERRING IMMUNITY UPON AND
COMPELLING TESTIMONY FROM GERALD (JERRY) WILLIAM RAY

The United States House of Representatives Select Committee on Assassinations having made written application, pursuant to Title 18, United States Code, Sections 6002 and 6005, for an order conferring immunity upon Gerald (Jerry) William Ray and compelling him to testify and provide other information before the Subcommittee on the assassination of Dr. Martin Luther King, Jr. of the Select Committee on Assassinations or the full Select Committee, and the court finding that all procedures specified by § 6005 have been duly followed, it is hereby, this 8th day of November, 1978,

ORDERED, that Gerald (Jerry) William Ray in accordance with the provisions of Title 18, United States Code, Sections 6002 and 6005, shall not be excused from testifying or providing other information before the Subcommittee on the Assassination of Dr. Martin Luther King, Jr. of the Select Committee on Assassinations or the full Select Committee on the grounds that the testimony or other information sought may tend to incriminate him.

United States District Court
District of Columbia
TRUE COPY
JAMES F. DAVEY, CLERK
By [signature]
Deputy Clerk

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ORDERED FURTHER, that Gerald (Jerry) William Ray appear when subpoenaed by said Subcommittee or Committee and testify and provide such other information that is sought with respect to matters under inquiry by said Subcommittee or Committee.

AND IT IS FURTHER ORDERED that no testimony or other information compelled under this order (or any information directly or indirectly derived from such testimony or other information) may be used against Gerald (Jerry) William Ray in any criminal case, except a prosecution for perjury, giving a false statement or otherwise failing to comply with this ORDER.

United States District Judge

Dated: NOV 8 - 1978

Chairman STOKES. I would also request the clerk to do that, please.

Mr. PEPPER. Mr. Chairman, as a matter of clarification with respect to our client asserting his fifth amendment privilege, let us just state that is being done with respect to the specific material and questions being advanced by the committee's counsel due to the extraordinary period of time that has elapsed and the rather understandable difficulty that our client has in remembering very specific kinds of details.

Our client is also very wary of the possibility of informants coming in before this committee and attesting to things which are untrue which might set him up for perjury charges and is highly suspicious of the activity of author George McMillan in the entire affair.

Chairman STOKES. Is it the intention of your client, counsel, to assert his fifth amendment privileges on each and every succeeding question or is it as to this specific question?

Mr. PEPPER. Our client is going to cooperate with this committee to the fullest extent it is possible for him to do so with respect to what is available to his memory. He is going to answer as candidly and openly as he can.

The difficulty is with respect to specific details of matters alleged to have taken place 6½ to 10 or 11 years ago. He has to be protected with respect to that.

He is not going to assert the fifth amendment with respect to every single inquiry of this sort. If he doesn't remember, he is going to say: "I don't remember."

If he does remember, he is going to set forth his position.

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He has the desire to be candid and open with this committee. He is very wary of being set up in terms of perjury and we have to put that on the record.

Chairman STOKES. Counsel may proceed.

Mr. SPEISER. At this time I would request the Chair to confirm the fact that the order of immunity has now been bestowed upon Mr. Ray.

Chairman STOKES. Mr. Ray, have you received a copy of the immunity order?

Mr. SPEISER. Mr. Ray, before I have you respond to the pending question, I would like to advise you that despite the fact you have been granted immunity that you must be cautious and leery, that immunity does not protect you from possible prosecution for perjury under title 18, United States Code, section 1621, or for obstruction of justice, which is title 18, United States Code, section 1505, or for contempt, civil or criminal. Do you understand that?

Mr. RAY. Yes.

Ms. KENNEDY. Mr. Chairman, will we have an opportunity to confront McMillan who, without going into great detail, is very well known and very well connected with cover stories written by his wife and him on the Kennedy——

Chairman STOKES. Ms. Kennedy, there is no basis for this committee to afford a confrontation. The witness was merely being asked a question as to whether the statement was true or not, which was read to him, and he has now asserted his privilege. We are now in the process of conferring immunity upon the witness if he refuses to answer. That is all that is before the Chair at this time.

Ms. KENNEDY. Sir, is there a record in executive session of any establishment of the political commitment of McMillan? Has there been any examination in executive session——

Chairman STOKES. Ms. Kennedy, you are entirely out of order.

Ms. KENNEDY. Well, Your Honor, I feel this witness has a right to place the question on the record and obviously it is within your discretion to deny it.

Chairman STOKES. At this time, Ms. Kennedy, we are going to ask you to please refrain from these type of statements.

Ms. KENNEDY. Sir, I would ask you to exert some kind of control over counsel in his bringing before this committee and before the public this kind of far-reaching hearsay.

Chairman STOKES. Ms. Kennedy, you are out of order.

Would you proceed?

Mr. SPEISER. Thank you, Mr. Chairman.

Mr. Ray, let me repeat the question to you. Did you state the information that I just read into the record on page 25 of Mr. McMillan's notes? Did you state that information precisely or substantially to Mr. McMillan?

Mr. RAY. I don't have no idea what all I told McMillan. I seen him since 1968 and—what day was that?

Nineteen hundred and seventy-two; I don't even think he was—in May 1972 he wasn't even writing about the crime back then, I don't think. He didn't even want to discuss anything about the crime. He said his book was ending when James escaped from prison. So I don't remember saying anything like that.

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Mr. SPEISER. So your answer is no, you did not state that to——

Mr. RAY. I am saying I don't remember saying anything like that.

Mr. SPEISER. You have no recollection of saying that to Mr. McMillan?

Mr. RAY. No, I don't remember saying anything like that.

Mr. SPEISER. Is it your statement also that you did not know who assisted James Earl Ray in escaping from Jefferson City?

Mr. RAY. I don't.

Ms. KENNEDY. Mr. Chairman, that question has already been asked and that question has already been answered.

Chairman STOKES. Proceed, counsel.

Mr. SPEISER. Did you also tell Mr. McMillan that on the two prior attempts of James to escape from Missouri State Prison that John attempted to pick him up and had planned and intended on picking up James, had he escaped?

Ms. KENNEDY. Mr. Chairman, I object to the form of the question and the use of the word "also."

The witness has denied any recollection of this. The use of the word "also" implies that there has been an admission which has not been made by this witness and I ask that the question be rephrased.

Mr. SPEISER. Mr. Chairman, I don't agree with Ms. Kennedy, but I will be more than happy to rephrase the question.

Chairman STOKES. Please do.

Ms. KENNEDY. Thank you, Mr. Speiser.

Mr. SPEISER. Mr. Ray, did you tell Mr. McMillan that your brother John assisted James in his escape plans in 1961 and 1966 from the Missouri State Prison?

Mr. RAY. I don't ever remember telling him anything like that. If I did, it was false because I didn't know anything like that.

Mr. SPEISER. Have you furnished Mr. McMillan with false information?

Mr. RAY. Have I furnished McMillan with false information? I think Hon. Walter Fauntroy and everybody knows what type guy McMillan is. He is just a leech and he hounded me since 1968 and so I would feed him a few lines now and then just to get him off my back. You can read his book; his book was a joke.

Mr. SPEISER. Is your answer yes, you did provide Mr. McMillan with false information?

Mr. RAY. I led him along a few times.

Mr. SPEISER. Excuse me?

Mr. RAY. He kept following me and he was always hounding me, coming to see me in St. Louis and Atlanta and Chicago and every place.

Mr. SPEISER. Your answer is yes?

Mr. PEPPER. Counsel, the witness has indicated, I think twice now, that what he has attempted to do at various times was get Mr. McMillan off his back, and whether it is false information to say that he was not going to be in a particular place——

Chairman STOKES. We can't have counsel to testify here.

Mr. PEPPER. I think the witness has answered the question.

Chairman STOKES. It was a very simple question and I think the witness ought to answer the question.

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Ms. KENNEDY. He did.

Mr. PEPPER. My suggestion, Mr. Chairman, is that he has already answered it twice.

Mr. SPEISER. You have indicated that Mr. McMillan hounded you. Did you ever attempt to set up interviews with Mr. McMillan?

Mr. RAY. Seemed like one time I met him at the airport in St. Louis.

Mr. SPEISER. So your recollection is that only on one occasion——

Mr. RAY. Only one I can remember, the one I can remember. Seemed like we met at St. Louis for a while a few years ago before his book was published.

Mr. SPEISER. At this time, Mr. Chairman, I would request that MLK exhibit F-96A be marked for evidence and be introduced into the record and a copy be furnished to Mr. Ray and his counsel.

Chairman STOKES. What is the exhibit?

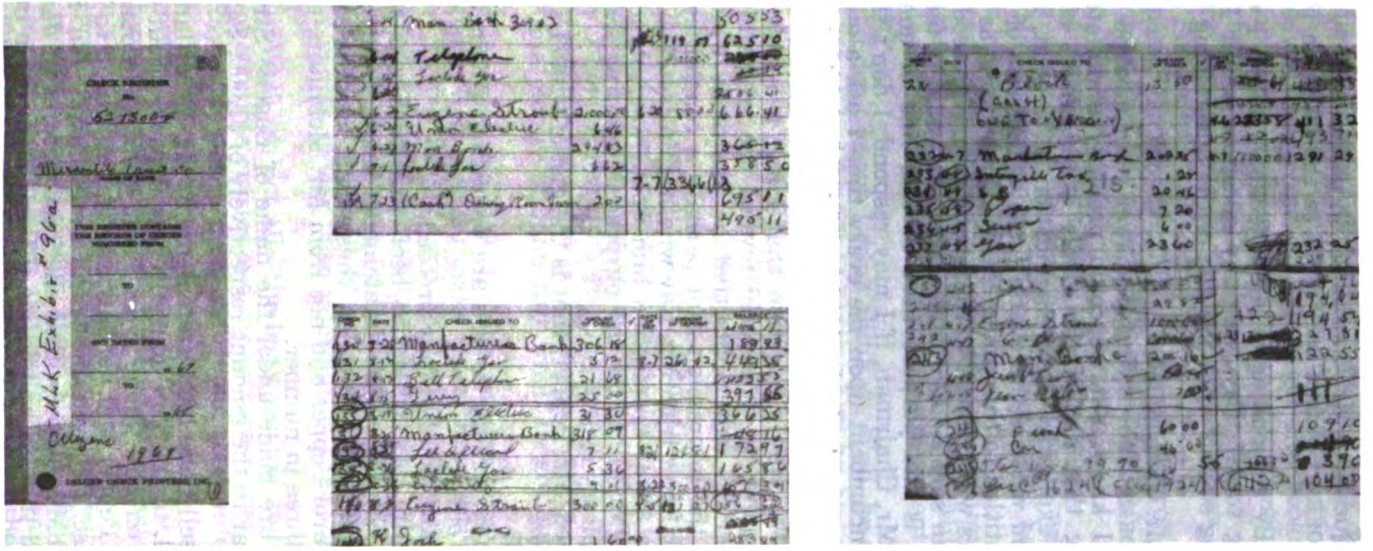
Mr. SPEISER. MLK exhibit F-96A, of which we have a blowup, is a record of entries made into the bank account of Carol Pepper in 1967-68.

Mr. RAY. That is when we met in St. Louis. That is when he came to St. Louis.

Chairman STOKES. Without objection they may be entered into the record.

[The information follows:]

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MLK Exhibit F-96A

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Mr. PEPPER. Question, Mr. Chairman, on pertinence.

Chairman STOKES. Counsel will reply to the question put to the Chair.

Mr. SPEISER. By responding to the objections raised, I will be in effect indicating to Mr. Ray what my question is, but I have no problem in doing so and what the gist of the questioning is intended to elicit.

Mr. PEPPER. Mr. Chairman——

Chairman STOKES. He is trying to answer your question.

Mr. PEPPER. I know, but we could probably eliminate further objections along this line if the Chair would direct counsel to advise Mr. Ray explicitly—with clarification as to what, in fact, is the objective and what is the overall goal of this line of questioning. Client is entitled to this under the Watkins ruling as well as a number of others with respect to the investigatory proceedings, and so I think we can save a lot of time if counsel would in fact set out explicitly what is the purpose here of this line of questioning.

Mr. SPEISER. Mr. Chairman, if I may respond, I don't think it is necessary and incumbent upon me every time I ask a question to Mr. Ray that I set forth the background for the question and what my objective is.

I am asking Mr. Ray a question that I feel is relevant to the scope of this inquiry. It is directed toward the credibility of Mr. Ray and some of the statements that he has made which would cast and create the impression that perhaps a conspiracy existed.

Now, I want to know from Mr. Ray whether, in fact, the information which I am about to question him upon, was intended to be conveyed to Mr. McMillan for the purpose of creating the impression that a conspiracy existed.

If I may proceed, Mr. Pepper, that is the gist of what I am trying to establish.

May I proceed?

Mr. PEPPER. Yes, so long as you are operating within that context you just set out.

Chairman STOKES. Counsel may proceed.

Mr. SPEISER. Mr. Ray, what has been furnished you and what appears on the easel are three statements taken from the bank records of Carol Pepper. Now, on these bank records which we obtained from Carol Pepper and not from Mr. McMillan, there are certain entries, three in number.

These entries are made under the name of Eugene Straub and the entries appear in the amount respectively of $1,000, $2,000, and $300.

Now, did you sell these bank statements to Mr. McMillan?

Mr. RAY. Well, to tell you honestly how it came about—McMillan—we talked on the phone from Carol Pepper's house in St. Louis and Carol Pepper and her husband was supposed to be down at my dad's house. He lived on a farm by Hannibal, Mo. So when they was out, McMillan knew that she kept pictures of James and bank records and that, so he told me if I would get them out—that she had them hid someplace in luggage—if I could get them out he would buy the pictures and the bank records. So actually what he was doing was being involved as an accessory to a burglary because he thought I was burglarizing her house to get this stuff out.

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He said he would pay for them if I got the stuff. So I met him at the airport. Of course, they wasn't even down at my old man's house. She was there, see, so I just got the books and added a couple numbers on them and took them out. It was his idea to pay me for the books.

Chairman STOKES. Would the counsel establish for the record who Carol Pepper is?

Mr. SPEISER. Excuse me, Mr. Chairman. Carol Pepper is the sister of James Earl Ray, Jerry Ray, and John Ray. Is that correct?

Mr. RAY. Yes, that's right.

Chairman STOKES. Thank you.

Mr. RAY. So it was his idea and actually he was promoting a burglary. He was trying to get me to burglarize her house to get these bank books and the pictures.

Mr. SPEISER. I am asking you, Mr. Ray, at the time these records were transferred to Mr. McMillan, did Mr. McMillan know that these entries had been made by you at a subsequent time and were in fact false?

Mr. RAY. I don't know. I don't think so. Well, he should, though, because he came to Chicago to see me and he had all of her bank records. I don't know how he got them. He had all her bank records from different banks and she kept the money spread out in savings and loan. He had them all and shown them to me in Chicago so he should have known they were false from looking at his own records.

Mr. SPEISER. Did you tell him you made these entries?

Mr. RAY. I don't remember saying anything like that.

Mr. SPEISER. Did you receive any money for these statements?

Mr. RAY. I don't know if he give me money for the statements or for the pictures, because also he had some pictures.

He had one picture of John Ray when he got out of jail back in 1960.

Anyway, he give me $250 for the pictures and the bankbooks.

Mr. SPEISER. Why did you make these three entries in this bank ledger for $1,000, $2,000, and $300 under the name of Eugene Straub? What was your purpose in doing that?

Mr. RAY. Mainly because he is a leech and like I say, I strung him along every once in a while and just used him.

Mr. SPEISER. So, it was false information that you furnished Mr. McMillan?

Mr. RAY. Well, it's not all—the bank records and everything was true except a couple entries and the pictures—they had one picture of John Ray, so it wasn't all false. He got some information for his $250.

Mr. SPEISER. So, Mr. McMillan paid you $250 for these three bank statements and you are admitting here that these three entries were made by you after the fact?

Mr. PEPPER. Objection, Mr. Chairman. The witness has stated that he received some money from Mr. McMillan but that he provided material other than the bank statements and he is not sure and neither can anyone be sure as to what the money was for, whether it was for the package of the material or the photographs or what, and we are not in a position to say that the money at all was received in exchange for the bank statements.

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Chairman STOKES. Counsel will confine his questioning then to the statements as made by the witness.

Mr. SPEISER. What was this money for that Mr. McMillan paid you, this $250? Was it for these records?

Ms. KENNEDY. Mr. Chairman, I object to that question as having been answered already, sir.

Mr. SPEISER. Your cocounsel requested me to restate the question, Ms. Kennedy, and that is what I am doing.

Ms. KENNEDY. I apologize.

Is that what you want, Bill?

Mr. PEPPER. I just objected to counsel's question which related to the receipt of money for the bank statements when Mr. Ray had indicated that he had provided photographs and other materials as well.

Ms. KENNEDY. My objection was to a different aspect and it was as to the question of whether or not the misleading entry—in the first place, it obviously wasn't under oath and I am just trying to interest this committee in the importance of this—the witness has already indicated he wanted to throw the guy off the track.

Chairman STOKES. That is the purpose of counsel's question, so that the committee can get at the truth, Ms. Kennedy.

Does the witness understand the question?

Mr. RAY. Being as McMillan is an FBI writer, a pro-FBI writer, and his wife is a CIA writer, he didn't have no trouble getting the stuff he wasn't supposed to get.

See, he had all my sister's bank records. Well, it was illegal for him to get it, but the prosecution, they worked with him 100 percent. So he wasn't actually paying for the bankbooks or bank statements; he was paying for the pictures, the way I took it.

Mr. SPEISER. What was your purpose in making these entries in the record?

Mr. RAY. Just to confuse him.

Mr. SPEISER. To confuse Mr. McMillan?

Mr. RAY. Yes; he is confused anyway and I wanted to confuse him a little bit further.

Mr. SPEISER. Was your purpose to try to create the impression that there was a conspiracy in the assassination of Dr. King?

Mr. RAY. I always thought it was a conspiracy myself. He always said there wasn't because that is what he wanted to believe, but I always thought there was a conspiracy. I knew he wouldn't go along with no conspiracy anyway, because he said from the start that he just decided there wasn't no conspiracy from the day it happened and he wasn't going to go along with no conspiracy.

Mr. SPEISER. Who is Eugene Straub?

Mr. RAY. I think it was a landlord my sister had years ago.

Mr. SPEISER. Did you tell Mr. McMillan that this money that had been paid allegedly to Mr. Straub was in fact money connected with the assassination?

Mr. RAY. I can't remember. Sure I remember that name Straub. I think it was her landlord back in 1968 or 1969 or something, but I can't remember all my conversation with McMillan.

Mr. SPEISER. I would like to return to another area of questioning at this time, Mr. Ray.

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I would like to focus at this point on the contacts that you had with your brother, John Ray, during the period between James' escape from Jefferson City and the date of his capture in London, England on June 8.

Now, do you have any recollection of meeting with John during this period of time?

Mr. RAY. From his capture——

Mr. SPEISER. Between the date James Earl Ray escaped from Jefferson City and the time he was captured in London.

Mr. RAY. I met him one time, I can't remember the month, but after he, you know, had opened that tavern up I seen him one time. On my day off I spent a day down in St. Louis and went back.

Mr. SPEISER. John Ray's tavern, you are referring to the Grapevine?

Mr. RAY. Yes, the Grapevine.

Mr. SPEISER. That was opened in Christmas of 1967?

Mr. RAY. I don't know when it was opened. I can't remember when it was opened because I always worked in Chicago, but after it was opened I think I was there once before King got killed. It wasn't on vacation, just a day off. On my day off I went down there.

Mr. SPEISER. In July of 1967 do you have any recollection of meeting with your brother John in Chicago and exchanging cars with him?

Mr. RAY. No.

Mr. SPEISER. Are you denying that you did or is it that you do not have any recollection?

Mr. RAY. I am almost positive I didn't because a guy by the name of Jack Gawron picked up a car for John but I don't remember seeing John at all in July.

I remember a guy by the name of Jack Gawron picking up a car for John.

Mr. SPEISER. You think it was Jack Gawron that picked up the car for John?

Mr. RAY. Yes.

Mr. SPEISER. I would like to direct your attention to MLK exhibit F-601, a copy of which I would request the clerk to furnish Mr. Ray with at this time, and I would request the chairman to have this marked into evidence and introduced into the record.

This is an interview of Mr. Ray by the FBI on May 13, 1968.

Chairman STOKES. Which Mr. Ray?

Mr. SPEISER. Excuse me, Mr. Jerry Ray.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

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MLK EXHIBIT F-601

FEDERAL BUREAU OF INVESTIGATION

Date 5/13/68

JERRY WILLIAM RAY was shown the new photograph of his brother, JAMES EARL RAY, in a business suit taken sometime in January or February, 1968. After viewing the photograph, JERRY stated that the photograph is a good likeness of his brother except that he remembers him being thinner in the face. In fact, this particular photograph depicts JAMES fuller in the face than JERRY has ever seen him.

JERRY advised that his father, JERRY RAYNER, Center, Missouri, left his mother in 1951 to live with RUBY CARPENTER. RUBY has a son, JEROME, who is presently in prison, Jefferson City, Missouri, and is acquainted with the subject. JERRY also knows JEROME since he was in the reformatory at St. Charles, Illinois, with him. JERRY classified JEROME as being "off mentally" and a person who very seldom talks to anyone. JERRY believes that JEROME may have been in the hospital for the criminally insane at Fulton, Missouri, when the subject escaped from prison. JEROME is presently doing time for the murder of a Negro. JERRY also related that when his father left, JERRY was in the Boys' Reformatory at Sheridan, Illinois.

JERRY said that he does not know NEAL EDGAR AERY, JAMES DAVID DAILEY, nor is he acquainted with the Half Way Restaurant at 1549 South Jefferson, St. Louis, Missouri. He said that he never heard his brother mention DAILEY nor does he have any information that DAILEY had ever hidden his brother from the law. JERRY also advised that he never heard of an organization named the "Coolies" nor did he ever hear his brother mention that organization. JERRY said that when he was in prison, he was involved in a fist fight with (First Name Unknown) MENARD, who worked with him in the shoe shop. He said that he could not recall this individual's first name and that there would be no record of the fight at the prison since it was not reported nor were they observed fighting. He said that on one of the occasions when he visited with his brother in prison, he told him about it and JAMES was joking with him because JAMES

On 5/12/68 at Wheeling, Illinois File # Chicago 44-1114-77

by SA HENRY J. DUMAINE &
SA ROBERT T. PEVAHOUSE/RJD:jap Date dictated 5/13/68

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said that he was close friends with the MENARD brothers who were then in Jefferson City, Missouri, prison with JAMES.

JERRY said he visited his brother about three or four times while he was in prison in Jefferson City, Missouri, the last time being around 1964. JAMES came to Menard prison to visit JERRY on one occasion. JERRY again stated that the last time he saw his brother JAMES outside of prison was in 1951 in Quincy, Illinois, and JERRY was fifteen years old at that time. The father was still living with his mother then.

He said that he believes that WALTER TERRY RIFE and JAMES went to Leavenworth together but that LONNIE RIFE never did time with JAMES. He said that if he had given the impression that LONNIE did do time with JAMES in the previous interviews, this was in error. JERRY again stated that he himself has done time in Menard, Illinois, with both RIFE brothers.

He stated that he has no idea as to the present whereabouts of "BLACKIE" AUSTIN and doubts if his brother has maintained contact with AUSTIN nor would be in contact with him since his escape. He said that of all of the persons that he knows of, JAMES was the friendliest and closest with AUSTIN. JERRY pointed out, however, that his knowledge of this is limited since JERRY was in prison when both AUSTIN and his brother were on the street. He does know that "BLACKIE" liked his brother and has always talked about him.

In clarification, JERRY advised that his brother JOHN first came to Chicago sometime around July, 1960, and he, JERRY, came to this area around September, 1960. JOHN first worked at Murphy's Steak House. He also worked at the White Pines Country Club and JOHN's last employment in the Chicago area was the Indian Hills Country Club, Bloomingdale Illinois. JERRY advised that he was employed with his brothers JOHN and FRANK at the Rolling Green Country Club beginning in September, 1960 and JERRY stayed there for about sixteen months and JOHN for eight or nine months. He was uncertain to the length of time that his brother FRANK worked there but believed he had left a good length

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of time prior to his death in September, 1963.

JERRY advised that sometime during June or July, 1967, when he was living at 2897 Techny Road, Northbrook, Illinois, JOHN drove here in a 1961 Plymouth which he had bought from the father, JERRY RAYNES. At this time, JERRY owned a 1962 air-conditioned Rambler. JOHN was having trouble with the transmission in the Plymouth and they switched cars. He does recall that JOHN transferred some clothes and other items from the Plymouth to the Rambler. Also, that JOHN left some old shirts and pants and some other papers in the garage at Techny Road and JERRY hid these items above the rafters in the garage. He said that JOHN stayed a couple of days and was in either an apartment or a hotel in Chicago and did not reside at JERRY's residence while here. JOHN left with the Rambler and both cars are presently at his father's farm in Center, Missouri. JERRY said that his wife did not meet JOHN on this occasion but did meet him at Christmas time, 1967, when JERRY and his wife went to St. Louis where they had dinner at CAROL PEPPER's house and JOHN was present. JERRY advised that JOHN did not know how to find his residence in Northbrook, Illinois, and that he, JERRY, met him in the town of Northbrook and then JOHN followed him to the residence. JERRY also advised that his brother JAMES did not ever know that JERRY resided at this address in Northbrook.

In previous interviews, JERRY advised that he borrowed somewhere between $40 and $50 from his brother JAMES while JAMES was in prison. He reiterated that statement in this interview at which time the financial transactions from his brother's account at the Inmates Bank, Missouri State Penitentiary, Jefferson City, Missouri, were discussed with JERRY. It was pointed out to him that this list shows that his brother had sent him $266.25. JERRY advised that this must be an error since the only amount he recognized was $55.25 which was sent to him on June 22, 1964. He stated that at this time, he, JERRY, was in St. Louis, Missouri, and needed money to return to Chicago to obtain employment. He wrote to his brother requesting this loan and was in the process of paying JAMES back when

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JAMES escaped. JERRY suggested that the money listed to him was instead paid to his brother's attorney, name unknown, in Jefferson City, Missouri. JERRY advised that he himself did not receive money from his brother to be sent to the attorney or anyone else. JERRY advised that this attorney had been hired by his brother to handle his appeal and that he believed the attorney did visit with JAMES while JAMES was in prison. JERRY said that his brother never mentioned anything concerning Benzedrine inhalers or any type of "bennies" or dope. JAMES never mentioned being involved in any illegal drug selling while in prison nor did he ever mention that he was involved in any type of racket with a guard. He also never mentioned any guard that he was particularly friendly with and in fact, made no comment whatsoever concerning the prison officials that JERRY can remember.

JERRY also advised that his brother never mentioned reading any of the James Bond novels and in fact, JERRY did not believe his brother was much of a "reader." The only location that he can recall his brother making a comment as to how much he liked it was Tijuana, Mexico, and he believes his brother was there sometime in 1961. The brother made no mention to him at anytime as to the identity of any persons with whom he was acquainted in Mexico.

JERRY advised that when he left Chicago on this latter occasion, he stayed with his brother JOHN for two nights, with his father one night, with his sister CAROL one night, at the St. Regis Hotel one night and at the Mac Arthur Hotel one night. In conversations with his brother JOHN and sister CAROL, they both stated that they believe, from newspaper stories, that the subject is the victim of a frame-up or being used as the "fall guy." He also stated that CAROL is concerned over the newspaper articles speculating that the subject is dead and she has that opinion. He said that JOHN told him that some people came to the tavern at the time of the KING funeral requesting him to close down for that day which he did not do.

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JOHN also said that if he himself receives any publicity, he will close down the tavern and leave because he feels that people will throw firebombs in his place. JERRY related that one of the newspaper reporters located and interviewed a woman named RUBY who works for his brother since JOHN had used that woman's address about three or four years ago. RUBY told the newspaper people that she did not know the whereabouts of JOHN. JERRY also said that in conversations with JOHN, JOHN told him that the subject would be "crazy" to give himself up because even if he is not guilty of the KING murder, he still would have eighteen years to do in the penitentiary at Jefferson City. JERRY explained this by stating that his brother has thirteen years left on his previous sentence and that he would get at least an extra five years for the escape.

JERRY again speculated that if his brother was KING's murderer, he would have had to have been paid because he could not see how his brother would have obtained enough money to purchase the 1966 Mustang, take the trips he was supposed to have taken and to pay $150 for the telescope used in the murder. He said that there was just too much money coming in and in response to a direct question, he said that he did not think his brother would have been able to steal this much money because he would have had "slipped up and been caught." He explained that in his opinion, his brother was not an accomplished thief and that most of his previous scores were "small time."

JERRY advised that he is presently residing in Apartment 14, 314 Wisconsin Avenue, Lake Forest, Illinois, which rooming house was recommended to the Sportsman's Country Club by WAYNE CLANDENEN (phonetic). JERRY noted that his ex-wife DJERDIS also used to reside at this rooming house. He said that he is not listed as a tenant and that the rent of $60 per month is being paid by the country club. He advised that there is no phone at the building with the nearest one four blocks away. He said that he plans to continue his employment at the Sportsman's Country Club and will contact SA RENE J. DUMAINE on a daily basis.

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He advised that his ex-wife presently works at a restaurant near the expressway and is living in a motel in Wheeling, Illinois. He went on to say that yesterday there was a knock on the door of his apartment and when he opened it, his ex-wife was there. She said that she had found him by inquiring of the rooming house manager, the room numbers of the last two tenants and then came to talk with him. He said that they talked of personal matters with nothing of interest in this case. JERRY advised that he may have to move from this address since his ex-wife might inadvertently give out his whereabouts. He said that he was not concerned with the problem of people making threats against his safety because of what his brother did but that he was most concerned of the people who would attempt to harm him without making threats. In explanation, he made the comment, "Like that guy who shot King, he did not make any threats."

JERRY advised that he will continue to cooperate with the Bureau in furnishing information.

Mr. SPEISER. This is a six-page report on the interview with Mr. Jerry Ray. I request that you direct your attention to page 3. The first full paragraph indicates as follows:

Jerry advised that sometime during June or July of 1967, when he was living at 2897 Techny Road, Northbrook, Ill., John drove here in a 1961 Plymouth which he had bought from his father, Jerry Raynes. At this time Jerry owned a 1962 air-conditioned Rambler.

In going a little bit further down in the paragraph, it reads as follows:

He said that John stayed a couple days and was either in an apartment or a hotel in Chicago and did not reside at Jerry's residence while here.

Does this refresh your recollection about meeting with John and exchanging cars with him in July 1967?

Mr. Ray. I don't remember. I don't even remember—if they got it written down, I must have made a statement, but I don't remember it and I don't remember seeing John up there. I remember a guy by the name of Jack Gawron picking up a car around that time.

I don't know how it would get—John actually picked it up because a guy by the name of Jack Gawron picked the car up. I remember I had a car like that—a Rambler like that, and picked it up——

Mr. SPEISER. Let me ask you for your answer. Is your answer then you did not make this statement or did you make this statement?

Mr. RAY. I don't remember. I must have made it because it is written down there, the FBI wrote it down there, so I don't know. I don't remember ever making the statement.

Mr. SPEISER. As of July 1967 had you met your brother James following his escape from Missouri State Prison?

Mr. RAY. Did I meet him? I met him about 3 weeks afterward, after the escape when he went to work in Klingman's Restaurant in Winnetka.

Mr. SPEISER. When is the first time you met James?

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Mr. RAY. The first I remember meeting him was a few weeks afterward. That is the first I can remember meeting him, is when he went to work at Klingman's Restaurant.

Mr. SPEISER. You don't have any recollection of meeting James following his escape within several weeks after his escape?

Ms. KENNEDY. The witness has already said he met him 3 weeks after the escape. It is already on the record.

Mr. RAY. I can't remember meeting him no sooner than that.

Mr. SPEISER. So you do have recollection of meeting James within 3 weeks after the escape?

Mr. RAY. About 3 weeks.

Mr. SPEISER. James escaped on April 23, 1967, so that would put your meeting with James prior to the July meeting with John, would it not?

Mr. RAY. Oh yes, before. Yes.

Mr. SPEISER. So that prior to your July meeting with John you had met James at least once?

Mr. RAY. Yes, I had met him several times.

Mr. SPEISER. Several times.

By the way, when you were first interviewed by the FBI, did you tell the FBI that you had not seen your brother James since he had been incarcerated at the Missouri State Prison?

Mr. RAY. Read that again?

Mr. SPEISER. My question is, did you tell the FBI when they first interviewed you, when James was identified as a suspect in the assassination, that you had not seen—and, by the way, the date of that interview was April 19, 1968.

Did you tell the FBI that you had not seen your brother James since he was incarcerated in the Missouri State Prison?

Mr. RAY. I can't answer that because I don't remember what all I told the FBI or people. That has been too long ago.

Mr. SPEISER. Your recollection is that you do not recall at this time telling the FBI you did not meet with James?

Mr. RAY. I don't recall our conversation as to what we said. I can't even remember who I met him with.

Mr. SPEISER. When you met John in July 1967 as you have testified, you had previously met James at least on two occasions. Did you tell John that you had met James and that James was out of jail; that he had escaped?

Mr. RAY. I didn't even admit to meeting John in July. I said—you got it down some place reading the statement, I said I don't remember meeting him. I said it is possible I met him but I said I know a guy by the name of Jack Gawron is who picked up the car.

You read off where he met me on Techny Road and I don't even remember meeting him in July. I remember meeting Jack Gawron and he picked up the car for John. It was a 1960 or 1961 red Plymouth.

Mr. PEPPER. The witness has been consistent, Mr. Chairman. He has answered that question already and he has been consistent in the answer.

Mr. SPEISER. Mr. Chairman, I am just trying to assist Mr. Ray in refreshing his recollection. I know he has responded that he does not recall meeting John in July 1967, but I have introduced initial-

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ly one FBI report which reflects that Mr. Jerry Ray advised the FBI that he met John in July 1967.

Mr. PEPPER. I object to the phrasing of counsel. It doesn't do anything of the sort. There is a statement here that Mr. Ray said that, but there is no authenticity attached to that statement.

Mr. SPEISER. Well, I am solely trying to refresh Mr. Ray's recollection, if I may.

Now, here we have one FBI report in which the agent who wrote that report purportedly was advised by Jerry that Jerry met John in July 1967.

Now, at this time, if I may continue, I would like to introduce another FBI report.

Ms. KENNEDY. Excuse me a moment.

Chairman STOKES. The witness can testify as to whether or not the document has refreshed his recollection.

Has it, Mr. Ray?

Mr. RAY. No.

Ms. KENNEDY. Just for the record, could I ask when this FBI document was prepared and how long this information has been available to the Government?

Is this a recent preparation or has this been in the hands of this Government for 10 years or 11, 12?

Chairman STOKES. The document is before counsel and the document should speak for itself preferably.

Ms. KENNEDY. We haven't had a chance to study it and confer about it and I thought maybe Mr. Speiser could just answer that for me, but I will look. 1968. So it was 10 years ago. Thank you.

Chairman STOKES. Proceed, counsel.

Mr. SPEISER. At this time, Mr. Chairman, I would request the witness be shown MLK exhibit F-602 an FBI report dated May 22, 1968, of a May 17, 1968, interview with John Ray.

I request that this document be marked into evidence.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

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FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date MAY 22, 1968

JOHN LARRY RAY was interviewed at the Grapevine Tavern, 1982 Arsenal Street, St. Louis, Missouri.

He stated that with regard to his belief that his brother, JAMES EARL RAY, had plenty of money on him at the time of his escape from prison was based on the fact that he had been questioned regarding his knowledge of his brother's dealing in amphetamines while in prison. He stated that it was pure guess work on his part and he merely felt this way because he recalls that from his experience in prisons that usually the people who deal in narcotics in prisons are among the wealthier inmates. He stated he has no idea how JAMES EARL RAY would have spent any money he earned in prison, either while in prison or subsequent to leaving prison. He reiterated that he has not seen or heard from JAMES EARL RAY since his escape and has never heard anyone say that he was in Chicago, particulary in the summer of 1967. He recalls that in the summer of 1967 he was in Chicago himself at which time he traded cars with his brother JERRY.

On 5/17/68 at St. Louis, Missouri File # SL: 44-778

by SA PATRICK V. BRADLEY/mlb Date dictated 5/20/68

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MLK EXHIBIT F-602

Chairman STOKES. I would like to direct your attention to——

Mr. PEPPER. Just a minute more, please.

The special agent's name in this statement, Mr. Chairman, is special agent Patrick Bradley. Is that correct, counsel?

Mr. SPEISER. The document reads for itself, Mr. Pepper.

Mr. PEPPER. Has special agent Bradley been called before this committee and testified under oath?

Chairman STOKES. That is certainly not pertinent, counsel. I am sure counsel knows that.

Mr. PEPPER. I do, Mr. Chairman——

Chairman STOKES. The document, counsel, has been furnished you and the witness, for the purpose of the counsel being able to

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examine your witness regarding that document. It is not appropriate to pose questions——

Mr. PEPPER. Mr. Chairman, we certainly will do that. We will examine it and appreciate it, but we are concerned, Mr. Chairman, about the credibility of the document that is being put forth here.

Chairman STOKES. The committee will ultimately decide the credibility of all documents in the record.

Ms. KENNEDY. Mr. Chairman, is there any possibility that those FBI or other documents will be relied on by the committee and counsel could be available to this witness so that we don't have pages and pages of materials thrown at us on such short notice so we could have a recess and an opportunity to examine these documents, because it does seem tremendously unfair for this committee to collect incredible volumes of information that covers a great deal of territory, and then to have us sit here and have to respond or in any way relate to representing this way on this sort of ad hoc instant hearsay evidence.

Chairman STOKES. Ms. Kennedy, any document that counsel desires to examine the witness from will be furnished to counsel and counsel will be given adequate time to read and confer with the witness on that document.

Mr. SPEISER. Thank you, Mr. Chairman. I have already shown you, Mr. Ray, the FBI report in which the agent writing that report notes his recollection that you advised him that you met John in July 1967, in Chicago, to exchange cars.

Now, you have before you MLK exhibit F-602 which is an FBI interview of your brother John.

Now, if you look at the last sentence, let me quote that: "He recalls in the summer of 1967 he was in Chicago himself, at which time he traded cars with his brother Jerry."

Does that serve to refresh your recollection as to whether or not in July 1967 you met with John and exchanged cars with him?

Mr. RAY. The only thing I know definitely and the only thing I can make a definite statement on is that a guy by the name of Jack Gawron picked up the car—we switched cars for Jack. Jack wanted another car, something wrong with his car, and I had to take and get a transmission job done on it, and anyway we switched cars. It was for Jack but Jack didn't switch cars with me. He had a guy by the name of Jack Gawron who picked the car up and give me the other car.

Mr. SPEISER. I just want you to know, Mr. Ray, I am not trying to trick you or trap you. I am asking a very simple, innocuous statement to try to determine whether or not you met John in July of 1967.

Now, I understand your testimony is that you have no recollection; that you think you met Jack Gawron, is that right?

Mr. RAY. I know I met him. I know I met Jack Gawron, but John—I just can't remember meeting him.

Mr. SPEISER. Now, I asked you previously whether or not you advised the FBI when they initially interviewed you as to whether or not you had not seen your brother James since the first time you visited him at Missouri State Prison, and that you had no idea as to his whereabouts.

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Now, I would like to at this point introduce into the record, and a copy be furnished to you, MLK exhibit F-615, which is an FBI report dated April 29, 1968, and reflects an interview with you on April 24, 1968.

Chairman STOKES. Without objection, MLK F-615, will be accepted into the record at this time. Would the clerk please furnish Mr. Ray with that document?

[The information follows:]

MLK EXHIBIT F-615

FEDERAL BUREAU OF INVESTIGATION

Date 4/29/68

At the outset of the interview, JERRY WILLIAM RAY was advised of the provisions of Section 1001, Title 18, United States Code. He was advised that he did not have to talk to the interviewing Agents but that they wished to stress to him the importance of his cooperation and truthfulness in the matter of the murder of MARTIN LUTHER KING, Jr.

It was pointed out to JERRY that he had lied to the Agents in the previous interviews in that the FBI had located his brother, JOHN, and that it would have been impossible for JERRY not to have known his whereabouts. He then stated that he had lied but only in an effort to protect his brother JOHN's, investment in a bar in St. Louis. JOHN had put up $2500 to purchase the bar and JERRY was of the opinion that if FBI Agents harassed JOHN, he would lock up the bar, take a loss and leave. The bar, known as "The Grapevine", is located in St. Louis, Missouri, and is licensed in the name of CAROL PEPPER, their sister. He said that he has no information nor does he believe that JAMES RAY has been in contact with JOHN since his escape from prison in April, 1967. JERRY went on to say that he doubted very much that JAMES RAY was aware of the present whereabouts of JOHN since JOHN was classified as a "drifter". It was pointed out to JERRY that JOHN had been a visitor to the Missouri Prison on the day before JAMES RAY's escape. In answer to a direct question, JERRY then admitted that it would be possible for JAMES RAY to know the location of his brother's tavern. He said that he doubted if JAMES RAY knew his, JERRY's, present employment at the Sportsman's Club, Northbrook, Illinois, but that he might be aware of it since he had written a letter to the Parole Board in which he might have mentioned his present employment saying that he possibly could obtain employment for his brother, JAMES RAY, either at the country club or in the immediate neighborhood. He denied that he had ever furnished JAMES RAY with his present employment. He said that to his positive knowledge, the only way that JAMES could get in touch with

On 4/26/68 at Chicago, Illinois File # CG 44-1114

by SAs JOSEPH M. BURKE and RENE J. DUMAINE:pas Date dictated 4/26/68

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him was through P. O. Box 22, Wheeling, Illinois, since he, JERRY, had obtained this box for the specific use of his brother since he did not want mail from the penitentiary coming to the country club.

JERRY related that JOHN came to this area sometime around 1964 and stayed for about 2½ years. To the best of JERRY's recollection, JOHN first worked at Murphy's Steakhouse, then went to the Rolling Green Country Club and from there to the White Pines Country Club where he was employed as a pot washer. JOHN then went to bartending school in Chicago and went to work for the Indian Hills Country Club in Itasca, Illinois. JERRY is of the opinion that his brother, JOHN, uses the name RYAN.

JERRY said that on April 20 or 21, 1968, he telephonically contacted his sister, CAROL PEPPER, and explained that the uncooperative attitude of both CAROL and JOHN arose from the harassment of the newspaper reporters in the neighborhood and that both were afraid of unfavorable publicity which would adversely effect the tavern business causing them to sell out and move. He said that his sister, CAROL, has told him that she feels that she now has to move from the particular neighborhood where she resides in St. Louis, Missouri. CAROL has commented to him that the picture in the newspaper of JAMES RAY does look something like him. JERRY said that he agrees with this but that felt it could not be his brother because he read in the newspapers that the person sought by the FBI for the KING murder had attended dancing school in New Orleans, Louisiana, in 1964 and 1963, but since his brother was imprisoned during these years, he knew it could not be him.

Concerning his trip to St. Louis, Missouri, in February, 1968, JERRY advised that he stayed at the MacArthur Hotel for one night; he believes the date to be February 2, 1968, and that his brother, JOHN, either stayed in an apartment over the tavern or nearby, but not at the hotel as he previously implied. He said that about every six or seven weeks he drives to St. Louis, Missouri, to visit with

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CAROL and sometimes JOHN since they are the only family he has. He denied that his brother, JAMES RAY, had been at this family reunion at this last or any other time.

JERRY advised that he owns two automobiles, one a 1960 light green four-door De Soto which presently is parked in front of the cottage at the Sportsman's Country Club. The other, a 1961 two door white over red Plymouth. Both of these cars were purchased from a stepfather, JERRY RAYNES, who resides on a farm in Center, Missouri. He exhibited a receipt from the Dunhurst Currency Exchange showing that Missouri driver's license R250-6227-822-98-473MO, plus title and registration for 1960 De Soto had been turned in. The receipt was in the name of JERRY WILLIAM RYAN, 2897 Techny Road. JERRY said that he had turned over these items April 24, 1968, and expected to obtain his Illinois driver's license and license tags within the next several days.

JERRY further related that he paid $200 for the 1961 Plymouth and has owned it for about six months. The car is presently at his stepfather's farm and is not registered. The reason it is not registered is that the title to this car was filed by his stepfather in St. Louis, Missouri, but was not returned. Both he and his stepfather made inquiry concerning the title, but it was evidently lost. JERRY said that he has driven the car to Chicago and in this area on one occasion utilizing license plates from a junk car. CAROL PEPPER has also driven the car on several occasions with the same plates. However, the plates have since been removed from the car and destroyed.

In response to questions concerning Post Office Box 22, Wheeling, Illinois, JERRY reiterated that the only person who has ever written to him was his brother JAMES RAY with the rare exception that he might receive some advertising literature of no consequence. He persisted in stating that that he had received no communications at this Post Office box within recent weeks. After further questioning, JERRY admitted that on April 23, 1968, he received a telegram addressed to him at P. O. Box 22. He then made available a copy of this telegram which read as follows:

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JERRY advised that sometime around September, 1960, shortly after his release from prison, he was unemployed in St. Louis and he was contacted by his brother, JOHN, who told him to come to the Chicago area which JERRY did. He commenced employment at the Rolling Greens Country Club, Arlington Heights, Illinois, from September, 1960, until January, 1962. He then returned to St. Louis, Missouri, and returned sometime in April, 1962, where he obtained employment at the North Shore Country Club, Glenview, Illinois. He also worked for the Olympia Fields Country Club for 13 days and then went to work for the Medinah Country Club until sometime in December, 1963, when he was hit by a car as he was walking along a highway. JERRY spent some time in the hospital as a result of these injuries and then went back to St. Louis, Missouri, with JOHN. He again returned to this area and was employed at the Flossmoor Country Club, from April until September, 1964. At that time, he commenced his present employment at Sportsman Country Club.

JERRY said that he had resided at the Sportsman Country Club except for a short period of time from March to September, 1967, when he resided at 2897 Techny Road, Northbrook, Illinois, with his wife GJERDIS STREET who presently resides on Wisconsin Avenue, Lake Forest, Illinois. He said that while they were married, she had a child, however, this child was by her previous husband. He went on to say that he and his wife separated in August of 1967 and the divorce was finalized on January 25, 1967. Later in the interview, JERRY advised that he was married in August, 1966, and that the divorce was final January 25, 1968.

When questioned as to whether or not he had been married previously, JERRY replied that he hadn't, but that he had lived common-law with CAROL SARTAIN who is presently residing in Morristown, Tennessee. He did know that CAROL is presently married but he did not know CAROL's married name. CAROL and JERRY had one child; MICHAEL, age 6, who is presently living with CAROL's parents, Mr. and Mrs. WILLARD SARTAIN, Route #2, Whitesburg, Tennessee.

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This town is located 24 miles outside of Knoxville, but JERRY does not know exactly where the SARTAINs live. He said that he doubted that the subject would be aware of the SARTAINs identity since JAMES was in prison before JERRY met his ex-wife.

JERRY related that his take-home pay is approximately $113 per week and that he also receives room and board. He said that he has no money to speak of, at the present time, since all of his savings had been expended in his ill-fated marriage. He said that he sends money to his sister, CAROL, which she deposits in her account to keep for him. He estimated that he has approximately $200 in that account. He denied that any of his money had been utilized by his brother JOHN in the purchase of the tavern in St. Louis.

JERRY sends money to the SARTAINs spasmodically, about $50 at a time and estimates that since December, 1967, he has sent them approximately $150. He also sends clothing and other items for MICHAEL's use. He also advised that he expends a great deal of money on automobiles and since he has been in this area has had at least 12 cars but never seems to be able to purchase a newer model than a 1962. He informed that his marriage "cost him a fortune" indicating that in the first two months he was married, his wife ran up $300 in phone bills. He also paid $135 to send her to driving school after which she had three automobile accidents and in one completely demolished one car so that he had to buy another. His ex-wife was also extravagant and spent money freely through charge accounts.

JERRY related that he has never heard of anyone named JAMES DAVID DAILEY, THOMAS BEECHUM CREWS or JUNIOR RAY CONWAY.

JERRY advised that he was not aware that JOHN registered at the Mac Arthur Hotel, St. Louis, Missouri, during the time that he, JERRY, was there. He said that he did know that JOHN used the Mac Arthur Hotel whenever he was able to "pick up a woman". He said that JOHN has never married and has no knowledge that JOHN is presently going with or residing with any particular woman.

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He related that he has no idea as to the present whereabouts of his brother, JAMES, and believes that he is either dead or out of the country. He could offer no reason for JAMES alleged murder of MARTIN LUTHER KING, Jr., but did say that JAMES would have to have been paid for this murder in view of the purchase of the car and the dance school payments which JAMES made which information he obtained from reading the newspapers. JERRY did speculate that if anyone did pay JAMES for this murder, it would have to be someone he met after his escape because he doubted that anyone in prison or anyone that he knew IN JAMES' life prior to being in prison would have the money or the desire to kill KING. JERRY said that all of the other crimes committed by JAMES were small scores and that he knew he never realized much money from them.

JERRY further related that it is his opinion that JAMES would never get in touch with anyone in the family no matter how bad he needed help.

JERRY RAY was then interviewed by SAC MARLIN W. JOHNSON and ASAC KYLE G. CLARK in an effort to obtain his complete cooperation in this matter. After discussion, JERRY gave his word that he would not lie in the future and that if his brother did contact him, he would contact the FBI. He reiterated that he had no reason to believe that JAMES would contact him.

JERRY advised that he sends his money to his sister, CAROL, because he would spend it if it was available to him. He sometimes sends her his whole paycheck to put in the account. He wants the money to save to put as a downpayment on opening a bar.

Concerning his automobile accident, JERRY advised that he was walking along the highway when he was struck by a car and that he was taken to the hospital at Elmhurst, Illinois, where he was semi-conscious for three days. He

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stayed in the hospital for 13 or 17 days and his pelvis bone had been broken. He entered into a lawsuit in an effort to recover damages, however, he was only paid $1,00 and believes he owes the hospital around $400.

He again stated that he had absolutely no idea as to his brother's whereabouts and then advised that if there was anyone else involved in the crime with JAMES, it was JERRY's opinion that JAMES would never divulge this person's identity. He said that at the time his brother received the 20 years' sentence, from which he escaped, he had been offered eight years to turn state's evidence but did not do so. The other person involved with JAMES did turn state's evidence and received a six year sentence. JERRY opined that even if JAMES was offered a sentence, of five years against death in the electric chair, he would not implicate a partner if in fact he had one.

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The following description of JERRY WILLIAM RAY was obtained through interview and observation:

Race	White
Sex	Male
Date of Birth	July 16, 1935
Place of Birth	Quincy, Illinois (No birth certificate, doctor died two days after birth)
Height	5'9" tall
Weight	178 pounds
Build	Medium, stocky
Hair	Brown, receding
Eyes	Brown
Scars and Marks	Circle scar ¼" diameter above left eyebrow;
Tattoos	"J.R." left forearm outer; "J.R." in scroll right forearm outer
Other employments	Knodel Bakery Company St. Louis, Missouri, oven worker, one day, 1963-64; Sunset Sanitarium, St. Louis, Missouri 12 days, 1963-64; Keeshen's, cannot recall working there
Marital Status	Divorced

JERRY then advised that he used the Bell Employment Service, Chicago, since his brother JOHN had used it because the fee was only $15 or $30 to locate a job. He then related that he came to Sportsman's Country Club from Flossmoor Country Club where he had been a bar waiter. He said he started out at Sportsman's as a dishwasher and then went to work for the Marx Maintenance Company as a maintenance man in the country club. Sometime thereafter, the country club dropped the maintenance service and hired JERRY. He also advised that his brother JOHN was employed at the Indian Hills Country Club, Elmhurst, Illinois, not at Indian Lake. He then recalled that his brother was also employed at Green Acres Country Club, about 2½ miles from Sportsman's in Northbrook, Illinois.

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Mr. SPEISER. Mr. Ray, I would just like to direct your attention to page 7, the top paragraph of that document. That is all I am going to question you about and bring to your attention.

Mr. PEPPER. Mr. Chairman, since we have embarked on a new range of questions, and the scope of interrogation, I request a ruling from the Chair that counsel explicitly state once again and clarify the goals and the purpose for which the interrogation is pertinent, as the witness is entitled to have spelled out for him under the Watkins ruling.

Chairman STOKES. Would counsel reply?

Mr. SPEISER. I have no problem replying to that and disclosing to you, Mr. Pepper, what I am trying to drive at. I am trying to establish at this point the number of meetings between your client, Jerry and John Ray, during the period that James Earl Ray was a fugitive and I am trying to ascertain the first time that Jerry Ray, who admittedly met with his brother while he was a fugitive—I am trying to establish the first time Jerry advised John of that fact.

I think that is definitely relevant; it is definitely relevant in the time frame we are focusing on and it is definitely relevant to the contact between the brothers and the admitted assassin.

Mr. PEPPER. It is pertinent, you are saying, to a possible conspiracy to assassinate.

Mr. SPEISER. It is relevant to possibly that, as well as concealing and harboring a fugitive, and financing Mr. Ray while he was an assassin.

Mr. PEPPER. You are referring to the alleged bank robbery in Alton, Ill.?

Mr. SPEISER. I am not talking about it at this point. I think I have given you enough at this juncture.

Ms. KENNEDY. Mr. Chairman, I wonder if the record could indicate that there has been throughout this hearing a question of whether or not the Federal Bureau of Investigation itself has a position which would militate against its being totally objective in the inquiry into this matter as recently as yesterday.

Chairman STOKES. The record, Ms. Kennedy, may not reflect that. There is no basis or foundation whatsoever for such a finding in the record.

Ms. KENNEDY. Mr. Chairman, can I just direct your attention to yesterday's testimony by Ramsey Clark, which I submit does suggest that?

Chairman STOKES. For the information of counsel, Mr. Ramsey Clark did not testify here yesterday.

Ms. KENNEDY. Oh; the day before yesterday.

Mr. SPEISER. May I proceed with my questioning, counsel?

Mr. Ray, according to the FBI agent who wrote this report, on April 24—the report is based upon an interview with you on April 24 and the report is written April 29, 1968—according to this agent, as he states in the first paragraph, "He"—referring to you—

related that he has no idea as to the present whereabouts of his brother, James, and believes that he is either dead or out of the country. He could offer no reason for James' alleged murder of Martin Luther King, Jr., but did say that James would have to have been paid for this murder, in view of the purchase of the car and the dancing school payments which James made, which is the information he obtained from reading the newspapers.

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Have you read that? Now, do you have any recollection of advising the FBI that you did not know where James was and that you had not seen him since his escape?

Mr. RAY. There's no way I can remember back that far. I just can't remember that far. That's been 10½ years ago.

Mr. SPEISER. You have no recollection as to whether or not you lied to the FBI?

Mr. RAY. No, I don't.

Mr. PEPPER. I object to the characterization, Mr. Chairman. There has been no establishment that the witness has lied to the FBI, and I object to the categorization of the witness as a liar in this or any other instance by counsel, even to the point of requesting an apology.

Chairman STOKES. The objection is sustained. Counsel will rephrase the question.

Mr. SPEISER. Is your answer, Mr. Ray, that you have no recollection of telling the FBI that you had not seen James since his escape, or that you did, in fact, not tell that to the FBI?

Mr. RAY. I'm not denying I didn't tell it to the FBI, and I'm not admitting it, because I just can't remember. It's too long ago for me to remember. It would take a Percy Foreman to remember all that stuff.

Mr. SPEISER. Let's move from that time in which you purportedly met with John, in July 1967, to Christmas of 1967. At that point, do you have any recollection of being in St. Louis and meeting with John at the time the Grapevine tavern was opening up?

Mr. RAY. I can only remember of going down there one time, being in the Grapevine. I can only remember being in the Grapevine one time until the FBI got me fired off my job after the King assassination.

Mr. SPEISER. You do recall being in St. Louis on one occasion and meeting with John?

Mr. RAY. Yes; at the tavern.

Mr. SPEISER. At that point in time was that near the time the Grapevine had opened up?

Mr. RAY. Well, you said it was opened in November or December. It must have been near that time then, because——

Mr. SPEISER. At that point in time did you have any discussion with John about the fact that you had seen James outside of prison and that James, in fact, had escaped from prison?

Mr. RAY. To be honest, I couldn't recall our conversation, because I just went there and had a few drinks and met some friends in there.

Mr. SPEISER. Are you saying to this committee, Mr. Ray, that at Christmas of 1967, which was about 6, 7 months after James had escaped that you did not tell John that you had seen James outside of prison?

Mr. RAY. No; I'm not saying that, because I probably did tell him. If I seen him, and I seen him in Chicago, I probably did tell him. I'm not going to say the opposite of what's true. I seen him in 1967.

There is no doubt that I told him about our meeting in Chicago; but I can't remember our conversation because—it's important to the committee—but back then it didn't mean anything to us, be-

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cause it was just another escape from prison, and still out, and we was hoping he would stay out.

Mr. SPEISER. Let me ask one last question in this area, and then we will proceed to another.

Is it your position and your testimony that there was a strong likelihood that you told John that you had seen James after he had escaped from prison?

Mr. RAY. I imagine I did, but I can't be for sure because I couldn't make no definite statement on it, because there is no way I can remember what we talked about; plus, when I got down there, I just got off work and I was tired, anyway, and I slept a few hours and went back to work.

Mr. SPEISER. But you feel there is a strong likelihood that you would have told John that you saw James?

Mr. RAY. Possibility, just a possibility.

Mr. SPEISER. I would like at this point to change the area of questioning to the Bank of Alton robbery.

Now, you testified, Mr. Ray, that your day off was Thursday while you were working at the Sportsman's Club; is that correct?

Mr. PEPPER. Mr. Chairman——

Chairman STOKES. Counsel?

Mr. PEPPER. Since the committee's counsel has switched the train of questioning, I simply would request that counsel set forth explicitly where he is going with respect to this next range of questions.

Chairman STOKES. Counsel will please comply with the request of counsel for the witness.

Mr. SPEISER. One of the areas that is puzzling the American public concerning James Earl Ray is how he funded himself during the period that he was a fugitive immediately following his escape from Jefferson City—Missouri State Prison—and we would like at this point to question Jerry Ray concerning the Bank of Alton robbery, for the reason that there is a strong suspicion that that robbery perhaps may have been the source of the funding for James Earl Ray during the period he was a fugitive.

Mr. PEPPER. Mr. Chairman, a point of clarification: on whose part is there a strong suspicion?

Mr. SPEISER. Based on evidence that has been furnished to this committee.

Mr. PEPPER. Mr. Chairman, on behalf of the witness and the committee's search for truth, is the committee aware of the fact that the witness himself surrendered himself personally to the authorities in Alton, Ill., in August 1978, offered to waive the statute of limitations, offered to have himself available for prosecution at this time for that crime, and was informed at that time that he was not then, never has been, a suspect in the Alton, Ill., bank robbery, and that as late as yesterday, Lieutenant Conrad, in conversation with counsel, indicated that the witness, Jerry Ray, is not, has not been, at any time suspect with respect to the Alton, Ill., bank robbery? Is the committee aware of that?

Chairman STOKES. All that counsel has said may well be true, but it would seem also in light of counsel's statement that it would help make this area of inquiry relevant.

Mr. PEPPER. Counsel agrees.

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Mr. RAY. I would like to say that page 4 of my sister's—Carol Pepper's FBI file, it says on page 4 of the FBI file that the FBI had cleared me of all pertinent dates of the murder and all these other crimes, because I was employed. My work records show that. I worked there for 3 years, from 1965 to 1968, and never missed a day, or never was late for work, and sometimes I worked 7 nights a week, not 6.

Chairman STOKES. There is no question before you right now, Mr. Ray.

Counsel will proceed with questioning.

Mr. SPEISER. I appreciate your comments, counsel, but, as you are aware, the robbery of any bank is a Federal offense, and I gather you are referring to the statement that has been furnished to us by a local policeman.

Now, if I may proceed——

Ms. KENNEDY. Just before proceeding, Mr. Chairman, I would like to know whether or not counsel is suggesting that in light of a possible Federal violation, that there was a failure on the part of Federal authorities to check with the local police or other constabulary in that area.

I just want to know the extent of the basis for this suspicion, because, in light of what counsel has just indicated, and in light of previous records of the FBI, it would seem that there was an inquiry by the Federal authorities and that the local authorities declined to indicate any charges.

I am just wondering to what extent this suspicion has been checked on before it is permitted to become virtually a public charge.

Chairman STOKES. Ms. Kennedy, under part of the mandate of this committee it is necessary for the committee to ascertain whether or not the Federal authorities did look into and inquire into certain other aspects of Mr. Ray's conduct, and it would be pertinent under that section.

Mr. SPEISER. May I proceed at this time, Mr. Chairman?

Chairman STOKES. Certainly.

Mr. SPEISER. Mr. Ray, I was attempting to establish certain facts before I get into the questioning, and before I was interrupted. Let me just state it again, that your day off at the Sportsman's Club, as I believe you testified earlier, was Thursday, that is, you got off work Thursday morning at possibly 6 or 7 o'clock in the morning and did not have to return to work until Friday evening at 10 or 11 o'clock; is that accurate?

Mr. RAY. Right.

Mr. SPEISER. Now, the Bank of Alton robbery occurred——

Mr. PEPPER. Mr. Chairman, the witness has also stated that there were times when he worked 7 nights a week.

Mr. SPEISER. I understand that. I have heard your client testify.

Mr. PEPPER. I just want to make that amplified on the record.

Mr. SPEISER. Now, the Bank of Alton robbery occurred on July 13, 1967, and that was a Thursday. Now, prior to that time, July 13, 1967, I believe you testified that you had met your brother James on at least two occasions; is that correct?

Mr. RAY. Yes.

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Mr. SPEISER. James has testified before this committee, or has indicated to this committee, that prior to his departure to Canada he made a trip to the St. Louis area to see his relatives, in July, the middle of July 1967. St. Louis is approximately 20 miles from Alton, Ill.; is that correct?

Mr. RAY. It is—St. Louis—20 or 30. I'm not sure; 20 or 30 miles, not over 30.

Mr. SPEISER. And do you know where East St. Louis is?

Mr. RAY. Oh, yes.

Mr. SPEISER. And how far is that from Alton?

Mr. RAY. About 20 miles.

Mr. SPEISER. And approximately 20 miles from St. Louis, too?

Mr. RAY. Between 20 and 30—I'm not sure—not over 30, 30 at the most.

Mr. SPEISER. Did James ever spend any time in Alton, Ill., to the best of your knowledge? I'm not talking about the period while he was a fugitive, but I am talking about his early years.

Mr. RAY. He was born in Alton.

Mr. SPEISER. So that James is familiar with Alton?

Mr. RAY. Oh, he knows Alton. He knows Alton.

Mr. SPEISER. Just so I can establish a few other facts before I ask you a couple of questions, on July 14, the day after the robbery, James Earl Ray has indicated to us—and we have been furnished information which would substantiate it—that on July 14, the day following the robbery, he purchased an automobile in East St. Louis, Mo., which, as you testified, is approximately 20 miles from Alton——

Mr. RAY. Yes.

Mr. SPEISER [continuing]. And from that point proceeded on to Canada.

Now I am asking you, Mr. Ray, did you partake in the Bank of Alton robbery?

Mr. RAY. Did I rob the Alton, Ill.——

Mr. SPEISER. Let me just advise you again that you are testifying under immunity and that the statute of limitations for that offense has long since expired.

Mr. RAY. This is a bad joke to play on the American public though, because there is no way I could have robbed that bank. There's——

Mr. SPEISER. I am not asking—I am not trying to play a joke—I am asking a very simple question that you can respond to "yes" or "no." Please, just yes or no, did you partake in robbing that bank?

Mr. RAY. Definitely not; and when James testified up here last time, in August, and Mark Lane was here, Mark Lane called up that night—I think it was Floyd Fithian who said he was going to prove that me and James robbed that bank—some of the statements similar—and Mark Lane suggested that I go to Alton the next day—I was in St. Louis then—and turn myself in for the bank robbery and waive all statute of limitations, and which I did, to the Alton Police Department. And Lieutenant Conrad was there talking to the chief, and he said, in front of John Auble and some of the reporters, he says, "You never was a suspect."

Mr. SPEISER. I am putting aside all police reports, all FBI reports, everything. I am just asking a very simple question.

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Mr. RAY. Definitely no; definitely.

Mr. SPEISER. Did James, to your knowledge, partake in a robbery of that bank?

Mr. RAY. Even——

Mr. SPEISER. Yes or no?

Mr. RAY. No; I wasn't there, so I can't say definitely no; but definitely that I don't know about it. But these FBI reports even had two Alton guys—that they're suspects—and they set the fingerprints of James there, and they said they didn't match up.

But even the FBI was clearing him of the Alton bank robbery. I'd like to introduce into evidence——

Mr. SPEISER. Is it your testimony then that James never told you that he partook in the Bank of Alton robbery?

Mr. RAY. Definitely not.

Mr. SPEISER. Did John ever tell you that James partook in the Bank of Alton robbery?

Mr. RAY. Definitely not.

Mr. SPEISER. Did John ever tell you that he partook in the Bank of Alton robbery?

Mr. RAY. Definitely not.

Mr. SPEISER. And you have no information, independent or otherwise, which would suggest to you that John or James partook in the Bank of Alton robbery?

Mr. RAY. There's no way I could know, unless I was over there, and I was working.

Mr. SPEISER. Did you ever receive any moneys that represented the proceeds from that robbery, to your knowledge?

Mr. RAY. Definitely not.

Mr. SPEISER. You did not drive the getaway car in that robbery?

Ms. KENNEDY. Mr. Chairman, could we possibly have the counsel to indicate whether or not his investigation disclosed this information that has been presented? Because this is total speculation and we have no way of knowing whether or not there was a thorough enough investigation to inquire of these local officials, and if you can have fingerprint evidence, denial of local authorities, and then continue with the speculative questioning, I don't know how in the world this man can ever establish anything.

This man is put in the position of trying to establish a negative, and the committee does not seem to be prepared to indicate whether or not it has this information. If it does not have the information about the fingerprints and the Alton officials, then I submit that this inquiry has been insufficient.

Chairman STOKES. Ms. Kennedy, this witness is not on trial here today.

Ms. KENNEDY. Do you want to bet?

Mr. PEPPER. Mr. Chairman, as a point of information, for the last 2 weeks, starting with the New York Times lead editorial at the end of last week, and the Wendell Rawls article the following day, and on down to the present, with the Newsweek articles, this man is on trial. He's on trial publicly with respect to this robbery, and we are very concerned about it.

Chairman STOKES. This committee is concerned too about whether or not he participated, and in the presence of competent cocounsel, he is being asked questions relative to it, and since you have

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not taken any objection of constitutional nature, I would assume that the questions here are relevant, pertinent, and would ask at this time that both counsel refrain from further objections along this line.

Mr. PEPPER. We have no questions as to counsel—very able counsel's questioning. I think that the questions are relevant and they are pertinent.

Our question is with respect to whether or not the committee has already formed conclusions which have appeared in the press.

Chairman STOKES. You have stated your objections, Mr. Pepper, and I am going to ask you to refrain.

Counsel will proceed.

Mr. RAY. Could I have these two things put in evidence? This one shows that James didn't rob the bank, and this other one clears me on all pertinent dates. The FBI—both from the FBI.

Chairman STOKES. You would like to have both documents put into the record?

Mr. RAY. Both of these.

Chairman STOKES. Both documents will be appropriately marked by the clerk and, without objection, they will be made a part of the record as MLK exhibits F-622 and F-623.[1]

[The information follows:]

[1] The committee notes that the pages of exhibits F-622 and F-623 appear to have been ordered incorrectly. The exhibits appear in the record exactly as they were received from the witness.

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MLK Exhibit F-622

FEDERAL BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE
COMMUNICATION SECTION
AUG 1 1968

FBI WASH DC

250

TELETYPE

PM URGENT 8-1-68 DJM

TO: DIRECTOR, FBI (44-38[illegible]C1)

FROM: SAC, SPRINGFIELD (44-561) (P1)

MURKIN.

RE SPRINGFIELD TELETYPE TO BUREAU JULY THIRTYONE LAST.

[redacted] INTERVIEWED MADISON COUNTY JAIL, EDWARDSVILLE, ILLINOIS; DENIES COMPLICITY IN BANK ROBBERY AT THE BANK OF ALTON.

[redacted] MEETS PHYSICAL DESCRIPTION UNSUB NUMBER ONE IN ABOVE BANK ROBBERY; HAS HISTORY OF USING AUTOMATIC PISTOL SIMILAR TO THAT USED BY UNSUB NUMBER ONE AND EMPLOYED PART - TIME FOR CAB COMPANY WHICH HAS STAND DIRECTLY ACROSS STREET FROM BANK.

REC 38 44-38[illegible]C-1-4999

12 AUG 6 1968

[redacted] REPORTED INVESTED HEAVILY IN NEW CABS SHORTLY AFTER BANK ROBBERY.

ALL OF ABOVE BEING FOLLOWED CLOSELY TO VERIFY AND [redacted] WILL BE INTERVIEWED.

MAIL COPIES TO CHICAGO, MEMPHIS AND ST. LOUIS. P.

END.

EXJ

FBI WASH DC

56 AUG 13 1968

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OF ABOVE LISTED SUSPECTS AND WHO MIGHT BE WILLING TO TALK.

INFORMATION FURNISHED BY INFORMANT BEING FOLLOWED CLOSELY AND PERSONS NAMED WILL BE LOCATED AND INTERVIEWED.

MAIL COPIES TO CHICAGO, MEMPHIS AND ST. LOUIS. P.

END.

~~COR: PAGE 1 LINE 5 OF 2ND. PARA. SHOULD READ IGU-DOOR~~

END.

JTM

FBI WASH DC

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MLK Exhibit F-623

PAGE FOUR

PARTICULARLY IN THE PHOTOGRAPH WITH HIS EYES CLOSED, BUT DOES NOT LIKE THE PHOTOGRAPH WITH THE EYES DRAWN IN BY ARTIST. UNABLE TO FURNISH BETTER DRAWING INFO. JERRY WAS EMPLOYED ON ALL PERTINENT DATES THIS CASE. VERIFIED WITH EMPLOYER.

JERRY REQUESTIONED CONCERNING DISCREPANCY RE FATHER'S DEATH AND LOCATION. REITERATED ABOVE INFORMATION CORRECT TO BEST OF HIS KNOWLEDGE AS TOLD TO HIM BY HIS MOTHER AND UNAWARE OF WHERE CAROL MIGHT HAVE OBTAINED HER INFORMATION AS SHE LEFT MOTHER'S HOME ABOUT NINETEEN FIFTY SIX AT AGE FIFTEEN. ALSO ADVISED THAT PRIOR TO DEATH OF FATHER IN NINETEEN FIFTY ONE,HE WAS EMPLOYED BY THE RAILROAD AND WORKED ON A FARM VICINITY HANNIBAL, MISSOURI.

HE ALSO ADVISED THAT EACH OF THE CHILDREN LEFT HOME UPON REACHING AGE FIFTEEN TO SIXTEEN AND VERY LITTLE FAMILY CONTACT THEREAFTER. AFTER PARENTS SEPARATED IN APPROXIMATELY NINETEEN FORTY NINE, ALL OF THE YOUNGER CHILDREN WHO WERE AT HOME LIVED WITH MOTHER.

END PAGE FOUR

39-935 O - 79 - 28

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NA 5 1/6P ULK EXHIBIT F #623

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATION SECTION

AUG 1 1968

FBI WASH DC

500

TELETYPE

FK URGENT 8-2-68 DJM

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, SPRINGFIELD (44-561) (2PP)

MURKIN.

RE SPRINGFIELD TELETYPE TO BUREAU DATED AUGUST ONE, LAST.

[redacted] ADVISED TODAY HE HAS DEVELOPED INFORMATION THAT ON THE MORNING OF ROBBERY THE BANK OF ALTON [redacted] AND [redacted] WERE IN STOLEN NINETEEN FIFTY-THREE BUICK WHITE OVER BLUE TWO DOOR; THAT [redacted] WAS WEARING DARK BLUE WINDBREAKER, JACKET, AND GLOVES, [redacted] WAS WEARING LIGHT BLUE AIR FORCE TYPE COVERALLS. CLOTHING DESCRIBED BY INFORMANT POSSIBLY IDENTICAL TO THAT UTILIZED TO UNSUBS INSTANT BR. INFORMANT FOLLOWING INFORMATION 44-38861-5001 CLOSELY TO DETERMINE ACTIVITIES OF [redacted] AND [redacted] DURING DAY OF ROBBERY AND UNTIL [redacted] AND [redacted] LEFT ALTON FOR CALIFORNIA SHORTLY AFTER BR.

INFORMANT FURNISHED NAMES OF [redacted] AND [redacted] AS PERSONS WHO POSSIBLY HAVE INFORMATION CONCERNING ACTIVITIES

59 AUG 12 1968

END PAGE 1

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Chairman STOKES. Proceed, counsel.

Mr. SPEISER. Mr. Ray, I don't intend to dwell on this area, and in response to Ms. Kennedy's objection, I would just like to point out that we are asking these questions based on information that has come to our attention.

Now it is not incumbent upon us—on each occasion—to present you with the source of our information; and I am suggesting to you that with respect to this Bank of Alton robbery we do have information that you partook in that robbery with your two brothers.

Now, unfortunately, I am not at liberty to disclose the source of that information, but I am asking you here, and giving you an opportunity to admit or deny your participation in that bank robbery.

Now I want to advise you—and I am not playing games and I am not trying to trick you—that we have received information that perhaps you and your two brothers partook in that robbery.

Now I will ask you one last time, and we will move on to another area: Did you partake in that bank robbery?

Mr. RAY. I'd be committing perjury if I said yes. I definitely didn't.

Mr. SPEISER. And you have no information which would indicate that James partook in that robbery,——

Mr. RAY. There is no way I can know.

Mr. SPEISER [continuing]. Or John?

Mr. RAY. The only information I got is what I had put on the record, that shows James didn't rob that bank.

Mr. SPEISER. And you have no information that John partook in that robbery?

Mr. RAY. No.

Mr. SPEISER. OK. At this point I would like to switch to one other area of concern, and that concerns one other bank robbery that transpired subsequent to James Earl Ray's capture.

Now in anticipation of Mr. Pepper's objection as to the relevancy of this line of inquiry, I would like to state again that we have two sources of information, and I will disclose their identities to you, Mr. Ray, that you partook in this robbery which took place subsequent to the capture of James Earl Ray.

Now, the reason why I am confronting you with this is that I want to find out whether you are telling me the truth or not concerning this robbery, and I think that this serves as a good indicator as to whether or not you are being truthful with me with respect to the Bank of Alton robbery.

Now if I may begin at this time—this concerns the Farmers and Traders State Bank of Meredosia. Are you familiar with Meredosia?

Mr. RAY. I know where it's at. I know where it's at, because it's not far from Quincy, Ill., and I used to live in Quincy.

Mr. SPEISER. Did you partake in a robbery of that bank on January 28, 1970?

Mr. RAY. Definitely not.

Mr. SPEISER. Do you know a James Rogers?

Mr. RAY. Yes, I heard of Jim Rogers.

Mr. SPEISER. Do you know a Mr. James Rogers?

Mr. RAY. Yes; he hung around the Grapevine a lot.

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Mr. SPEISER. Did you partake in the robbery of the Farmers and Traders State Bank with James Rogers?

Mr. RAY. Definitely not.

Mr. SPEISER. James Rogers has told this committee that he was involved in that robbery with you. Are you saying that James Rogers is lying?

Mr. RAY. What is James Rogers—what kind of—is he a reliable character witness, or what?

Mr. SPEISER. I'm asking you, is Mr. Rogers telling us the truth or not?

Mr. RAY. If he told you that, then he is a professional liar, telling you something like that.

Mr. SPEISER. According to Mr. Rogers—now, again——

Mr. RAY. Is he an FBI informant? Is he an ex-con, or what is he doing?

Mr. SPEISER. I don't think it is necessary for me to comment on that. Mr. Rogers has advised this committee that he and three other people partook in that robbery.

Ms. KENNEDY. Mr. Chairman, could I ask to know when this advice was first available to this committee?

Chairman STOKES. Yes; you can ask that question. I think we can provide that.

Counsel, will you provide Ms. Kennedy with the information she just requested? Do you have that available?

Mr. SPEISER. I'm sorry. I missed a question.

Chairman STOKES. The question was, could the committee provide her with information as to when the committee was first advised by Mr. Rogers of his participation.

Mr. SPEISER. Ms. Kennedy, I do not have the date at my fingertips, but I can tell you that Mr. Rogers testified in executive session under oath within the last several months on the point that I am confronting Mr. Ray with.

Now I don't want to go into Mr. Rogers' credibility or lack thereof at this time, but this is Mr. Ray's opportunity to admit or deny whether he partook in that robbery and advise me as to whether or not Mr. Rogers is telling the truth.

Now, that's all I am asking.

Ms. KENNEDY. All right. I just want one other thing: Can you say whether or not, prior to the executive sessions of this committee, this intelligence was made available to any branch of government, including but not limited to Federal authorities—for example, the FBI—or whether or not this is 10 years after the fact, or 12 years, and that's the first time?

I just want to know the very first time Mr. Rogers made these accusations, if you know, sir.

Chairman STOKES. The Chair would rule that counsel's question is not pertinent, is out of order.

Counsel may proceed.

Mr. SPEISER. Mr. Rogers has advised this committee that he partook in that robbery with you, John, and a Ronald Goldenstein. You have no recollection of partaking in that robbery?

Mr. RAY. I don't have no recollection because I definitely didn't do it.

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Mr. SPEISER. A Mr. Ronald Goldenstein also has advised this committee that he partook in that robbery with Mr. Rogers, you and John. Again, this robbery is barred by the statute of limitations and you are testifying under immunity.

Mr. RAY. Yes, I know. If I robbed that bank, I would admit it and go around bragging about it, because I could outsmart the FBI and Efrem Zimbalist, Jr. Then I would just brag about it, wouldn't be ashamed of it.

Mr. SPEISER. At this point, Mr. Ray, I would like to focus your attention on the charts that are set up on the easel over there, which, as you heard our chief counsel in his narration, depict travels and statements of James Earl Ray during the period he was a fugitive, statements by him as to when he allegedly met with Raoul, and statements by him as to when he was going to meet with his brother.

I would just like to ask you a few questions concerning possible meetings between you and James during the period that James was a fugitive.

Chairman STOKES. Can the witness see those charts from where he is sitting?

Mr. RAY. Yes, I can see them.

Mr. PEPPER. Mr. Chairman, is counsel referring to a particular chart?

Chairman STOKES. I think when he frames his question he perhaps will identify it.

Mr. SPEISER. Referring to the first chart on the left——

But before I address myself to that, I believe you testified that prior to mid-July 1967 you met with James twice?

Mr. RAY. Two or three times, maybe three times. I'm not positive.

Mr. SPEISER. Well, how many times in total did you meet with James between the time you escaped and the time he was captured?

Mr. RAY. Three or four times. I'm not positive.

Mr. SPEISER. Where did you meet him?

Mr. RAY. A couple times we met in a bar in Northbrook, Ill. I can't remember the name—I think I told you the name in the secret testimony—and one time in Chicago.

Mr. SPEISER. Do you know that James went to Canada while he was a fugitive?

Mr. RAY. I'm trying to think. I didn't know he was going to Canada. I knew when he came back.

Mr. SPEISER. Did you see James when he came back from Canada?

Mr. RAY. Yes.

Mr. SPEISER. How many times did you see him once he returned from Canada?

Mr. RAY. Just that one time.

Mr. SPEISER. And you saw him a couple of times before?

Mr. RAY. Yes; before he went to Canada, when he was working at the restaurant. I think it was a restaurant.

Mr. SPEISER. In addition to those approximately three meetings, did you have any telephone conversations with James?

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Mr. RAY. That's how the meeting would take place. He'd call up and have me meet him at this bar in Northbrook, Ill.

Mr. SPEISER. I can't understand you.

Mr. RAY. I say, this is how the meeting took place. He'd call me up at work and we would meet up at this bar in Northbrook, Ill.

Mr. SPEISER. In addition to the meetings that you had with James Earl Ray and the telephone conversations setting up those meetings, did you have any additional telephone conversations with Mr. Ray? Specifically, I am talking about after that last time you met him, when he came back from Canada.

Mr. RAY. I think he called me two or three times.

Mr. SPEISER. Called you two or three times?

Mr. RAY. Two or three times.

Mr. SPEISER. Did he indicate where he was when he called you?

Mr. RAY. The last time I talked to him was about 4 months, approximately 4 months before King got killed, and I thought he was calling from Texas; but later he told me it was New Mexico. I knew it was in a bar, because I could hear the jukebox, and the call was under 3 minutes and just a friendly talk, you know, asking how my old man was and asking about Carol and John and everybody, because I was the only contact he had with the whole family.

He said he was working then. It was just a friendly talk, and that's the last time I ever heard from him until he got back to Memphis.

Mr. SPEISER. You have only enlightened me on one telephone call. You said there were several?

Mr. PEPPER. Mr. Chairman, the witness did not say there were several.

Mr. RAY. I say there might be two or three, but that's the only one I can remember because after all this stuff came out, everybody was questioning the last time I talked to him—the last time I talked to him—and that's the last time I talked to him; and I say he might have called a couple more times, but I can't actually remember; I can't remember conversations, but I can remember the last call he made.

Mr. SPEISER. According to the first chart, on August 4, 1967, James told a female acquaintance of his at Gray Rocks that he was going to meet his brother in Montreal.

Ms. KENNEDY. Excuse me. Could we have the copies of the material on those charts? Do you have that?

Mr. SPEISER. Yes.

Ms. KENNEDY. I would appreciate it.

Mr. SPEISER. Would the clerk please furnish Mr. Ray and his counsel with copies of the charts on the easel?

On August 4, again, your brother James told a female acquaintance that he was going to meet his brother in Montreal. Were you that brother? Did you ever meet James in Montreal?

Mr. RAY. Only time I ever met him was just like what I testified to. All this stuff up there is false. I don't mean false. He probably told them that—them that—and he just using the brother thing for the Raoul thing, I guess; because there is no way—even the FBI files I turned in. I was working every day. I never missed a day up there. I couldn't have met him all those places unless I am a bionic man.

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Mr. SPEISER. Your testimony is that you did not meet James in Montreal?

Mr. RAY. No; definitely no; no, no.

Mr. SPEISER. Did you ever meet James in Toronto?

Mr. RAY. No.

Mr. SPEISER. Did you ever meet him in Ottawa?

Mr. RAY. The only place I ever met him was in Chicago, and Northbrook one time.

Mr. SPEISER. Did you ever furnish James with any money during the period following his escape from Missouri State Prison, leading to the point that he was captured in London?

Mr. RAY. No, definitely not, and there was never no money transmitted between us two. I didn't give him any; he didn't give me any.

Mr. SPEISER. You made the statement just a moment ago that James may have used that Raoul thing as reference to his brother. What did you mean by that?

Mr. RAY. I think——

Mr. PEPPER. Excuse me, Mr. Chairman. That wasn't the statement.

Ms. KENNEDY. Misstatement of his testimony.

Mr. PEPPER. That was not the statement. What the witness did say was that James may have referred to his brother instead of to Raoul.

Mr. RAY. He would use the statement and he would go along—"My brother said this" and "My brother said that," or "He wanted the gun" or "I'm going to go visit him" or something. That was just a way of, you know, of saying he was going to meet somebody, and instead of saying he was going to see Raoul, he wasn't going to tell everybody he was going to visit Raoul.

Mr. SPEISER. Every time James was referring to Raoul, was he referring to you?

Mr. RAY. He couldn't have been referring to me, because I was working, and there is no way I could have met him those places if I wanted to, unless I quit my job and went with him.

Mr. SPEISER. You are not the Raoul that James has alluded to?

Mr. RAY. Definitely not. The Raoul—Raoul is still out there. I think if they checked hard enough he'd furnish the committee with phone numbers; and I even did some checking out on trying to run this person down. I went to New Orleans for him, and Miami Beach, and I believe you had one of the guys, that was Raoul, was Randy Rosenson, was up there before. We had to do our own checking.

Mr. SPEISER. Was Raoul a code name? Was that the real name of the individual?

Mr. RAY. You know, there is no way he knows; the guy just calls him Raoul, like he called himself Eric Galt. That wasn't his name.

Mr. SPEISER. Did you ever meet your brother James in Birmingham?

Mr. RAY. No.

Mr. SPEISER. You were not with James when he purchased the rifle on March 29, 1968?

Mr. RAY. The only times I was ever—seen James—was ever in personal contact with him, except for the two or three phone calls

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he made, the only meeting face to face was in Northbrook, in Chicago, a couple of times in Northbrook, once in Chicago.

Mr. SPEISER. Percy Foreman has testified before this committee that James told him that you were with James on March 29, 1968, when James initially purchased the rifle which he subsequently changed. Were you with James on that occasion? I ask you again.

Mr. RAY. Definitely no, and Percy Foreman—I would take an FBI informant's word over him, because he is a professional liar; and I think even the committee trapped him in lies, and he is a complete liar.

Mr. SPEISER. James has testified that—James has indicated, and so has the owner of the Aeromarine Gun Shop that James returned the gun because he said his brother told him he bought the wrong rifle. Were you that brother?

Mr. RAY. Definitely not. I never was out of Chicago. I was never down in Alabama, wasn't in Canada, wasn't in Alabama. I was working—records, this would be in my work records.

Mr. PEPPER. Mr. Chairman, as the witness has said again and again, his work records will verify where he was during these periods in question, and the committee only has to subpena these. I imagine that the committee in its diligence has already acquired the witness' work records and should have the answers to these questions.

Mr. SPEISER. For your enlightenment, the work records are no longer in existence, Mr. Pepper. That is why I am asking Mr. Ray these questions.

Mr. RAY. Well, they was, they was back in that time, because the FBI went out and checked them all, and it seemed that I had worked every day for 3 years, never missed a day.

Mr. SPEISER. May I proceed with my question? I think your point is well taken.

Mr. RAY. No, definitely not; I wasn't in Canada, wasn't in Alabama, no place except Northbrook and Chicago, 9 months before the assassination.

Mr. SPEISER. Did you receive a telephone call from James on April 3, 1968, the day before Martin Luther King was killed?

Mr. RAY. Definitely not. The last time I talked to him was 4 months before King got assassinated.

Mr. SPEISER. George McMillan and author William Bradford Huie had both indicated that on April 3, 1968, according to interviews they had with you, that you told them that James called you and said: "The big nigger has had it."

Mr. RAY. I talked to William Bradford Huie. The committee has got a tape, I think. Mark Lane had me tape him when he was offering $200,000 to get in to see James. So, I asked Huie over there, I said: "Why do you make a statement like that in the paper, that I had told him, or James had told him?" He said: "I was misquoted." He said: "I didn't actually say that; I was misquoted."

So, Huie, Percy Foreman and McMillan they will say any kind of a story to sell a book. Foreman is trying to save his reputation for selling him out. So, you can't put no stock in anything Foreman says, Percy Foreman or Huie.

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Mr. SPEISER. Do I understand you responding that you deny ever making those statements to Mr. McMillan and to Mr. Huie? I am just asking, do you deny making those statements?

Mr. RAY. I definitely deny saying anything to Huie like that. I got—Huie admitted that he was lying—he didn't say he was lying; he said he was misquoted. Foreman never did say anything like that to me, and McMillan—I don't know what McMillan is writing.

Mr. SPEISER. I have one last——

Ms. KENNEDY. Just before you pass to the next question—Mr. Chairman, would it be possible for the witness to have the entire testimony of Percy Foreman and William Bradford Huie—if either of them has testified in executive session before this committee—could we have those statements for this witness?

Chairman STOKES. I don't believe there was an executive session. Mr. Foreman testified in open hearing, and that will be available to you, Ms. Kennedy. And Mr. Huie, I do not believe has testified—was interviewed but has not testified in executive session.

Ms. KENNEDY. All right. May I then——

Chairman STOKES. The interview, of course, can be furnished to you.

Ms. KENNEDY. Thank you, sir.

Now, may I then request that the statement from which counsel has quoted, whether it be—well, it may be an article that William Bradford Huie wrote—if such an article is being relied on—would it be possible for this witness to have access to the entire article, or writing, or statement, or testimony of William Bradford Huie.

Chairman STOKES. He would be entitled to that, and may have it.

Ms. KENNEDY. Thank you, sir.

Chairman STOKES. Certainly.

Mr. RAY. Did the committee ever get this letter that James wrote to me, and I think he sent a copy to Mark Lane and a copy to the committee, about Percy Foreman? That is where I point out about Foreman not waiving his—whatever you call it—the legal thing——

Mr. SPEISER. In the spirit of cooperation, Ms. Kennedy, to show you that we are not trying to impede this investigation, but cooperate, I have a summary that we prepared of our interview with Mr. Huie, which has been marked as MLK exhibit F-613, which I shall request be entered into evidence at this time and be marked and entered into the record, and a copy be furnished to counsel.

Ms. KENNEDY. I very much appreciate a summary, but I should very much like to have the entire testimony, if I may.

Chairman STOKES. The Chair has already indicated that counsel can be furnished with the entire copy.

Ms. KENNEDY. Thank you, Mr. Chairman.

Chairman STOKES. And, without objection, the present exhibit is entered into the record.

[The information follows:]

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MLK Exhibit F-613

Select Committee on Assassinations

U.S. House of Representatives

WASHINGTON, D.C. 20515

Date 6/28/78

KING Doc.# 220575

Doc. Index Subject Incoming Correspondence

Cross Index Ref.

JEREMY AKERS ARTHUR HANES

MARLIN RISINGER RAMON DEL RIO

WM. BRADFORD HUIE

J.B. STONER MUSTANG

JER GRACE WALDEN

JOHN RAY

CANIPE

AEROMARINE

G. MCMILLAN

Copy To:

Blakey – Matthews	Johnson – Evans
Wolf – Hutton	Eberhardt
Billings	Hamilton – Hindle

TEAM: # 1 # 2 #3 #4

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REPORT ON HSCA INTERVIEW WITH WILLIAM BRADFORD HUIE
APRIL 10, 1978, HARTSELLE, ALABAMA

To : Gene Johnson, Mike Eberhardt

From : Marlin Risinger

Date : April 21, 1978

220575

Jeremy Akers and I interviewed Mr. Huie at his home in Hartselle, Alabama, on April 10, 1978. The interview lasted approximately six hours. The information which Mr. Huie provided is set forth below.

Jerry and John Ray

- JOHN met with Ray the day before the escape from Jeff City and discussed the plan. Huie thinks John may have given Ray some cash. Huie says this was the last time John saw Ray until after the arrest in June, 1968. Huie minimizes any connection between John and James Earl Ray.

- Huie has no knowledge of any relationship between any of the Ray family and J.B. STONER before the assassination.

- JERRY met with Ray only a few days after the escape, before Ray arrived in Chicago, and gave him the pistol which Ray says he got from an unidentified friend just before leaving for Canada. Huie doesn't say where this meeting took place. Ray says he got the pistol from a friend in E. St. Louis. Huie told us several times that he got this story about Jerry and the pistol from JOHN.

- JERRY told Huie that James Earl called him the night before the killing and told him that "Big Nigger" had had it. Huie says Jerry told him this in Huntsville in November, 1968. He recalls that he and Jerry were drinking that evening, but he doesn't think Jerry was drunk or unaware of what he was saying. Huie insists, however, that he did not believe Jerry's story then and does not believe it now. Huie thinks that Jerry will say anything for a few bucks, but that he really doesn't know anything about the case.

(Note, throughout the interview Huie insists that he does not think JERRY knew anything about the killing. It appears from

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his earlier and his current remarks that he really does think that Jerry was in close contact with James Earl during this time. His present denials do not seem very convincing.)

- JOHN told Huie in Memphis at the time of the Guilty Plea that James Earl was "crazy about niggers."

- Although he was extremely hesitant, Huie finally acknowledged that FOREMAN told him in 1968-69 that Ray was making all the remarks that Foreman attributes to him in the 1974 deposition. These remarks include -

- Ray left the gun at Canipe's so the boys at Jeffy City would know he had killed King.
- Ray made up Raoul.
- Ray returned to Atlanta after purchasing the rifle in Birmingham.

Huie doesn't remember, however, that Foreman told him that JERRY was with him at Aeromarine.

- Huie says he doesn't have any opinion about MCMILLAN's story that Ray met with JOHN and JERRY in Chicago shortly after the escape and discussed the pornography business. Huie doesn't seem to think too much of the pornography theory.

- Ray did tell Hanes that he stopped in Birmingham for an hour and a half on the way back to Atlanta after the assassination. Hanes did not ask Ray and questions about the stop, and evidently Huie did not instruct Hanes to ask him. Huie tried to locate someone in Birmingham who could substantiate the stopover, but he was unsuccessful.

- Huie never had any proof that Ray met with JERRY in Detroit or Gary, Indiana, after the assassination. He says he told the Grand Jury this only because he figured Ray probably did make such a contact. (Typically, this undermines Huie's claim that he does not think Jerry had any foreknowledge of the crime.)

J.B. STONER

Huie acknowledges that he has no evidence that shows STONER had any relationship with a member of the RAY family before the assassination. Huie argues, however, that if anyone were involved in a conspiracy to kill King, it would have been Stoner. He offers three reasons for his feelings.

- Ray spent time in Atlanta, near Stoner's h.q.
- Stoner contacted Ray immediately after the arrest.
- Stoner developed a relationship with Jerry after the arrest.

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STONER (cont.)

Huie says that Ray "could" have met with STONER in Birmingham in 1967. Again, he has no evidence.

- Huie says that there are three people who may possibly have had some foreknowledge of the killing: STONER, JERRY, and JOHN.

(It should be noted that Huie freely acknowledges that he and STONER have had a life-long feud over politics and ideology. Huie considers Stoner to be the most dangerous and violent racist in the country.)

ARTHUR HANES

- Huie says that it would be presumptious of him to assume he knew everything that passed between HANES and Ray. He says, for instance, that he did not know of the change in the contract which Hanes and Ray made in September, 1968. Regarding the "facts of the case," however, Huie figures that he knew everything that Hanes knew, since this full exchange of information was what the contracts signed by Hanes, Huie, and Ray stipulated.

- Huie denies that Ray told HANES the "white sheet story" as a joke. Ray told Hanes this in dead seriousness, and he repeated it to FOREMAN. Huie claims that this was the only story Ray ever gave to his first two attorneys. He does not know when Ray first began to change his story from this version to the gas station version, but he insists it was sometime after the Guilty Plea.

- Huie recalls that the first time Ray ever lied to HANES or him was when he claimed he drove straight from Birmingham to Memphis, instead of returning to Atlanta. Hanes and he knew Ray was lying for several reasons.

  - They were unable to locate the motels.
  - A reporter (for the Times?) found a laundry slip and a restaurant check which placed Ray in Atlanta after 3/30/68.

- Huie claims that HANES knew that the FBI had tape recordings of some of King's sexual affairs. Although Hanes did not have the tapes in his possession, he intended to get them and use them in the trial to show that a jealous husband may have had a better reason for killing King than Ray had.

- Ray told HANES that he test-fired the 30.06 rifle on the

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road to Memphis, somewhere near Corinth, Miss. He says that this doesn't mean that Ray drove to Memphis from Birmingham, since Corinth is on the road from Atlanta as well. As far as Huie knows, Hanes never asked Ray why he fired the rifle if he had no intention of killing King.

- Ray also told HANES that he stopped in Birmingham for an hour and a half during the drive back to Atlanta after the assassination. For some reason, Hanes did not ask Ray why he stopped there, and Huie did not instruct Hanes to ask him. Huie says that he never was able to confirm this stop.

- One of the HANES may have the road maps which Ray filled in for Huie. Huie says that Hanes, Jr., probably has some of his files.

- Huie minimizes the amount of investigating HANES did for the case. Hanes was interested in defending Ray, not in finding the truth.

PERCY FOREMAN

- Huie tells us, after persistent questioning, that FOREMAN told him in 1968-69 that Ray was confessing to him the same details that Foreman later outlined in the 1974 Deposition. (see p.2, under "Jerry & John")

- Huie says he told FOREMAN in November,1968, that Ray was guilty and that there was no money in the case. Huie figures that the reason Foreman made the mistake of accepting the case was that he was extremely busy and did not really think about what he was doing.

- Like HANES, FOREMAN never really conducted any investigation of the case.

- It didn't enter Huie's mind that there might be a Guilty Plea in the case until after FOREMAN became Ray's attorney. Huie suggests that Foreman's friendly relationship with BATTLE facilitated the Plea.

RAY AND RACISM

- Huie insists that Ray had a racial motive for killing King.

- Both brothers told Huie that Ray was crazy about blacks.

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RAY AND RACISM (cont.)

- Huie talked to two women in St. Francis Hotel about the Rabbit's Foot incident. They told him that Ray was talking about racial attitudes in Alabama and worked himself into a tantrum.
- Huie located a prostitute in Mexico who remembered a racial incident in a bar (described in Dreamer).
- Claire Keating told him that Ray made some racist remarks. (described in Dreamer)
- Ray refused a transfer while at Leavenworth for racial reasons.

- Huie believes that Ray purchased the rifle in Birmingham because he wanted to focus the crime in the South, especially in Alabama. Huie guesses that Ray would have preferred to kill King in Alabama because of Wallace. Ray thought Wallace might be willing to pardon the murderer of a famous civil rights leader.

MISCELLANEOUS INVESTIGATIVE MATTERS

- Huie was never able to disprove the "6-day railroad story" of the escape from Jeff City.

- Huie never had any concrete proof that Ray was smuggling dope in Mexico. Luis Garcia, in Puerto Vallarta, never told him Ray was involved in the trade. Huie just assumed this.

- Huie says he has never heard the story which the Klingemans in Chicago told the FBI Huie had told them: i.e. that Ray had flown from California to Atlanta but had been told that the time was not right; and that Ray had intended to go to Mexico after the assassination and then double back to Canada to throw off the authorities.

- Huie doesn't know why Ray never cashed the Superior Bulk Film. Co. check.

- Huie says that Ray received mail in Birmingham in 1967, but he has no reason to think it was from Jerry. (Huie says in the Grand Jury testimony that this letter was from Jerry.)

- Huie can't explain the three-day gap from 8/21/67, when Ray allegedly crossed the Canadian border back into the U.S., and 8/25/67, when he arrived in Birmingham.

- The two women whom Huie says Ray knew in Birmingham in 1967 (Dreamer) were a dance instructor and someone else whom he

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can't remember but who was not very important.

- Huie doesn't know anything about Ramon del Rio or the Mexican police investigation of Ray.

- Huie doesn't remember ever knowing anything about a connection between Ray and Florida. He doesn't remember ever being told by Hanes not to investigate the "Florida addresses."

- Huie writes in the Dreamer that someone other than Ray had a set of keys to the Mustang on April 4, 1968. He is unable to remember whom he had in mind.

- Huie cannot remember the phone call which he told the Grand Jury Ray received on the night of April 2, 1968. He says he doesn't even know where Ray was on that night.

- Huie doesn't think Ray got to Memphis until April 3, 1968, but he can't remember why he settled on that date for Ray's arrival in town.

- In the Dreamer Huie writes that Ray admitted to him that he was stalking King in Selma, Alabama. Huie told us that this "admission" consisted of Ray's neutral response to Huie's charge that he was lying about getting lost in Selma. When Hanes told Ray that Huie didn't believe him, Ray simply responded "O.K."

- For about one week during 1968 or 1969, Huie thought that the FBI might arrest a Greek in New Orleans who frequented the Le Bunny Lounge. As far as he can remember, he doesn't think that the man had anything to do with Liberto or Gulas. The man was never arrested, and Huie cannot remember who he was.

- In his first interview with HSCA (Spring, 1977), Huie said that Ray had contacted some woman in Canada other than Claire Keating. He tells us now that this woman was someone Ray had only corresponded with once or twice through a Lonely Hearts Club. Huie doesn't have any evidence that they ever met. Evidently this is the woman whose address Ray gave to the Canadian police when they stopped him for jaywalking.

- Ray told Kershaw that he agreed with Huie about the story of the fugitive period up to about 48 hours before the assassination.

- Huie was never able to identify a single criminal associate of Ray's during the fugitive period.

- Huie never spoke to anyone who substantiated Curtis' story that Ray expressed an interest in killing King for money while at Jeff City.

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- The first artist's conception of the King assassination resembled Gus Prosche. Huie tried to find some connection between Ray and Prosche in Birmingham, but was unsuccessful. He also tried to find some connection between Ray and Ace Carter, Wallace's chief speech writer, but was unsuccessful.

- Huie never did learn the exact route Ray followed on his drive from Memphis to Atlanta after the assassination.

- Huie thinks that there definitely was someone in the Mustang besides Ray. How else explain the cigarette ashes and clothes that were too small for Ray.

- Huie never bothered with Grace Walden or Charlie Stevens, because by the time he got into the case both of them had told at least 5 contradictory stories.

- Huie figures that Ray probably did send money out of Jeff City to his family, but he has no proof.

THE HUIE FILES

- Huie doesn't know where his files are - probably with Hanes, Jr., McMillan, Frank, etc.

- Huie admits that some of the quotes in Dreamer were composites of the "20,000 Words" and things that Ray had told Hanes.

Miscellaneous

- Charles Edmondson, with the Commercial-Appeal in Memphis, worked for Huie at one time or another. Ray also had a Canadian reporter working for him.

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Mr. SPEISER. Now, one last area of questioning, Mr. Ray.

One last area of questioning: At this point I would like to have marked and entered into evidence MLK exhibit F-594, and have the chairman mark that as part of the record, and that the clerk furnish you with a copy. That is MLK exhibit F-594. I want to ask you two questions pertaining to that document.

[The information follows:]

J. B. Stoner for United States Senator

STONER CAMPAIGN

501 CHEROKEE STREET
P.O. BOX 1211
MARIETTA, GEORGIA

Phone (404) 427-0283

Edward R. Fields,
Secretary

Hon. Jerry Ray

Dear

I guess you could call this a fan letter as I usually wouldnt waste my time writting writting to a couple of Jew Devils, but being you two are in mourning for them Eleven Jews that got done in by the Arabs in Munich then I figured that I owed you a letter.

The only reason the Jews has so much power is on account of there money but eventually the Jews push there luck a little to far, as iam sure you know the Jews has been run out of every country they have ever been in and they will eventually will be run out of the U. S. it might take another 50 or 75 years but the Jews are like the Nigger beast, give them a rope and they will hang themselves.

Iam sure when History is written my Brother James Earl Ray, and the Hon. Gov. George Wallace will be Heroes along side of JB Stoner.

Continued success with your show as you awaken people to the facts of the Jews.

The Jews are behind Women Liberation, Since the NAACP was founded a jew has always been the head of it, that Mangy Jew Devil Kivie Kaplan is presently President of the NAACP.

I got to mention that Sirhan Sirhan will also go down in history as a hero, although Robert Kennedy wasnt a Jew but he is worse he sold the Arabs out for the Jew dollar.

Robert Kennedy was worse then a Jew if thats possible, he framed up on Hoffa, and sold the Arabs out so I celebrated when he joined the rest of his kind in hell.

I hope you still have your Skull caps on, you might just as well as keep them on as I beleive the Arabs wont stop at Eleven.

Continued success and I hope you stay on indefinately.

Your Fos,
Jerry Ray

Jerry Ray

MLK EXHIBIT F-594

Mr. SPEISER. Can I question you about this letter? Mr. Ray, are we ready to begin?

Mr. RAY. Yes.

Mr. SPEISER. Does your signature appear on this document?

Mr. RAY. Yes, that is a true letter; I wrote it.

Mr. SPEISER. Now, was this letter sent to two TV personalities in Atlanta?

Mr. RAY. Micky and Teddy on Ring Radio.

Mr. SPEISER. Now I would just like to read one sentence from this letter: "I'm sure when history is written, my brother, James Earl Ray, and the Honorable George Wallace, will be heroes alongside of J. B. Stoner."

Why will James Earl Ray be a hero?

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Mr. RAY. That letter was a joke. It was a joke. Mark Lane knows about it; me and Mark talked about it; it came out on Phil Donahue's show, Micky and Teddy was two Jewish reporters on Ring Radio, and whatever you supported—they called them the Joe Pine of Georgia—whatever you supported, they was against; and so they had never harassed nobody; they just harassed everybody.

So I went ahead and harassed them a little bit. It was just a joke letter.

Mr. SPEISER. Thank you very much.

I have no further questions, Mr. Chairman.

Chairman STOKES. The Chair is going to request that any further exhibits from which the witness will be questioned be furnished to counsel over the lunch recess period, so they may have an opportunity to see those documents during that period.

Ms. KENNEDY. Thank you, Mr. Chairman.

Chairman STOKES. The Chair thinks this would be an appropriate time for us to take the noon recess, and we will therefore adjourn until 1:30 p.m. this afternoon.

Mr. RAY. Before you take a recess, can I say one thing?

I don't know if this would be appropriate or not.

Chairman STOKES. I beg your pardon.

Mr. RAY. I don't know if you could put this in the record in the King exhibits, but I would like to show how the FBI and the committee also has been harassing me since 1968, and putting all these spies, hiring spies to harass me. And if there is some way for me to put this into the record.

Chairman STOKES. Is that a newspaper article?

Mr. RAY. Well, this Patterson—we also got documents he signed admitting that he was working with the committee and the FBI since 1968.

Chairman STOKES. I am saying, the document that you are asking us to put into the record, just tell us, is it a newspaper article?

Mr. RAY. Yes, sir.

Chairman STOKES. Can you give us the date of it?

Mr. RAY. Tuesday, August 8, 1978.

Chairman STOKES. Tuesday, August 8, 1978. All right, it may be appropriately marked as MLK exhibit F-624 and entered into the record at this point.

[The information follows:]

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On Today's Editorial Page
Farber Case And The Public
Editorial
Pope Paul VI
Editorial

ST. LOUIS POST-DISPATCH

FINAL
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Latest Stock Prices
Pages 14A and 15A

Vol. 100, No. 217
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TUESDAY, AUGUST 8, 1978

15¢

Charges House Panel Hired Spy In Ray Case

By JO MANNIES
Of the Post-Dispatch Staff

The attorney for James Earl Ray, convicted assassin of the Rev. Martin Luther King Jr., says House investigators hired a Black Jack man to spy on Ray's brother.

And, said attorney Mark Lane, investigators for the House Select Committee on Assassination then gave the "spy" answers — some false — for his official testimony.

Lane was in St. Louis on Monday for something of a three-ring circus of disclosures and allegations. In addition to the charges about spying, Lane:

— Accused the committee staff of using illegal means to gain evidence, including wiretapping and thefts, all as part of a "conspiracy" to prevent a fair investigation into King's death.

— Engaged in a mild shoving match with a New York Times reporter and accused the Times of being an unwitting "transmission belt" for false disclosures about the King murder. Lane maintained that committee investigators had intentionally leaked the information to the Times to discredit Ray's contention that, despite his guilty plea, he is innocent.

Lane said he decided to make his allegations public because, "Members of Congress have not the faintest idea that they are being betrayed by their own staff."

A spokesman for the committee said Monday night only that the staff is aware of Lane's contentions and that "we consider them serious. We will be investigating." Ray is expected to testify publicly before the committee later this month, the spokesman said.

U.S. Rep. Harold Sawyer, D-Mich., a member of the committee, denied Lane's contention that Ray was offered his freedom in exchange for an admission of guilt.

But he said Ray had been told that authorities in Missouri and Tennessee would be asked to consider a reduction in Ray's sentence if Sawyer was given "hard evidence that others were involved."

Sawyer defended the proposal. "Every prosecutor in the country does this at times to gain information," he said.

Such a deal is now almost impossible. Sawyer said, because Lane "has just deliberately blown it" by discussing it publicly.

The news conference was held in St. Louis at the Hilton Inn near Lambert Field. Its primary aim, Lane said, was to explain the role of Oliver Patterson, 34, of 12350 Old Halls Ferry Road, an alleged undercover agent for the committee who said he had become disenchanted with his job.

Patterson said he had once been an informer for the Federal Bureau of Investigation and had been employed for the last few months by the House special committee to spy on James Earl Ray's brother, Jerry, a friend of Patterson's for several years.

He said his duties included tape-recording telephone conversations with Jerry Ray, sifting through Ray's belongings for letters from his jailed brother — and even acquiring samples of Jerry Ray's hair.

In April, Patterson said, he appeared before the committee's investigative staff to answer questions about his undercover work. "During that testimony I was asked questions by a lawyer for the committee named Michael Eberhardt, and on several occasions I was handed written 'answers' to the questions by Conrad Baetz, a staff investigator."

Other staff members appeared to be aware of what was happening, Patterson said, but "the stenographer apparently took the answers down as my own."

Patterson said he was told by Baetz to say that "I had seen Jerry Ray carry a gun — which is not true" and "to say something nice about" J.B. Stoner, an advocate of white supremacy.

Baetz, who lives in Madison County and is a sheriff's deputy there, could not be reached for comment.

The spying continued, Patterson said, until he was told by an FBI agent and Baetz that Lane had somehow learned of the undercover work. "I was told that Lane or Ray might take retaliatory action against me or my family," he said.

Patterson said he was advised by Baetz to hold a news conference Sunday, where he was to accuse Lane of being a homosexual and contend that his under-

See RAY, Page 8



NO JOKE: Attorney Mark Lane (center) making a joke at an otherwise serious press conference last Monday. With him are Oliver Patterson of Black Jack and Susan Wadsworth, a friend of Patterson's. (Post-Dispatch Photo by Karen Elshout)

Ray

■ FROM PAGE ONE

cover work had reinforced James Earl Ray's guilt.

The conference was postponed, Patterson said, after he and Baetz learned of Pope Paul VI's death. After a meeting with Lane, Patterson said he had a change of heart and decided to "tell the whole truth about the secret operation."

Patterson said he was displeased with the job, because the committee owed him $900 and was "just going to dump everything on me — the illegal wire taps, the opening of mail, the thefts, everything. I'm willing to take a lie detector test, too," he said.

To lend credence to Patterson's story, Lane displayed an armload of tapes, said to be recordings of conversations with several persons, including Baetz and a New York Times reporter. Lane said Patterson had been instructed to "leak" false information to the Times during a St. Louis interview scheduled for Monday.

But instead of a being given a private interview, Times reporter Anthony J. Marro found himself walking into a hotel room full of news cameras and reporters. Marro pushed his way out of the room, saying that he was being used. Lane followed Marro out into the hall, shouting, "Don't you want to print the truth?"

Lane believed that the incident supported his contention that "the staff of the House committee panicked when they learned that I was aware of what was going on. So they decided to set up a secret meeting with The New York Times and discredit me."

Patterson said he knew nothing of recent reports by Russell E. Byers of Rock Hill that Byers had been offered money by two Imperial, Mo., men to arrange King's killing.

Marro, whose newspaper broke Byers' allegations, reported that Patterson "had never been reached by the Times and had never provided the paper with any information concerning the King assassination prior to Monday."

In a brief telephone interview, Marro added, "We chase a lot of leads. Some are good — some aren't. I'm going to Washington to chase a few more."

Lane said he was disturbed with his findings. An assassination buff who has written two books — "Rush to Judgment" and "Code Name Zorro" — about the murders of King and President John F. Kennedy, Lane contended that "it seems impossible for anybody to now take the House Select Committee on Assassinations seriously."

Patterson, a self-proclaimed gypsy salesman who says he has sold everything from real estate to geraniums, says he now has other matters to worry about.

Because he fears for his life, he said, he was to leave the St. Louis area Monday night. "I don't know where I'll go," he said. "But when it comes to knuckles, I think mine are going to get slapped."

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MLK Exhibit F–624

Chairman STOKES. Do you have anything further, Mr. Ray?

Mr. RAY. No. No, sir.

Chairman STOKES. All right, then, we will see you at 1:30 this afternoon.

[Whereupon, at 11:50 a.m., the hearing was recessed, the select committee to reconvene at 1:30 p.m. of the same day.]

AFTERNOON SESSION

Chairman STOKES. The committee will come to order.

The Chair recognizes the gentleman from the District of Columbia, Mr. Fauntroy, for such time as he may consume.

Mr. FAUNTROY. Thank you, Mr. Chairman, and thank you, Mr. Ray, for again appearing before the committee, this time in public session.

As I indicated to you in executive session, and as the chairman indicated to you in opening this session, this committee is mandated to conduct a full and complete inquiry into the facts surrounding the assassination of Dr. Martin Luther King, Jr., and the questions which I am going to tend to you will be rather painless. They are just efforts to ascertain the facts as you know them to be, and will require in the main simple yes or no answers.

You and counsel have been provided with Martin Luther King exhibits F-599 and F-613 which I would like for you to look at right now. F-599 is notes of George McMillan, which were provided the committee by him, and F-613, as you see, is a report on the statements of William Bradford Huie.

In both of those statements the allegation is made that you, Jerry Ray, reported to them that James Earl Ray called you on April 3, 1968, and said that "the big nigger has had it," and your response to that allegation is, I take it, that you did not say that to either George McMillan or William Bradford Huie.

Mr. RAY. William Bradford Huie has done admitted that, he said he was misquoted. I called him on the phone, that's when he offered me $200,000 to get in to see James, and I was asking him about that statement and he said he was misquoted.

Mr. FAUNTROY. So that the statement quoted in F-613 is not true in your view or in the view of——

Mr. RAY. That is definitely not true.

Mr. FAUNTROY. All right. You do admit that you did speak to both Mr. McMillan and Mr. Huie about your brother, is that true?

Mr. RAY. I never did speak to Huie about the murder of King, only business you know conducted about when I first seen him in November 1, 1968, about he give me the copy of all the contracts and he told me he didn't want James Earl Ray on the stand because it would mess up his books, and offered me the money, and but there was never no discussion of the crime, whether he was guilty or innocent nothing like that.

Mr. FAUNTROY. Were you aware prior to this hearing that Mr. McMillan had claimed that you said to him that your brother called you the night before the assassination and said that the big nigger had had it?

Mr. RAY. I think I read it in Time, excerpts of Time magazine.

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Mr. FAUNTROY. Yes, he also makes reference to that in his book, "The Making of the Assassin," page 299, and you are here to testify categorically that you did not say that?

Mr. RAY. I don't ever remember having no conversation with him like that.

Mr. FAUNTROY. All right, and it is your contention that both Mr. Huie and Mr. McMillan are not telling the truth when they say that?

Mr. RAY. I know definitely Huie is completely—he said he was misquoted. He said he didn't say that so I don't know if he was telling the truth or if he backed off. I never did have no discussion with Huie at all concerning the murder of King or nothing about it, about the money or anything.

Mr. FAUNTROY. I see. All right, let's return to Mr. McMillan.

You have before you F-599, which is that statement given us by Mr. McMillan and his notes on conversations held with you. On page 28, giving reference to an interview he had with you on May 30, 1972, is it true that in late 1967 James Earl Ray told you that the big nigger was not going to be around many more months?

Mr. RAY. James Earl Ray never told me nothing like that.

Mr. FAUNTROY. So Mr. McMillan is not telling the truth there in your judgment?

Mr. RAY. In my judgment.

Mr. FAUNTROY. Because you know you didn't say that to him?

Mr. RAY. Yeah, I didn't.

Mr. FAUNTROY. All right.

Mr. RAY. I don't remember saying anything like that to him, and I know definitely James never did say anything like that to me.

Mr. FAUNTROY. On page 13 of that document, giving reference to an interview which he had with you or says he had with you on June 27, 1972, he states that "By the time James Earl Ray had left L.A. in March 1968, he knew he was going to kill Dr. King, and that it would occur in the South, preferably Alabama."

Did you say that——

Mr. RAY. No.

Mr. FAUNTROY [continuing]. To George McMillan?

Mr. RAY. No, I don't ever remember saying anything like that and I know definitely that James didn't call me because he never—I don't think he ever called me from Los Angeles. I didn't even know he was in California. The only place I knew he was at was Alabama.

Mr. FAUNTROY. All right. Mr. McMillan says on page 29, referencing an interview on May 30, 1972, that he had with you, that you indicated that James Earl Ray had planned to kill Dr. King in Selma, but that something went wrong. Is that true or false?

Mr. RAY. It's completely false.

Mr. FAUNTROY. All right. See, it is not difficult, is it?

Mr. RAY. No, it's pretty good.

Mr. FAUNTROY. Right. We have referenced both in executive sessions and here today the fact that bank records which were turned over to Mr. McMillan had entries which you made in them with respect to Eugene Straub.

Mr. RAY. Yes.

Mr. FAUNTROY. Is that true?

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Mr. RAY. Yes, I——

Mr. FAUNTROY. What was the purpose of your having made those entries in the bank book which you turned over to Mr. McMillan?

Mr. RAY. Oh, he called up. I talked to him on the phone, and I was at my sister's house, Carol Pepper's, in St. Louis, and he called up the house and he has always been trying to get pictures of her of James, and plus he had all of her bank records. He came to Chicago and showed me all of her bank records, savings and loan or regular bank records, and it was his idea that she was financing James' travels, and so I told him, I said well, if you put something like that in your book she can sue because she can prove where her money went to, so then when he called at her house and I was there for a day or two, and so he wanted to know if I can get them pictures for him. He was more interested in the pictures at the time than the bankbook because he new she had pictures, she was the only one who had pictures of James when he was young and growing up, so he says, if you can find them pictures and I said I think I know where she keeps them, in a—not a drawer, one of them big trunks with a lock on it. And he says well, if you break it open and get in them pictures and get them bankbooks he says, I'll pay you for them, so I said OK.

I met him at the airport and to make it look good I just put a extra zero, extra one or something.

Mr. FAUNTROY. Is it your testimony now that you did not put the name of Mr. Straub right in the book?

Mr. RAY. I might have. I don't know if I did or—I think—yeah, I must have put it in there because Straub's—he wasn't on it. I think he had an old check for $15 or something. He used to be the landlord I think where Carol lived at before, Carol Pepper, and so he probably just wrote his whole name in there.

Mr. FAUNTROY. All right. And the purpose for doing that was?

Mr. RAY. Just to throw old George McMillan off.

Mr. FAUNTROY. To do what?

Mr. RAY. Throw him off.

Mr. FAUNTROY. Throw him off?

Mr. RAY. Yes, because he had been—before he wanted me to get them pictures and the bank records and see if they matched up the one that he had got off the FBI, you know, from——

Mr. FAUNTROY. Were you trying to suggest to him that there was a conspiracy?

Mr. RAY. No, no, no. What he was thinking, what he has always been thinking is somebody in the family. He has taken the FBI line on it. Somebody in the family was, that James is sending money out to somebody, that he is making this money inside the prison which the prison officials, the warden or everybody says is impossible.

Mr. FAUNTROY. So you wanted to create the impression that your sister Carol was receiving the money and depositing it in the name of Straub. Is that what you were trying to do?

Mr. RAY. Yeah. Well, see, after a couple of months I know he'd find out it wasn't true anyway, and just throw his book off a little bit.

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Mr. FAUNTROY. So you wanted to confuse him for a couple of months into thinking that she was actually financing or receiving the money from him?

Mr. RAY. Why I didn't think of all that then because it happened all at once. You know he called up and we talked on the phone. He wanted pictures and the bankbooks, and it just all came into line so I just wrote the guy's name down and put the money, put an extra 100 or 1,000 or whatever it was.

Mr. FAUNTROY. Yes; you recall as we showed you the record that it was an extra 2,000.

Mr. RAY. Extra 2,000.

Mr. FAUNTROY. In one instance, and an extra 1,000 in the other, and my question is, what impression were you trying to give him? I understand you to say you were trying to confuse him. How were you trying to confuse him?

Mr. RAY. Well, I figured his book had been, was supposed to have been out in 1969, and it was already up to about 1973 or 1974 and his book still hadn't been out and I forgot it would be along for another year or two.

Mr. FAUNTROY. So at that time you were trying to make him think that perhaps he was right, that the family was receiving money from Ray, from James Earl Ray, in jail, depositing it in the name of Straub?

Mr. RAY. Yes; but I knew he would find out after because, he had to find out because he can check the bank records.

Mr. FAUNTROY. Well, you said——

Mr. RAY. Yes.

Mr. FAUNTROY. You just thought it would work for a couple of months?

Mr. RAY. Yes.

Mr. FAUNTROY. You just wanted to confuse him?

Mr. RAY. Yes.

Mr. FAUNTROY. For a couple of months?

Mr. RAY. Yes.

Mr. FAUNTROY. All right, so that this was really a false source of money?

Mr. RAY. What he actually paid for though, what he was more interested in, was the pictures.

Mr. FAUNTROY. Yes, I understand that. You said that several times.

Mr. RAY. Yes.

Mr. FAUNTROY. I asked you a specific question. The question is that the entry there was a false source——

Mr. RAY. Yes.

Mr. FAUNTROY [continuing]. Of money?

Mr. RAY. Yes, a false entry, yes.

Mr. FAUNTROY. Yes, thank you.

Now I would ask that MLK exhibit F-614 be introduced into the record, and that the witness be shown a copy.

Chairman STOKES. Without objection, so ordered.

[The information follows:]

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TELEPHONE CONVERSATION - FRIDAY, AUGUST 29, 1969

Re: Statement released in St. Louis by Jerry Ray.

ROBERT W. HILL

LARRY BRINTON (Reporter in Nashville)

Okay, it's picking up.

Okay?

Yes.

All right, now. This is the statement from, uh, that was given to KMOX radio station, and shall I go ahead and start with it?

Yes. Go ahead. And it's all right for me to tape this, right?

Sure.

Okay.

Certainly. I'm starting now. "In the spring of 1968, I was working with agents of the Federal Government, including Raol. They told me that I was helping them to supply arms and guns to Cuban refugees to overthrow Castro and the Communists in Cuba. The reason why I made trips to Mexico was in regard to helping the agents of the Federal Government to supply arms to Cuban refugees there to overthrow Castro. The federal agents led me to believe that I was in Memphis in April for the same purpose. I knew that I was working with Federal agents. The way they had me passed across the Mexican and Canadian borders is only one thing that proved they were Federal agents. They got me across the Canadian and Mexican borders under circumstances which would have been impossible without the help of Federal agents. At a later time, if necessary, I will give more extensive proof about the Federal agents with whom I was involved. It is a known fact that agents of the Federal Government and the Mexican Police knew about my trips to Mexico and protected me there. Even William Bradford Huie admits that the F.B.I. and Mexican police knew all of my movements in Mexico. I knew nothing about King being in Memphis until after King had been killed. I could not argue with the Federal agents I worked for because they would have put me back in the Missouri State Prison at Jefferson City if I failed to take orders from them. I know that the Federal agents merely used me to be the fall guy when they killed King. I now realize that they had no interest in overthrowing Castro, and their whole purpose was to use me to cover up their own crime. Two Federal agencies are guilty, and I am fully innocent. We hope that someone higher up in the government will come forward and expose the whole deal so that I will be freed from prison. If they don't, we have more information which we will release in the near future. I don't know what motive the Federal agents had for killing King. Ask former Attorney General, Ramsey Clark. Maybe he knows. In closing, I want to pass along a little message to Percy Foreman, Arthur Hanes, and William Bradford Huie. You three got your wish, but it's not over with yet. Before it is, the three of you will be ruined along with your friend, Ramsey Clark." That's the end of it.

And you don't know where the portion was deleted?

No, I have no idea what portion was deleted nor where it was in this statement. It was not used on the radio, I'm told, in St. Louis.

Do you know what it was about?

No. I have no idea what it was about.

Okay, I'll turn off the tape.

MLK EXHIBIT F-614

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Mr. FAUNTROY. I want to show you a copy of a news release which you provided the media on August 29, 1969. It purports to be a statement of James Earl Ray that you released on his behalf, and I guess my question is, is that statement not what it was represented to be at the time of its release? Let's take a look at it. Do you have it before you?

Mr. RAY. Yes, I got it before me.

Mr. FAUNTROY. I am interested, for example—and let me just read this part of your conversation with Larry Brinton, a reporter in Nashville—you were quoted as saying:

> In the spring of 1968 I was working with agents of the Federal Government including Raoul. They told me that I was helping them to supply arms and guns to Cuban refugees to overthrow Castro and the Communists in Cuba. The reason why I made trips to Mexico was in regard to helping the agents of the Federal Government to supply arms to Cuban refugees there to overthrow Castro.

And so forth. I will not take the time to read every line here because we read this together, did we not?

Mr. RAY. Yes.

Mr. FAUNTROY. In executive session.

Mr. RAY. Read the whole thing.

Mr. FAUNTROY. All right. Who in fact was the author of this statement?

Mr. RAY. I authored the statement.

Mr. FAUNTROY. And you released it to the press as a statement of your brother James Earl Ray, did you not?

Mr. RAY. Yes, yes.

Mr. FAUNTROY. When it was not true?

Mr. RAY. Part of it was true. I wrote the statement up and some I added to it from the information I had gathered from him on visits, and the only thing I put too much stuff in there that he didn't go along with about the Federal agents, and that he thought he was working for them but he didn't know that, and while I was giving definite statements and what he was just thinking, you know, that the FBI was controlling, you know, the movements of King and the killing of King.

Mr. FAUNTROY. All right.

Mr. RAY. But that was just of suspicion on his part, not, you know——

Mr. FAUNTROY. I see. Again I am after only the facts.

Mr. RAY. Yes.

Mr. FAUNTROY. Is it a fact that this note on the side of MLK exhibit F-614, which states, "I am not responsible for this statement, James Earl Ray," is that your brother's signature there?

Mr. RAY. That is his signature, yes.

Mr. FAUNTROY. Is that his statement?

Mr. RAY. That is his statement.

Mr. FAUNTROY. He therefore is disavowing this statement, right?

Mr. RAY. Yes, he disavowed the statement.

Mr. FAUNTROY. He did not write it?

Mr. RAY. He did not write the statement.

Mr. FAUNTROY. You wrote it?

Mr. RAY. I wrote it and took it out.

Mr. FAUNTROY. You reported to the press that it was his statement, right?

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Mr. RAY. Yes.

Mr. FAUNTROY. Now I want to know what part of the statement pursuant to your last answer would—did James Earl Ray agree to.

Mr. RAY. Well, I wrote this statement up from all of my visits with him from 1968 on up to that time it was in 1970–71 when that statement—and from just our conversations I wrote it all up, you know, about he said, you know, where he was moved across the borders, and to Memphis, he didn't know King was going to be in Memphis and he was he said he thought the FBI was involved in it. He didn't know how it was involved in it, you know, in the murder of King, so I just took everything down from all of our conversations and then I wrote that up out of it.

Mr. FAUNTROY. And you believe it to be a correct representation of what Mr. Ray thought?

Mr. RAY. Yes.

Mr. FAUNTROY. Although he disavowed it in his own writing on the face of this——

Mr. RAY. Yes.

Mr. FAUNTROY [continuing]. Document. So now let me——

Mr. RAY. He agreed with some of it but some of it he didn't agree with?

Mr. FAUNTROY. Tell me what he agreed with.

Mr. RAY. Well, he agreed from 1968 on up that he thinks the FBI was involved in the King murder. He don't know how it was involved in it, whether, you know—but some way they is involved in it and he knows that. He don't think it now because if they wasn't they wouldn't be spending $500,000 to keep him from getting to trial.

Mr. FAUNTROY. All right. Would he disagree? You said he disagreed with some of this; is that your testimony?

Mr. RAY. Yes, yes.

Mr. FAUNTROY. Would he disagree with the statement, "I was working with agents of the Federal Government including Raoul"?

Mr. RAY. I don't know. He thinks—he is suspicious about Raoul being either an FBI informant or something. He don't know. He can't figure it out. I mean a lot of people thinks he knows everything but he don't know probably as much as you do.

Mr. FAUNTROY. Yes. I want you to pay very careful attention to my questions because they are very pointed and very direct. You said that he would disagree with some of the things here. My question is "Would he disagree with that statement?" And an answer would be "In my judgment, yes," "In my judgment, no," and therefore why.

Mr. PEPPER. Mr. Chairman, there is another answer that the witness has already given, and it is that while James Earl Ray might have, might agree with the general thrust of his statement, he might disagree with the emphasis, with the affirmation. What the witness has stated is that he has made, he made a very clear specific allegation, "I was working with Federal agents," and he took that as his interpretation of what his brother was telling him.

His brother, on the other hand, was of the interpretation that he was apparently expressing a judgment or a belief or he had the suspicion. It was a question of nuance, not a question of whether or

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not there was a belief that Federal agents were involved. I think that is the point the witness is trying to make.

Mr. FAUNTROY. Well, I thank you for helping the witness. Has your counsel properly represented your response to my questions specifically as to whether or not—excuse me, specifically as to whether or not the statement "I was working with agents of the Federal Government including Raoul" would be one on the basis of your recollections of your discussions with your brother he would agree with or disagree with?

Mr. RAY. Well, he wouldn't actually agree or disagree. He was suspicious that he was but he never did want to make no actual statement that he was because he figured that would hurt him so you could be suspicious of anything and it might turn out to be false so he didn't want to make those direct statements just out and out that he worked with the Federal Government or Federal agents.

Mr. FAUNTROY. Yes. And the second sentence, "They told me that I was helping them to supply arms and guns to Cuban refugees to overthrow Castro and the Communists in Cuba." Do you think on the basis of your discussions with your brother, which discussions were the basis for your writing this and attributing it to him, that he would disagree with that statement?

Mr. RAY. I think he would disagree with that.

Mr. FAUNTROY. Thank you.

I am tempted to go through the whole document in that fashion but I will not, Mr. Chairman. I have been requested by my distinguished colleague from Connecticut to continue, and I think I will probably—you have read the entire statement, Mr. McKinney, and I think we see the pattern of answers that will come forth. I think I should move on.

All right, Mr. Ray, did you write this statement all by yourself?

Mr. RAY. Yes.

Mr. FAUNTROY. Mr. J. B. Stoner did not assist you in writing this?

Mr. RAY. I told you that in the secret committee.

Mr. FAUNTROY. That is right. I just want to make sure that we are tracking what we said before under oath.

Mr. RAY. Yes.

Mr. FAUNTROY. And this rather clear, sharp statement with well-constructed sentences was done by you?

Mr. RAY. Me and me alone.

Mr. FAUNTROY. And only you?

Mr. RAY. Yes.

Mr. FAUNTROY. You had no assistance——

Mr. RAY. No.

Mr. FAUNTROY [continuing]. By any other person, and that specifically Mr. Stoner did not help you draft this very careful statement?

Mr. RAY. No.

Mr. FAUNTROY. All right. Let me now turn to——

Mr. RAY. Yes.

Mr. FAUNTROY [continuing]. A number of other statements attributed to you relative to conspiracy to kill Dr. King about which we are anxious to determine what in your view is the truth, and so for

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that reason I would like to refer you and your counsel to MLK exhibit F-606; I would also ask at this time that MLK exhibit F-606 be introduced into the record.

Chairman STOKES. Without objection, so ordered.

[The information follows:]

MLK EXHIBIT F-606

FBI

Date: 6/11/68

Transmit the following in _____ (Type in plaintext or code)

AIRTEL _____ (Priority)

TO: DIRECTOR, FBI
(ATTN: FBI IDENTIFICATION DIVISION)

FROM: SAC, NEWARK (44-854) (P)

SUBJECT: MURKIN
(OO: Memphis)

Re Newark teletype to Chicago dated 6/7/68, and Newark teletype to the Bureau, Memphis and Chicago dated 6/9/68.

Enclosed for the Bureau is a form newsletter bearing the heading, "The Royal Bank of Canada Monthly Letter."

For the information of the Bureau, JERRY RAY, subject's brother, was encouraged by Newark [redacted] to travel from Chicago, Ill., to Camden, N.J., on 6/5/68, to visit her. This was their first meeting and JERRY RAY performed his travel by plane.

RAY stayed with [redacted] Camden, where [redacted] has a room. The landlady for this room is [redacted] who resides at the same location.

On 6/7/68, [redacted] said to SAs JOHN K. OTTO and OLIN E. JESSUP upon his arrival on 6/5/68, JERRY RAY had with him the 5/3/68, issue of "Life" magazine, which contains a cover story re instant matter. He also had a second issue of "Life" which had New York City Mayor JOHN LINDSAY on the cover. That issue contained additional information concerning MURKIN.

2 - Bureau (Enc. 1) (RM)
1 - Memphis (Info)
1 - Chicago (Info)
1 - Newark
(1 - 137-6829)
(1 - 137-6826)
JEO/eag
(11)

REC 19 44-38761-4595

21 JUN 13 1968

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As he unpacked the magazines, JERRY RAY said to [redacted] "Just between you and me, I saw my brother right after he escaped. We had a meeting place where he would meet on my days off." RAY did not say if these alleged meetings occurred after his escape from prison or after the murder of KING.

JERRY RAY also said he had visited his brother who owns a tavern in St. Louis, Missouri, after the assassination and before his first interview by the FBI. He stated that before the FBI contacted him, he saw the photograph of an individual identified as ERIC STARVO GALT with his eyes closed. He recognized this man as being identical with his brother JAMES EARL RAY.

JERRY RAY said if he told the FBI everything he knows, "with all of their resources" they would be able to "track him down." He stated, "I do not know where he is right now. I do not think I'll ever see him alive again." He explained his brother would probably not permit himself to be captured alive. JERRY RAY added that he did not want the subject apprehended because of the additional bad publicity it would result in for the RAY family. RAY further said he does not refer to the subject since the assassination by his real name but calls him STARVO or GALT. He did not explain why he does this.

RAY also said, "I tell the FBI only enough to keep them off my back."

On 6/5/68, RAY speculated to [redacted] that the subject would probably flee the country to Mexico or Canada. He also said the subject was too hot for him to be in touch with now.

On 6/6/68, [redacted] asked JERRY RAY if his brother shot KING. He replied, "This is his business. I didn't ask him. If I was in his position and had 18 years to serve and someone offered me a lot of money to kill someone I didn't like anyhow and get me out of the country, I'd do it."

Later the same day JERRY RAY commended to [redacted] even if the suoject confesses to committing the murder of KING, he, JERRY RAY, would not agree with him. He did not further explain this statement, [redacted] advised.

RAY said he now carries a gun from his room to his car. He keeps the gun in the trunk of his car. When he walks

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to his room from his car, he removes the gun from the car's trunk and takes it with him. He said he carries the weapon for personal protection.

RAY said the subject is a supporter of Presidential Candidate GEORGE WALLACE. He said the subject once drove a man to Alabama from possibly the California area so he could vote for WALLACE. He then identified this man by his photograph which appears in the 5/3/68, issue of "Life." It is noted [redacted] said the magazine states this man's name is CHARLES STEIN. JERRY RAY, according to [redacted] did not say when the trip to Alabama occurred.

JERRY RAY said he was considering moving his residence again to a place where the press and possibly the FBI would be unaware of. He also said he was thinking of beginning to use the alias of JERRY RYAN. He then displayed a new Illinois driver's license in the name of JERRY RYAN. He said he recently obtained that license for his own use. He did not further explain why he might change his address and begin to use an alias. He did not say he intended to leave his present job.

On 6/7/68, [redacted] said on 6/6/68, she asked JERRY RAY if he thought his brother shot KING. RAY replied by pointing out if he were in his brother's position of having an 18 year sentence to serve once he was apprehended and someone offered him money to kill someone he did not like and thereafter be able to leave the country, he would do it. RAY further volunteered at this point the subject might have fled to Canada or Mexico. He did not say anything further about where he thought the subject was.

Then [redacted] asked JERRY RAY where the subject got the money to buy instant white Mustang with. JERRY RAY replied, "They gave him part of the money. He put the money in a safety deposit box, but when he left, he drew it all out. It broke his heart to have to leave the white Mustang."

On 6/9/68, [redacted] also said on 6/6/68, she recalled RAY commented the subject was paid either $100,000 or $500,000. JERRY RAY said this while [redacted] and he were discussing [redacted] the subject killed KING. According to [redacted] JERRY RAY did not further explain his comment regarding the $100,000 or $500,000 sum. Neither PCI was able to extract a direct statement from JERRY RAY that the subject killed KING.

On 6/9/68, [redacted] said she received a telephone call from JERRY RAY. He said he was calling to alert her, in

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the event she did not know, the subject had been arrested. He also said he did not think the RAY family would have any difficulty obtaining a lawyer to represent the subject because he was certain several good ones would want the job because of the publicity they would receive.

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JERRY RAY also told [redacted] he intends to visit the subject with his brother who owns a tavern in St. Louis when the subject is returned to the United States.

[redacted] received the impression from JERRY RAY that he did not know the subject was traveling as he was just before his arrest.

JERRY RAY also said he intends to travel to St. Louis, Missouri to confer with his brother who owns a tavern there within the next week. He said he will do this so he and his brother can agree on how they should handle inquiries from the Press. He said he might consult with an attorney himself so he would not mistakenly say anything in public which might be detrimental to the subject's case.

On 6/10/68, [redacted] advised she received on 6/3/68 an airmail special delivery envelope from JERRY RAY postmarked in Wheeling, Ill., on 6/1/68. The envelope contained a money order from JERRY RAY to [redacted] in the amount of $40.00. The money order was about 6½" long by 3½" wide. The paper the money order was on was yellow in color and had a white edge. Across the bottom of the face of the money order was "PERSONAL MONEY ORDER" written in black letters. [redacted] said she could not recall noticing what kind of a money order it was.

[redacted] stated on 6/3/68 she cashed the money order at the First Camden National Bank and Trust Co. bank located in the 2800 block of Mt. Ephraim Ave., Camden, N.J. [redacted] accompanied [redacted] and put her name and the number of [redacted] account at that bank on the money order when it was cashed.

This money order represents one of several instances where JERRY RAY has mailed money orders or cash to PCI [redacted] for her personal use. It is noted for the Bureau's information JERRY RAY is apparently quite fond of [redacted] and this is probably the reason he sends her money.

The money order was enclosed in a four page form-type newsletter bearing the heading of "THE ROYAL BANK OF CANADA MONTHLY NEWSLETTER". Beneath this heading appears the information this newsletter represents Vol. 49, No. 5,

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and the organization's head office is in Montreal. The newsletter is for May, 1968, and contains an article entitled "TZCHNOLOGY AS A MAY OF LIFE". The article deals generally with the various aspects of technology's affect on contemporary living.

Across the front of the newsletter is written in ink, "Look inside, I am at the post office and didn't have any paper." [redacted] said this is the only message from JERRY RAY which appeared in this piece of correspondence.

[redacted] said she recalled receiving the communication containing the described newsletter after learning the subject had been in Canada prior to his apprehension. She said that JERRY RAY indicated to her during his visit he obtained and sent the money order from the Wheeling, Ill. area.

REQUEST OF THE BUREAU:

The FBI Identification Division is requested to process the enclosed newsletter for latent impressions and compare any of value which are developed with the subject's fingerprints.

ARMED AND DANGEROUS.

Mr. FAUNTROY. Two days prior to James' arrest in London on June 8, 1968, it is claimed by a female acquaintance of yours in this FBI interview that you, Jerry Ray, stated, when asked if James killed Dr. King: "This is his business. I didn't ask him. If I was in his position and had 18 years to serve and someone offered me a lot of money to kill someone I didn't like anyhow, and get me out of the country, I'd do it." This same acquaintance also alleged that you told her that James was paid a large sum of money. Is this true?

Mr. RAY. It might have been true. I can't remember exactly what I said, but I have told other people, I said if he done it there had to be a lot of money involved because he wouldn't do it for hatred or just because he didn't like somebody, because that is not his line of work.

Mr. FAUNTROY. So that you had no reason to doubt——

Mr. RAY. I had no reason to doubt.

Mr. FAUNTROY [continuing]. That you told this lady and that this lady reported fairly accurately?

Mr. RAY. Might have.

Mr. FAUNTROY. What you probably told her, that had you been in jail to serve some 18 years, and someone offered you a lot of money to kill someone you didn't like anyhow, and get you out of the country, that you would have done it?

Mr. RAY. I might have said that.

Mr. FAUNTROY. I would like to refer you now to MLK exhibit F-615, which is your interview with the FBI on April 24, 1968, as reflected in a memo dated April 29, 1968, and on page 7 it reads in pertinent part and I quote it and you may follow it——

Mr. PEPPER. Would you repeat the page?

Mr. FAUNTROY. Page 7 of F-615.

Mr. PEPPER. Page 7?

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Mr. FAUNTROY. Let me make sure because I don't want to mislead you in any way.

Did I say F-615?

Mr. PEPPER. Yes.

Mr. FAUNTROY. Do you have page 7?

Mr. PEPPER. You are numbering from the top on the left-hand corner?

Mr. FAUNTROY. I am sorry. It is at the top of the left-hand. Do you see that?

All right, read with me without talking aloud.

He related that he has no idea as to the present whereabouts of his brother, James, and believes that he is either dead or out of the country. He could offer no reason for James' alleged murder of Martin Luther King, Jr., but did say that James would have to have been paid for this murder.

Is it likely, Mr. Ray, that this report of an interview with you is accurate?

Mr. RAY. Yes, if the—it would probably be—most likely accurate, but I can't remember——

Mr. PEPPER. Excuse me a minute, Mr. Chairman. You are asking the witness to comment on the entire report, having quoted to him part of a paragraph on page 7.

Mr. FAUNTROY. Let me be specific.

Mr. PEPPER. My advice to the witness is not to comment on the veracity——

Mr. FAUNTROY. Let me assure counsel I was not asking the witness to give a judgment on the entire report, only on the statement which I read.

Mr. PEPPER. I appreciate that.

Mr. FAUNTROY. Thank you and I am glad you clarified that because I wouldn't want the witness to answer a question I didn't ask.

The question is, you were quoted here as relating to an FBI interview, that you had no idea as to the present whereabouts of your brother, and that in response to a question about if you could offer any reason why your brother might kill Dr. King, you did say that James would have to have been paid for this murder.

Is it your recollection that you said that?

Mr. RAY. I might have said that; that sounds like it.

Mr. FAUNTROY. Thank you. It is very easy. See, it is not so hard.

Let us go to F-616 which I ask to have introduced in the record at this time.

Chairman STOKES. Without objection, be it so ordered.

[The information follows:]

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The Kansas City Star, December 30, 1973

St. Louis Link in Ray Case

By J. J. Maloney
A Member of the Staff

A St. Louisan is one of three men eventually to be named by James Earl Ray as principals in the assassination of Dr. Martin Luther King, Jr., Jerry Ray, brother of James Earl Ray, told The Star yesterday in a telephone interview.

Jerry Ray, now living in the Chicago area, has in recent years served as Ray's liaison with the media, and appears to be the person most trusted by Ray.

The St. Louisan, Jerry Ray said, is dead now—but the other two principals—one from Baton Rouge, La., and the other from New Orleans—are alive and still live in those areas. Jerry Ray did not give names of the principals.

Asked if Ray's recent suit requesting a temporary restraining order to prevent his transfer from the Tennessee State Prison had anything to do with the decision to name principals, Jerry Ray said no. "Those are separate cases," he said.

"He started to release everything at once," Jerry Ray said, "then decided not to at the last moment. He decided it would be best to wait until he got a hearing in court."



Jerry Ray said his brother fired Bernard Fensterwald, Jr., attorney for a convicted Watergate conspirator, after Fensterwald allegedly went on WBBM-Radio, Chicago, and stated that James's spirit had been broken, and that he wanted to be transferred to a federal pen." As soon as James heard that he fired Fensterwald, Jerry Ray said.

In a suit filed in a federal court Thursday, Ray sought a temporary restraining order to prevent the state of Tennessee from transferring him to the U.S. Medical Center, Springfield, Mo., which, although primarily a hospital, includes the federal "Start" program, a controversial behavior modification program for inmates considered incorrigible.

"They're trying to transfer him to a damned federal prison," Jerry Ray said. "Although his is a state case, the feds have wanted him since he first got arrested."

One immediate result of transferring Ray to the Federal Bureau of Prisons is that he would no longer be available for interviews with members of the news media.

Departmental policy in federal prisons prohibits interviews with preselected inmates. This policy is the subject of suits pending by several newspapers.

Ray has co-operated with at least one author—William Bradford Huie—on a book about the King killing. As an inmate in a federal prison any plans for a future book that included contact with Ray would be subject to the approval, or disapproval, of the Federal Bureau of Prisons.

"You are not the first to say it," responded Dayan. "I have thought myself about resigning."

For her last big campaign appearance last night, Mrs. Meir chose an audience of new Israeli immigrants from the Soviet Union.

She told them Israel genuinely seeks a lasting settlement with the Arabs at the Middle East Peace conference, but will "not accept peace at any price."

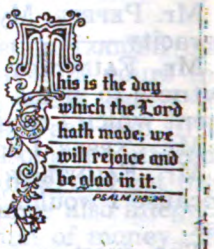
She said the Jewish state should halt its growing dependence on Arab labor from the occupied territories, and for this, Israel would have to make compromises in negotiations.

"We don't want a million Arabs doing the dirty work for us while we sit back like professors," she said. "This is a Jewish state."

The audience of about 3,000 applauded the speech loudly.

She warned that diplomatic and military assistance from the United States, Israel's chief arms supplier, would be jeopardized if the Likud bloc took power.

"If the Likud is elected and goes to Geneva, their plane tickets will be a waste of money because they will come back with nothing," she said.



MLK EXHIBIT F-616

Mr. FAUNTROY. Mr. Ray, this is a report of an interview with the Kansas City Star which was published on December 30, 1973, and it is reported that you stated that a then deceased unnamed man from St. Louis and two other unnamed men from Baton Rouge and New Orleans were involved in the assassination of Dr. King.

Is it true or is it false that you stated this to the reporter in question?

Mr. RAY. I don't think so, but I can't make a positive statement because it just—I know this reporter named Maloney. He did time with James at Jefferson City.

Mr. FAUNTROY. So you talked with him?

Mr. RAY. I have talked with him before but I am almost positive I wouldn't tell him something like that though because it is untrue.

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Mr. FAUNTROY. So that with respect to that story about a St. Louis link in the Ray case, the reporter did report it and your best judgment is——

Mr. RAY. That I didn't say it.

Mr. FAUNTROY. That you did not say it even though the reporter reported it.

Mr. RAY. I don't have no remembrance of that conversation.

Mr. FAUNTROY. Right, so you don't remember, and in any event, if you happened to have said something like that and the reporter reported it, it would not be true?

Mr. RAY. No, it is definitely not true.

Mr. FAUNTROY [continuing]. That you at that time believed that a then unnamed man from St. Louis and two other unnamed men from Baton Rouge and New Orleans were involved in the assassination of Dr. King?

Mr. RAY. That is right.

Mr. FAUNTROY. May I refer you to F-617? F-617, as you see, is a transcript from your previous testimony under oath in executive session to this committee on May 10, 1978.

You were asked the following questions and gave the following answers: Mr. Eberhardt said, on page 216, "In a Los Angeles Times interview on May 4, 1968, only 1 month after the assassination, you said if James Earl Ray did it, there had to be a lot of money in it."

In an ABC News interview on June 11, 1968, only 3 days after James Earl Ray's apprehension, you indicated that James Earl Ray probably was paid by a rich Southern group to implicate himself in the assassination of Dr. Martin Luther King, Jr.

You were then asked, do you recall making those statements?

Your reply was: yes.

Mr. Eberhardt then asked you, do you recall making the specific statement to the Los Angeles Times that if James Earl Ray did it there had to be a lot of money in it? Your reply was: yes.

Mr. Eberhardt then asked, then following, a question whether these statements were consistent with another allegedly made by you, you stated:

> If he did it, because I didn't know any more about it than the average citizen, the only difference I knew was that he don't do nothing without money.
>
> Mr. EBERHARDT. So, at that point in time it is conceivable to you that James Earl Ray would have been the assassin of Dr. Martin Luther King.

You replied:

> He could have been involved in it in some way for the money, and at the time I figure it is even possible that he knew that King was going to get killed.

Do you recall having said those things to us in executive session?

Mr. RAY. I recall most of it. The only thing, let's see it was the last part you are saying, before I knew anything about the murder, you know, before it happened, my kind of opinion was that he was involved some way; I didn't know if he was unknowingly involved or knowingly involved, but I knew there had to be a lot of money involved in it before he would get involved in anything like that.

Of course, since the arrest I have learned that he was unknowingly involved in it and there wasn't no payoffs or nothing like that after the murder. When he set up the murder then he just took off on his own.

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That is why he got caught.

Mr. PEPPER. Mr. Chairman, the esteemed member of the subcommittee has been questioning the witness with respect to speculative statements and judgments and opinions that he has reflected in the past and I wonder if you would ask for a clarification and make explicit the subject with respect to this interrogation so that we can ascertain its pertinency?

Chairman STOKES. Would Congressman Fauntroy comply with that request?

Mr. FAUNTROY. Mr. Jerry Ray's testimony before the subcommittee has, by these statements, suggested that in his view there may have been a conspiracy and that his brother possibly could have been involved in it.

Chairman STOKES. So you are exploring that avenue?

Mr. FAUNTROY. I am just exploring that because I have a very specific question and I want to make sure that we are, as we say in the vernacular, "coming from the same place."

Now, the place from which I am coming is the statement you made to the committee in executive session, as I presided, in order to refresh my memory, I looked at the statement and I just want to make sure that that statement is the statement he made and I think he has agreed that that is the statement with some explanation.

Mr. PEPPER. I appreciate then what the Congressman is saying, Mr. Chairman, is that he is laying a foundation for questions that are going to relate to the evolution of a conspiracy.

But what I am not clear about is whether or not the existence of a conspiracy for which you are laying the foundation for the questioning of the witness involves the witness himself or his supposition in terms of the existence of some kind of vague conspiracy in which his brother was involved.

Mr. FAUNTROY. I want to give him an opportunity, Mr. Chairman, to be more explicit.

Chairman STOKES. It would seem to me that Congressman Fauntroy has indicated as well as he can at this point the fact that he wants to explore, to what degree, if any, there was involvement of a conspiracy based upon statements made to this committee, or the subcommittee of this committee, in executive session.

It would seem to me this is an appropriate line of questioning.

Mr. PEPPER. Counsel will advise the witness to cooperate and to respond candidly to Congressman Fauntroy's questions, but wishes it to be noted on the record that we take exception and object to the line of questioning and consider it vague and not explicit enough, and not pertinent and in the realm of a fishing expedition.

Chairman STOKES. Counsel's objection may be noted.

Mr. FAUNTROY. And I hope that his client has also made note of it, because I want to get away from general speculations, and get down to some specifics, if anybody has them.

So that my question, Mr. Ray, is, was there a conspiracy to kill Dr. King and was James Earl Ray, if he was involved, motivated in killing Dr. King by money?

Mr. RAY. I believe there most definitely was a conspiracy and he was unknowingly involved in the conspiracy—I said I believe it was definitely a conspiracy and he was unknowingly involved in the

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conspiracy and he don't deny that he was unknowingly involved in it and this is a suit he just filed against the Archives. They got all the Martin Luther King secret files locked up in the Archives and he can't get them out and he believes and I believe and Mark Lane believes if he wins this suit, and these secret files are released, it will show who actually did kill Martin Luther King.

Mr. FAUNTROY. But, pursuant to your counsel's advice, specifically can you say that there was a conspiracy?

Mr. RAY. No, the only way I could actually definitely say there was is if I was involved in it, and so the only thing I know is what he has told me, and he has drew me maps and when he was up here this last time and testified, they produced a laundry ticket saying he was in Atlanta, Ga., April 1. He drew me a map showing me where he was at April 1. He was at the Southern Motel in Corinth, Miss. on April 1 and I went down there and just before I went there the FBI went ahead of me and seized all the records.

So I don't think the FBI would be doing all this underhanded stuff if they wasn't involved in the murder of Dr. King.

Mr. FAUNTROY. I see. You have referenced your statement to the Kansas City Star reporter about three men who may have been involved. Do you think that they were involved, and again, if your counsel will allow, I am giving you the latitude to speculate, as I gave you the latitude to speculate about the FBI.

Mr. RAY. I don't know nobody in that part of Louisiana. The only person I ever knew about is James, who found a card, and I got the thing here with me, after this third party used a car one time, Raoul had one and another guy had a set of keys and he found this card with the name of Randolph Rosenson written on it and he had me to go to New Orleans and check it out and I finally got Richard J. Ryan of Memphis to check it out and we got a transcript and we checked him to Miami, Fla. We found he had an address in Miami, Fla., and John Auble of KSD-TV got a picture of him, but it wasn't the guy he was looking for. So the only guy I ever knew about in New Orleans was Randolph Rosenson and as for us guys in Baton Rouge, I heard—James was talking about checking this Thompson out, I think, but a lot of them guys I couldn't check out. I checked a lot of things out for him, but he was wanting me to check Baton Rouge phone numbers out and some St. Louis work and Miami, Fla., work, but, see, I can't remember all of that because whenever I would get it, I would turn it out all over to James.

I wouldn't make a copy. He's got it all at the prison.

Mr. FAUNTROY. I see, but specifically in answer to my question, you first of all did not say to the Kansas City newsman what he reported you as having said, namely that there were some persons in Baton Rouge and New Orleans who were involved and in specific answer to my question, you certainly do not believe that any such persons in New Orleans, save Rosenson, could have been involved?

Mr. RAY. I don't recall all that. The only thing I can remember that James did want to check out a guy by the name of Thompson—I think that was in Baton Rouge, and he said something about a Grady Parton, that was the guy that was connected with the Teamsters. He wanted to check both of these guys out and everything. I contacted Jimmy Hoffa one time and got infor

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off of him, but everything I got off anybody I turned over to James, and I don't have a copy of it. He's got it down at prison.

Ms. KENNEDY. Mr. Chairman, before we go any further on this Kansas City Star columnist, I only have a very, very poor copy and I would like someone to enlighten me from the original as to what it says beneath the byline of J. J. Maloney, because I don't know if the committee heard the witness indicate that this man is an ex-con who served time with his brother.

I am just curious to know, it says, "member of" and I am just curious to know what that is and whether this man was a regular columnist or syndicated columnist and how an ex-con was able to get a byline article in a major newspaper, if you know?

Chairman STOKES. With reference to that portion of the document, if there is a clearer copy of the document, Mr. Fauntroy, perhaps you can explain it.

I see no reason for us to go into the question of whether it is a syndicated or unsyndicated columnist.

Ms. KENNEDY. Sir, it only goes to the question of the extent to which the Government might have tried to build cover stories, sir.

Mr. FAUNTROY. Mr. Chairman, let me say my copy is equally as difficult to read with respect to the identification of J. J. Maloney. It says a member of something. But the fact is, and I am interested in the facts——

Chairman STOKES. It says member of the staff.

Mr. FAUNTROY. Of course, I am interested in the facts. Did he say it or did he not? He said he didn't say it, right?

Mr. RAY. It is possible I might have said something about Baton Rouge, but I mean I can't make no definite statement because I don't remember that interview.

Mr. FAUNTROY. Then your testimony is that you don't remember having said that in 1973, that somebody in St. Louis, and somebody in Baton Rouge, and somebody in New Orleans may have been involved in the conspiracy to kill Dr. King. You don't remember, do you?

Mr. RAY. It is possible I may have said something like that. I wouldn't make no definite statement saying they was involved, but I could have said they may have been involved because I was checking stuff out.

Mr. FAUNTROY. Now wait a minute. Let's go back just a moment. Now you are saying——

Mr. RAY. No, I am not changing my statement. I am not saying I made that statement because I don't remember making that statement.

Mr. FAUNTROY. But are you saying you may have made it?

Mr. RAY. There is always a possibility but I don't think I did.

Mr. FAUNTROY. Do you think if Maloney were to come and discuss this with you that it might refresh your memory as to whether or not you said that you thought somebody in St. Louis and somebody in New Orleans and in Baton Rouge may have been involved in the assassination?

Mr. RAY. I don't know. Mr. Maloney is not too credible either. He is an ex-convict and he even put out a story after James Earl Ray escaped from Brushy Mountains, that I was involved in the escape and I was down there to pick up and all of that, and this is right in

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the paper in Kansas City and the warden looked at it and laughed. It was a joke to him. I was sleeping when James escaped.

So, Maloney, you can't put too much stock in him. He is an ex-convict like some of these other informants.

Mr. FAUNTROY. All right, Mr. Chairman, if it is all right I would like to proceed with other questions. Incidentally, we are talking to a number of ex-convicts and sometimes we get conflicting statements, and our job is to try to find out who is lying.

Ms. KENNEDY. Let me just for the record indicate this witness is not here on the basis of any record he may have and when a major newspaper has a columnist who is reporting this kind of thing, his legitimacy is in greater question than a person subpenaed here and niggarized because he has been in prison.

Now, I want this committee to respect my client and I don't need assize on the fact he has been in prison. He doesn't deny he has been in prison. That is available to the FBI And the difference between his position and that of a person who is writing a column on somebody in the mass media seems to me to be extremely different.

Chairman STOKES. Proceed, Mr. Fauntroy.

Mr. FAUNTROY. Thank you.

Would the witness and his counsel kindly look at F-618, Martin Luther King exhibit F-601, and Martin Luther King exhibit F-615?

Mr. Ray, you were interviewed by the FBI on a number of occasions after James Earl Ray was identified as the alleged assassin of Dr. King. Isn't that correct?

Mr. RAY. Yes.

Mr. FAUNTROY. And at that time it appears that you did not tell them the truth and I want to make sure that before this record is closed that you have an opportunity to clear that up for me.

As you look at F-618 I would ask to have it introduced into the record at this time.

Chairman STOKES. Without objection, be it so ordered.

[The information follows:]

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MLK Exhibit F-618

FEDERAL BUREAU OF INVESTIGATION

Date 4/26/68

1

JERRY WILLIAM RAY, who was present in the Chicago FBI Office, was requested to furnish his fingerprints, including sides and tips and palm prints. He was also requested to pose for photographs. He complied with both requests and also furnished handwriting samples.

Based on information furnished by the St. Louis Division, JERRY was requestioned concerning the discrepancy as to the identity of his father and present whereabouts. He advised that JERRY RAYNES, Center, Missouri, was not his father and reiterated that his father was JAMES GERALD RAY, who died in 1951 at Hannibal, Missouri. He said that the information concerning his relatives and parents is correct to the best of his knowledge because it was told to him by his mother. He said that he is unaware of where CAROL PEPPER might have obtained her information since she left the mother's home in about 1956 when she was 15 years old. He then stated that prior to his father's death in 1951, he was employed by the railroad (identity unknown), and worked on a farm in the vicinity of Hannibal, Missouri.

He further related that all of the children left home upon reaching the age of 15 or 16 and there was very little family contact thereafter. When the parents separated in 1949, all of the younger children who were then at home went with the mother.

In response to a question as to the reason for his brother's commission of the murder of KING, JERRY advised that he was unable to furnish any reason. He went on to say that during the three or four time that he has talked with his brother in the last 15 or 16 years, JAMES never expressed any particular outward dislike for members of the Negro race. But JERRY did have the feeling that the subject was not particularly fond of Negroes.

4/19/68 Chicago, Illinois CG 44-1114

On at File #

SAs RENE J. DUMAINE
and ROBERT F. PEVAHOUSE/laj Date dictated 4/23/68

by

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JERRY said that he is not aware of JAMES' present whereabouts and has no idea where JAMES has been since his escape from prison. He said that he has not been contacted by JAMES in any manner. He classifies JAMES as a "loner" and does not know of any member of the family that JAMES would likely contact. The only occupation for JAMES that he is aware of is that of a baker, which JAMES learned in prison.

JERRY informed that he has only seen his brother once outside of prison and that was sometime in 1951. All of his other contacts with his brother have been when either he, JERRY, has visited his brother in prison, or JAMES has visited him while he was in prison. JERRY said that he has no knowledge of his associates other than WALTER TERRY RIFE, who was arrested with his brother and served in prison with him. WALTER RIFE is also known personally to JERRY since they both served time together in the Illinois State Penitentiary, Menard, Illinois. JERRY has no information as to the present whereabouts of RIFE and has not seen him since JERRY's release from prison in 1960. He is of the opinion that RIFE could have returned to Quincy, Illinois. JERRY also knows LONNIE RIFE since he did time in Menard with him, also. He said that the name of ROBERT JOHNS was not known to him.

JERRY advised that to the best of his recollection, he never informed JAMES of his residence address; however, he has received mail from JAMES from prison addressed to Post Office Box 22, Wheeling, Illinois. JERRY said that he obtained this box so that his brother could write to him and that mail from the Penitentiary would not be going to JERRY's employment. He said that he has no reason to believe that JAMES would contact him. JERRY said that he feels that he would cooperate with the FBI in this matter but that it would take considerable thought on his part to turn his brother in. He said that he thought that if he was telephonically contacted by his brother, he would not talk to him but would hang up. JERRY was asked how his brother would know his phone number if he was not aware of his residence and employment. JERRY said that he has no reason to believe that his brother is aware of his phone number, that he never gave it to him and made the foregoing statement about a phone call merely as a matter of conjecture.

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He said that he has no idea of the present whereabouts of his brother JOHN, stating that the last time he saw him was in February, 1968, at the McArthur Hotel, St.Louis, Missouri. He said that on this occasion, he and his brother went to their sister Carol's house and stayed until three or four in the morning. They both returned to the hotel where they had several drinks in the bar and then JOHN left. JERRY assumed that JOHN was staying in the McArthur Hotel but could not furnish a room number nor was he ever in JOHN's room.

He said that he did not know his brother JOHN's present occupation but that he has worked in the past as a bartender, painter and laborer. JERRY noted that JOHN had attended bartender's school in Chicago, Illinois. He said that JOHN, to his knowledge, has never been married. JERRY further related that his brother JAMES also has never married and that he knows of no girl friends with whom his brother JAMES had associated. He said that JAMES would usually pick up a girl in the hotel, or go to a hotel and obtain a girl through the bellboy or patronize houses.

He said that he was not aware of his brother visiting any private doctors but did recall that one time when his brother was in prison, he was sent for psychiatric treatment to Fulton, Missouri. As JERRY recalls, this was for a nervous condition and his brother JAMES was there about a month.

JERRY said that the reason that he went to Kansas City in February, 1968, was to visit with his sister since "she is all the family I have." He denied that he had seen his brother JAMES while in St. Louis. He also advised that he makes the trip from Chicago, Illinois, to St. Louis, Missouri, about once every six or seven weeks.

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Mr. FAUNTROY. On April 19, you told the FBI that you had no idea where James had been since his escape from prison; on page 2 there. You have testified that you in fact did not see him after his escape from prison and then on May 12, 1968 you repeated something not apparently consistent with the truth when you told the FBI that you had not seen——

Mr. PEPPER. Objection.

Mr. Chairman, where does the esteemed member of this committee draw the conclusion that at one point this witness was not telling the truth and at another point he is telling the truth?

Mr. FAUNTROY. I have not indicated that—oh, I assume, Mr. Chairman, that he is telling us the truth now.

Mr. PEPPER. You are making that assumption now?

Mr. FAUNTROY. I hope so. He is under oath. I know he wouldn't lie under oath.

Mr. PEPPER. But my question to the Chair is on what basis you are assuming that Mr. Ray, the witness here, made these statements at all during this interview with the FBI?

Mr. FAUNTROY. I am assuming it on the basis of Martin Luther King exhibit F-618.

Mr. PEPPER. Which has been attested to under oath by special agents Dumaine and Pevahouse?

Mr. FAUNTROY. Obviously this is a report of the FBI which——

Mr. PEPPER. That is counsel's point, Congressman.

Mr. FAUNTROY. That is right, but the fact is the allegation has been made and I want to know the truth and the simple answer is "Yes" or "No".

Mr. PEPPER. We are encouraging our witness to tell you the truth. We are objecting to congressmen assuming that the report in front of you, unattested, is the truth.

Mr. FAUNTROY. I see. All right.

Chairman STOKES. The objection is well taken.

Mr. FAUNTROY. I think it is well taken, Mr. Chairman, and I will refrain from assuming that this is the truth and simply ask the question: Did you tell the FBI on April 19, 1968, that you had no idea of where James had been since his escape from prison?

Mr. RAY. I might have told him that. I can't remember that far back.

Mr. FAUNTROY. So it is not yes or no, but "maybe."

Mr. RAY. Yes, it is possible——

Mr. FAUNTROY. You may have told them. They may be telling the truth?

Mr. RAY. That is possible.

Mr. FAUNTROY. As they recall it?

Mr. RAY. Yes.

Mr. FAUNTROY. Have you not testified today that you did see him after his escape from prison?

Mr. RAY. Yes.

Mr. FAUNTROY. On May 12, 1968, you told the FBI that you had not seen James outside of the prison since 1951. At least that is what document F-606 reports that you said and since it reports it, I want to be clear on it.

Have you had an opportunity to see F-606 on page 2?

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Mr. PEPPER. The question seems to have slipped away. Would you repeat it, please?

Mr. FAUNTROY. On May the 12, 1968—I am sorry, it is F–601. Please forgive me, counsel and Mr. Ray.

I gave you the wrong document.

Mr. RAY. You must be working for the FBI then.

Ms. KENNEDY. Don't tease him.

Mr. FAUNTROY. Turn to F–601. On page 2 of F–601, second paragraph, "Jerry again stated that the last time he saw his brother James outside of prison was in 1951 in Quincy, Ill., and Jerry was 15 years old at that time."

Did you say that to the best of your recollection?

Mr. RAY. I probably did.

Mr. FAUNTROY. Were you protecting your brother James when you told this to the FBI?

Mr. RAY. No; I had only seen him that once until the time he escaped.

Mr. FAUNTROY. Is it a fact the last time you had seen him at the time you were interviewed was when you were 15 years old in Quincy?

Mr. RAY. When I was interviewed, no, that would have been the last time I had seen him was about September 1967.

Mr. FAUNTROY. All right, thank you for correcting that.

All right, if you will turn to F–618, page 3, did you tell the FBI that you didn't know your brother John Ray's occupation as reported in this document?

That is on page 3.

"He said that he has no idea of the present whereabouts of his brother John" and the second paragraph: "He said he did not know his brother John's present occupation, but that he has worked in the past as a bartender, painter, and a laborer."

Was that true when you said that?

Mr. RAY. It has been so long ago I can't remember all them things.

Mr. FAUNTROY. You can't remember whether it was true that you did know what he was doing?

Mr. RAY. No; I can't remember whether it was true or false.

Mr. FAUNTROY. If you will turn to F–615, page 1 of F–615, the FBI drew to your attention on April 24, 1968, the inconsistency there and you admitted that you lied to protect your brother from the FBI. Is that true?

Mr. RAY. It is just possible I might have told them that to keep them from harassing John, but I can't actually remember the conversation.

Mr. FAUNTROY. Is the reason for the possible harassment what is stated here in this document about his ownership of the Grapevine?

Mr. RAY. I hadn't read this yet.

Mr. FAUNTROY. Take your time and read it. You said John had put up $2,500 to purchase the bar and Jerry was of the opinion that if the FBI agents harassed John he would lock up the bar, take a loss, and leave.

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Mr. RAY. That sounds possible. That sounds real, because I know John didn't have no contact with James anyway after he escaped, so he couldn't have.

Mr. FAUNTROY. Let's turn to F-619, which I ask to be incorporated into the record.

Chairman STOKES. Without objection, be it so ordered.

[The information follows:]

3-73

Mr. Eberhardt. So you have used the name Jerry Ryan since 1960?

Mr. Ray. No, I never used it in no motels or nothing. The only reason I use this, I cannot get my driver's license in Ray. When I registered for the draft I registered under Ryan and I cannot get any identification. I wrote for my birth certificate and I don't have any so I have to either --

Mr. Eberhardt. We have some indication that John Ray used a license issued in the name of Jerry Ryan and he purchased the vehicle in New Orleans in June of 1960.

Mr. Ray. New Orleans?

Mr. Eberhardt. Yes. Does that refresh your recollection when you first began using the name Jerry Ryan for purposes of your driver's license?

Mr. Ray. No. My driver's license, I have been using the name Ryan since I was seventeen years old on my driver's license and still do but I never work or never use that name. I worked under the name. I never worked under the name of Ryan since I have been seventeen years old. I have never checked into hotels or motels; it has always been under the name of Ray.

Mr. Eberhardt. Mr. Ray, didn't you have a driver's license in the State of Illinois in the name of Jerry Ray which was revoked?

Mr. Ray. At one time. One time.

MLK EXHIBIT F-619

FOR THE STATE, D.C. REPORTERS, WASHINGTON, D.C. 20024 (202) 554-2345

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Mr. FAUNTROY. This is the record of testimony before this committee in executive session under oath.

On May 10, you were questioned by Mr. Eberhardt, as you see, about your use of the alias Jerry Ryan since 1960. You responded:

No, I never used it in no motels or nothing. The only reason I use this is I cannot get my Illinois driver's license in Ray. I never worked under the name of Ryan since I have been 17 years. I have never checked into hotels or motels. It has always been under the name Ray.

Yet, if you will refer, Mr. Ray and counsel, to F-599, Mr. McMillan's recollections of your conversations with him on page 19 and F-620, which I ask to be incorporated into the record.

Chairman STOKES. Without objection, be it so ordered.

[The information follows:]

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MLK EXHIBIT F-620

"INTERVIEW FORM"

DATE INTERVIEWED: 12/12/77 TIME INTERVIEWED: 1901hrs p.m.

PLACE INTERVIEWED: Tamanaca Downtown Motel, 1725 Tulane Ave., New Orleans

NAME: Mrs. Lillie Kalom

DATE OF BIRTH: ----- SOCIAL SECURITY NUMBER: -----

HOME ADDRESS: -----

BUSINESS ADDRESS: 1725 Tulane Avenue, New Orleans

HOME TELEPHONE: ---- BUSINESS TELEPHONE: -----

ASSOCIATES:

MLK INVESTIGATION CONNECTION:

INTERVIEW STATEMENT:

Investigators spoke with Mrs. Lillie Kalom, manager of the Tamanaca Downtown Motel, located at 1725 Tulane Avenue, New Orleans. Mrs. Kalom was requested to search the motel files for the name of Jerry Ray or a variation of that name (alias). She was advised that the dates we were interested in were January 20-22, 1975.

Mrs. Kalom's files indicated that Jerry Ryan (aka Jerry Ray) registered at the motel January 20, 1975 at 6:17 p.m., and signed out January 22, 1975 at 12:07 p.m. He was given Room #203 and paid cash, $33.70, for two days. He registered as Jerry Ryan, 703 Church Street, Marietta, Georgia, zip 30061, no automobile. A photostat of the registration card was made and is attached hereto.

FORM #4-A

O. Hamer

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JAN 26 6 17 PM '75

JAN 22 12 07 PM '75

Mr. Wrase

Tamanaca Motel PAID No. 151295

ROOM NO.	RATE	CLERK
203	16.85	Paid

Jan 20 Pay
SIGNATURE

Jerry Ryon

TAMANACA MOTEL
DEPARTURE

YOUR NAME IS ENTERED ON OUR BOOKS AS IT APPEARS ABOVE. IF INCORRECT, PLEASE NOTIFY THE OFFICE. AVOID MISTAKES WITH MAIL, TELEGRAMS, ETC.

NAME Jerry Ryon.

STREET 703 Church st.

CITY Marietta STATE GA ZIP 30061

REPRESENTING

MAKE OF CAR	LICENSE NO.	MODEL	STATE REGISTERED

NOTICE TO GUESTS: MONEY, JEWELS AND OTHER VALUABLE PACKAGES MUST BE PLACED IN SAFE IN THE OFFICE, OTHERWISE THE MANAGEMENT WILL NOT BE RESPONSIBLE FOR ANY LOSS, AND THEN ONLY AS PRESCRIBED BY LAWS OF LOUISIANA.

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Mr. FAUNTROY. MLK F-620 is an interview with Mrs. Lillie Kalom at the Tamanaca downtown motel in New Orleans. Mr. McMillan alleged that you visited James' purported drug contact, Eddie, or "The Fence," as he was called in New Orleans, on January 20, 1975, and stayed at the Tamanaca Motel. You went to the Tamanaca and you say you met with him there.

We went to the Tamanaca and what we found was a registration card—which is what you see as a part of F-620—under your name, under the name of Jerry Ryan. Would you take a look at that?

Now, would you care to correct your testimony in executive session under oath with respect to whether or not you used that alias before?

Mr. RAY. I actually don't remember. Some places you go, some places you go when I say I don't use the name of Ryan, which I don't. I got my driver's license right now in the name of Ryan because I can't get it in the name of Ray. And I got no birth certificate.

Now, some place you go where they make you put up identification or, you know, and you don't have credit cards and that, and what I should do is not have made a definite statement because over the years there may be three or four times where I have to, for some reason or another, use the name of Ryan because my driver's license is in the name of Ryan, my draft card is in the name of Ryan; it is all in the name of Ryan.

Sometimes I have to use it. But very seldom, maybe once every 2 years, will I use that name, is the only times when I just have to use it.

Mr. PEPPER. Mr. Chairman, I object to the question posed to the witness on the grounds of lack of clarity and explicitness in terms of the subject. It is not clear to us how this is pertinent to the interrogation.

If the Congressman would make that clear, we would be most appreciative.

Mr. FAUNTROY. Yes, I just want to have some understanding of the truthfulness of the witness. I heard him testify in executive session that he had not used the name. We came up with what appears to be a fact with respect to a meeting that was referenced by Mr. McMillan pursuant to an alleged interview that he had with him, which allegation we followed up, and did in fact find that on the evening of January 20, that a Jerry Ryan did, in fact, register at the Tamanaca Motel; and that person gave as his address 703 Church Street, Marietta, Ga. 30061.

I just want to be clear as to what the truth is.

Mr. RAY. That is probably the truth.

Mr. PEPPER. Congressman, does the committee have a record of that hotel registration and a signature card, or has this witness appeared before the committee, may we ask?

Mr. FAUNTROY. We have the record and I think we can probably clear this up if I ask Mr. Ray to look at it.

Mr. PEPPER. We would appreciate seeing any hotel registration.

Mr. FAUNTROY. It is the second page of that document.

Mr. PEPPER. No, I mean the original of the hotel registration.

Mr. FAUNTROY. You want to see the original?

Mr. PEPPER. If you have it.

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Mr. FAUNTROY. This is a photograph of it. Do we have the original?

Would counsel permit me to ask Mr. Ray——

Ms. KENNEDY. Before you go to that next question, I just want to register a more profound objection. I don't know if this is the appropriate time and I will defer to the committee's discretion and judgment as to whether it is, but I am so interested in the fact that all this expense and trouble is gone to to verify a registration in another name, but that there was no checking with the authorities in Alton as to whether or not there was a charge on a bank robbery. It is this kind of——

Chairman STOKES. What is your objection, Ms. Kennedy?

Ms. KENNEDY. My objection is that it seems that this committee is determined to bring any small, large, or medium-sized fact or circumstance to smear this witness, but is unwilling to follow any exculpatory information.

Chairman STOKES. The Chair is going to rule you out of order and have stricken from the record any reference to this committee attempting to smear any witnesses. There is no evidence of that.

Mr. PEPPER. Mr. Chairman, the questioning congressman indicated earlier that the range of questions were pertinent based upon an attempt to link the witness with conspiracy, or the evidence——

Mr. FAUNTROY. Just a moment.

Let the congressman clarify his statement. The congressman said pursuant to the mandate of the committee to investigate all of the facts surrounding the death of Dr. Martin Luther King, Jr., and allegations with respect thereto, that he wanted to ask a number of specific questions with respect to things that Mr. Jerry Ray has said or is alleged to have said, and in this instance things that he said in fact to this committee and to this chairman in executive session under oath.

I am just after the truth.

Mr. PEPPER. May I ask, as a point of information, Mr. Chairman, was the witness—since we have become only recently involved with him—was the witness represented by counsel when he made this statement under oath in executive session?

Mr. FAUNTROY. I have been informed by counsel that when he testified under oath at this point he was telling the truth without the benefit of counsel.

Mr. PEPPER. Excuse me, Congressman, he was making a statement.

Mr. FAUNTROY. He was making a statement.

Mr. PEPPER. Without the benefit of counsel.

Mr. FAUNTROY. Without the benefit of counsel. All right, but is it your claim that he was not telling the truth?

Mr. PEPPER. No, I wanted a point of information as to whether or not, when he made the statement on exhibit F-619, he was properly represented in executive session by counsel.

Mr. FAUNTROY. As I recall, he elected——

Mr. EDGAR. Would the Chairman yield?

Mr. FAUNTROY. Mr. Chairman, may I yield to my colleague, Mr. Edgar, who was with me when we heard this testimony?

Chairman STOKES. The gentleman has the time. He can yield.

Mr. EDGAR. Thank you, Mr. Chairman.

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Mr. Chairman, in front of me I have the executive session comments and I have just had the opportunity to re-read the appropriate sections and there is a lengthy discourse in executive session testimony of Wednesday, May 10, 1978, where Mr. Ray was given the opportunity to appear before us in executive session and to have present at that time counsel of his choosing or to have present at that time counsel that would be supplied by the committee.

Mr. RAY. Wait a minute. You ought to change that. I didn't have counsel of my choosing because I chose Mark Lane and you wouldn't let him represent me.

Mr. EDGAR. There is a lengthy discussion in this document of clarification of whether or not Mr. Ray wished to continue that session and there is an appropriate statement indicating he wished to continue the testimony without counsel if in fact, as we had ruled, Mark Lane was not able to represent you at that time because of the conflict of interest.

Mr. PEPPER. So your response, Congressman, and Mr. Chairman, is that at the time he made this statement he was in fact not represented by counsel, Mr. Lane having been excluded from the executive session.

Mr. EDGAR. The exact quote, Mr. Chairman, goes:

> Mr. Ray. I would rather go it alone and get it on the record in case I am tried for contempt or obstruction of justice, and when I go to court I can go saying that counsel was refused.

That is the statement here, and there is a lengthy discourse of that comment, and then it goes on and Mr. Ray voluntarily proceeds to questioning with us under oath.

I was present and he had the opportunity to have counsel a number of times and had the opportunity to refuse to go further with the questioning and we asked him many times, "Are you aware that you are under oath?" "Are you aware that you are under immunity and are you telling the truth?" And I would believe that our chairman has the right to ask of the witness today his comments on whether or not what he said to us in that session, whether he was represented by counsel or not, was true or was not true; because if, in fact, he was telling us lies during that time or mistruths, I think it should be clarified here publicly today.

I would recommend to the chairman that he continue to ask the question.

Mr. PEPPER. Mr. Chairman, counsel is not going to dispute the right of the chairman of the subcommittee to ask that question. Counsel simply wanted it spread upon the record that at the time when the witness responded in executive session that in fact he was not being represented by counsel. All of the factors thereto are previous history and are certainly subject to some kind of dispute and debate.

Counsel simply wanted to have it on the record that at the time when the original response was uttered for this committee under oath that the witness was in fact not represented by counsel. We are not getting into the details on that and we are certainly not going to dispute the subcommittee's chairman——

Mr. EDGAR. Let me for the record just read the paragraph prior to the paragraph I read, which is Mr. Eberhardt's statement, which says:

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Mr. Ray, with that ruling—which was that Mark Lane was not qualified counsel—I would like to inquire of you now as to what is your present posture with respect to either your own retention of private counsel or the alternative that we have suggested to you on a number of occasions, that being the appointment of a counsel by the District of Columbia Bar Association. Again I impress you with your stated position that it would be absolutely—and I stress the word "absolutely," in your best interest to have counsel present during the examination of you by the committee.

That was an urging on the part of our counsel that Mr. Ray understand the conditions under which he was testifying.

I yield back, Mr. Chairman.

Mr. FAUNTROY. Mr. Chairman, I am prepared to wrap up my interrogation of the witness. I just want to make sure that counsel is not questioning the veracity of Mr. Ray's statements under oath without a counsel present. Is he?

Mr. PEPPER. Well, again, we have come on the case rather recently. We have before us the one-page excerpt from the executive session and I am only reacting to that one-page excerpt.

Mr. FAUNTROY. But you are not questioning whether or not with or without counsel he told the truth. If so, I will go back and ask the same questions with counsel, to make sure that that is satisfied.

Mr. PEPPER. I am not going to the merits of the interrogation in either instance.

My concern was a procedural one, and I raised it for the purposes of the record.

Mr. FAUNTROY. Thank you, Mr. Chairman. I am not going to raise any other questions, but we have seen today——

Mr. RAY. I would like to add one thing, if I could, before you finish, about this motel. It is possible—like I said—that maybe I should have made no direct statement in the secret committee that I never used the name of Ryan originally because—like I say—maybe three or four times I would have to. I would get my plane ticket. You have to show them identification, so I have to show the name of Ryan.

The other thing is, when I went to New Orleans though, it wasn't to meet nobody, no dope or things like that; I went down there to go to the public library. I went through all the old newspaper clippings about King.

Then I was trying to find this Randolph Rosenson. I went down there for two reasons. Then I had you to check with Richard J. Ryan, attorney at law, in Memphis. Then he went down and got the court transcript of this Rosenson. So I was down there on legal business. There was no other purpose.

Mr. FAUNTROY. So that you don't question the veracity of that?

Mr. RAY. No, no; and I am pretty sure that is my signature there, because I have used the name two or three time, or four times.

Mr. FAUNTROY. Thank you for that explanation, Mr. Ray, and it certainly clears up for me the inconsistency on the basis of the information I received. I think you understand that, don't you?

Mr. RAY. Yes, sir.

Mr. FAUNTROY. All right, Mr. Chairman, we have reviewed a small sampling of the efforts of our witness in the first instance to

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deceive at least one media person by falsifying a document that his brother had to disavow.

We have seen how he falsified bank records in an effort to confuse, for a period, an author who was seeking information; and we have seen, again, a number of press statements which at least call into question whether or not there was a conspiracy, which press statements he has disavowed here; and I think that I can at this point yield back the balance of my time and proceed with questions from other members of the committee.

Chairman STOKES. Prior to proceeding then to other members of the committee, in light of the fact that there has been some discussion here with reference to exclusion of counsel from representation of a witness before this committee, the Chair would at this point put into the record a memorandum that is entitled, "Exclusion of Lawyers From Executive Session Proceedings."

This is the policy of the committee; it sets forth the fact that the House Select Committee on Assassinations has, since its inception, respected the right of witnesses to the assistance of counsel during congressional hearings, and at the same time the committee has consistently recognized its responsibility to insure that attorneys representing witnesses be free from conflicts of interest, that could—in any manner—inhibit the ability of that attorney to provide sound and independent assistance for his or her client.

This goes on in precise detail, and I would ask that a copy of this memorandum be furnished counsel for this witness and that this be marked as MLK exhibit F-625 and be made a part of the record at this point relative to the exclusion of counsel during the executive session that has been referred to in the proceedings.

[The information follows:]

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MLK Exhibit F-625

EXCLUSION OF LAWYERS FROM
EXECUTIVE SESSION PROCEEDINGS

The House Select Committee on Assassinations has, since it's inception, respected the right of witnesses to the assistance of counsel during Congressional hearings. (See Attachment A for relevant portions of Rules of the Select Committee and the House of Representatives.)

At the same time, the Committee has consistently recognized its responsibility to insure that attorneys representing witnesses be free from conflicts of interest that could - in any manner - inhibit the ability of that attorney to provide sound and independent assistance for his or her client. Moreover, should such a conflict of interest or other breach of professional ethics by an attorney occur before the Committee, the Chairman has the duty to punish that breach by excluding the attorney from continued participation in the proceedings. (See Attachment A for relevant portions of the Rules of the Select Committee and the House of Representatives.)

The Committee has, for example, established a policy dealing with both the Federal Bureau of Investigations and

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and the United States Secret Service that provides that attorneys representing agency witnesses will come from private practice, rather than from the agencies themselves; this insures that the advice of the attorney will not be affected, or inhibited, either in appearance or in fact, by his or her personal loyalty to the agency.

An even more significant form of conflict arises, however, in the situation of "multiple representation", i.e., the representation by one attorney of more than one witness in cases where the witnesses possess conflicting interests, for example, where the witness is being asked to testify about the other's conduct. The danger inherent in this situation stems from the inability of the attorney to provide sound advice to one client because of the conflicting interests of another client. These dangers have been recognized by a variety of authorities, including the United States Supreme Court in its recent (April 3, 1978) decision of Holloway vs. Arkansas, (See Attachment B for relevant portions of this decision), and the American Bar Association in its Code of Professional Responsibility, (See Attachment C for relevant portions of the ABA Code). In essence, the ABA's Code of Professional Responsibility mandates that an

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attorney avoid situations of potential conflict, and allows a client to consent to multiple representation by an attorney only "if it is obvious that (the attorney) can adequately represent the interests of each (client)."

Equally noteworthy are remarks contained in the Final Report of the Watergate Special Prosecution Force concerning the general problem of multiple representation. This report recommended that in situations of potential conflict, involving an attorney, the Court . . . (or other appropriate agency) intervene . . . by making a factual determination as to the existence of the conflict of interest and then requiring the witness to retain, or appointing for him, counsel who has no such conflict. Although there will obviously be great reluctance to interfere with the individual's freedom to select his own attorney, the suggested course is the only one that can preserve the equally valid right of the Government to his full and truthful testimony. (Emphasis has been added to the cited portion. See Attachment D for a more complete excerpt from the final Report of the Watergate Special Prosecution Force.)

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Recognizing the dangers inherent in multiple representation, and acting in accordance with its duty to conduct an exhaustive investigation, the Committee has consistently applied a policy discouraging multiple representation of clients by attorneys appearing in its proceedings. The Committee's policy has been communicated to witnesses and attorneys on numerous occasions.

While remaining sensitive to the desirability of allowing a witness to be represented by counsel of his own choosing, the Committee believes that this policy is a necessary step in its continuing efforts to preserve the integrity of its investigation. In this nation's recent history, the dangers and ramifications of multiple representation have been nowhere more apparent than in John Dean's regrettable role as White House counsel during the questioning of White House personnel. Saddled with responsibilities not only to the President, but also to the President's major advisors, Mr. Dean found himself incapable of acting in the true interests of any of these clients. Rather, he gradually acquired a role in orchestrating and coordinating the tragic cover-up that ensued.

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ATTACHMENT A

COMMITTEE RULES
OF THE
SELECT COMMITTEE ON ASSASSINATIONS
U.S. HOUSE OF REPRESENTATIVES
NINETY-FIFTH CONGRESS

Rule 3. Hearing Procedures

3.3 Additional Rules. The following additional rules shall apply to all investigative hearing procedures:

(1) The Chairman at an investigative hearing shall announce in the opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings, and the committee may cite the offender to the House for contempt.

******

RULES OF THE HOUSE OF REPRESENTATIVES

Rule XI: Rules of Procedure for Committees

Rule XI(2)K(3): Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

Rule XI(2)K(4): The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

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ATTACHMENT B

DECISION
in the
SUPREME COURT OF THE UNITED STATES

HOLLOWAY V. ARKANSAS
No. 76-5856. Argued November 2, 1977
Decided April 3, 1978

"Joint representation of conflicting interests is suspect because of what it tends to prevent the attorney from doing. For example, in this case it may well have precluded defense counsel for Campbell from exploring possible plea negotiations and the possibility of an agreement to testify for the prosecution, provided a lesser charge or a favorable sentencing recommendation would be acceptable. Generally speaking, a conflict may also prevent an attorney from challenging the admission of evidence prejudicial to one client but perhaps favorable to another, or from arguing at the sentencing hearing the relative involvement and culpability of his clients in order to minimize the culpability of one by emphasizing that of another. Examples can be readily multiplied. The mere physical presence of an attorney does not fulfill the Sixth Amendment guarantee when the advocate's conflicting obligations has effectively sealed his lips on crucial matters."

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ATTACHMENT C

AMERICAN BAR ASSOCIATION
CODE OF PROFESSIONAL RESPONSIBILITY

Canon 5

"A Lawyer Should Exercise Independent Professional Judgment on Behalf of a Client."

Canon Five: Disciplinary Rules

DR 5-105 Refusing to Accept or Continue Employment if the Interests of Another Client May Impair the Independent Professional Judgment of the Lawyer.

(A) A lawyer shall decline proffered employment if the exercise of his independent professional judgment in behalf of a client will be or is likely to be adversely affected by the acceptance of the proffered employment, or if it would be likely to involve him in representing differing interests, except to the extent permitted under DR 5-105(C).

(B) A lawyer shall not continue multiple employment if the exercise of his independent professional judgment in behalf of a client will be or is likely to be adversely affected by his representation of another client, or if it would be likely to involve him in representing differing interests, except to the extent permitted under DR 5-105(C).

(C) In the situations covered by DR 5-105 (A) and (B), a lawyer may represent multiple clients if it is obvious that he can adequately represent the interest of each and if each consents to the representation after full disclosure of the possible effect of such representation on the exercise of his independent professional judgment on behalf of each.

(D) If a lawyer is required to decline employment or to withdraw from employment under a Disciplinary Rule, no partner, or associate, or any other lawyer affiliated with him or his firm, may accept or continue such employment.

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ATTACHMENT D

WATERGATE SPECIAL PROSECUTION FORCE REPORT PP. 140-141

In almost every investigation which centers on the criminal activity of one or more members of a hierarchical structure--whether a corporation, labor union, a Government agency, or a less formally organized group--the prosecutor is confronted with a witness who has been called to testify about his employers. Many times, the witness is represented by an attorney who also represents the employer and perhaps is compensated by him. Although the legal profession's Code of Professional Responsibility forbids a lawyer from representing conflicting or even potentially conflicting interests, lawyers and judges historically have been reluctant to enforce the Code's mandate strictly. They have taken the position that, so long as the witness understands that his attorney also represents the person or entity about which he will be asked to testify and that he has the right to a lawyer of his own choosing, he cannot be forced to retain new counsel.

No lay witness, however, can realistically be expected to appreciate all the legal and practical ramifications of his attorney's dual loyalties, and in many cases he will be precluded from giving adequate consideration to the possibility of cooperating with the Government by the fear that the fact of his cooperation will be revealed to his employer. A mere inquiry by the judge in open court concerning the witness' preference is not likely to elicit a truthful response. It is necessary, therefore, for the court to intervene more directly by making a factual determination as to the existence of the conflict of interest and then requiring the

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witness to retain, or appointing for him, counsel who has no such conflict. Although there will obviously be great reluctance to interfere with the individual's freedom to select his own attorney, the suggested course is the only one that can preserve the equally valid right of the Government to his full and truthful testimony.

Both the courts and the various bar groups should be alerted to the serious issues of professional responsibility arising out of the representation of multiple interests during grand jury investigations, and Government counsel should press on every justifiable occasion for a judicial ruling on the question of conflict of interest and, where a conflict is found, for the replacement of the attorney involved.

Mr. FAUNTROY. Mr. Chairman, may I just say I want to apologize to the lawyers on the committee, and to counsel, if I have not been on top of all of the legal ramifications, but like most Americans who are not lawyers, I just tried to get at the truth, and it's apparent that either Mr. McMillan or Mr. Huie, or Mr. Ray, is lying about the allegation that James Earl Ray called his brother, Jerry Ray, the night before and says, "He's going to get it—" or that Dr. King "had had it."

And I think those judgments have to await our own evaluation.

Ms. KENNEDY. Congressman, I just want to say, I think you have conducted a masterful examination, and I feel that you are a credit to the race.

Mr. FAUNTROY. Thank you

Ms. KENNEDY. You're welcome.

Mr. RAY. Wouldn't you feel, though, that if James was going around, calling me up, saying "He's going to get the big nigger next day" and making all those statements himself, wouldn't you figure that he would have wound up in the nuthouse before the job was actually done?

Did you ever see a maniac running around loose like that, making all them kind of law statements?

Ms. KENNEDY. May I testify, Mr. Chairman?

Watch it honey; you're going to mess us up.

Chairman STOKES. The question has been posed to you [indicating the witness].

Mr. Ray, I have but one question: I want to refer you to an exhibit that has been referred to previously as MLK exhibit F-617, and which should now be incorporated in the record.

[The information follows:]

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MLK EXHIBIT F-617

letter was a joke, a [illegible] kind of a bit. Kidding off.

Mr. Eberhardt. So it is your testimony that that entire letter was a joke?

Mr. Ray. It was just a joke. I wrote about three or four of them. One of them they turned over to the FBI even. You don't have that one.

Mr. Eberhardt. Mr. Ray, I want to follow up on a couple of questions that Mr. Edgar asked you about comments that you made concerning James Earl Ray and his motive. In a Los Angeles Times interview on May 4, 1968, only one month after the assassination, you said, "If James Earl Ray did it, there had to be a lot of money in it."

In an ABC news interview on July 11, 1968, only three days after James Earl Ray's apprehension, you indicated that James Earl Ray probably was paid by a rich southern group to implicate himself in the assassination of Dr. Martin Luther King.

Do you recall making those statements?

Mr. Ray. Yes.

Mr. Eberhardt. Do you recall making the specific statement to the Los Angeles Times that if James Earl Ray did it there had to be a lot of money in it?

Mr. Ray. Yes.

Mr. Eberhardt. And that is consistent with the statement that you were willing to have made to Majorie Lowery

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Mr. Ray. If I had did it because I didn't know any more about it than the average citizen. The only difference I knew was that he don't do nothing without money.

Mr. Eberhardt. So at that point in time it is conceivable to you that James Earl Ray would have been the assassin of Dr. Martin Luther King?

Mr. Ray. He could have been involved in it in some way for the money and at the time I figure it is even possible that he knew that King was going to get killed.

Mr. Eberhardt. What made you speculate that a rich southern group had financed the assassination?

Mr. Ray. Well, on account of it happened in the South and the garbage workers' strike and this guy down in Louisiana, Capree -- whatever his name was -- and I just took it for granted a rich southerner would be behind it.

Mr. Eberhardt. Had you ever heard from any source that there was kind of a standing contract or a standing offer to kill Dr. King and that if someone were to kill Dr. King there was a certain group in the South that would be glad to pay the individual who would prove himself to be the assassin?

Mr. Ray. No, I never heard that except what I read in the papers about they had that saying going around in the Missouri prison. Whether that was true or made up, I don't know.

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Chairman STOKES. Let me read from that portion of this exhibit, which is an excerpt of your executive session testimony before this committee, and which I want to frame a question around: It appears about midway of the first page of that exhibit, where it says that "in an ABC news interview on July [sic] 11, 1968, only 3 days after James Earl Ray's apprehension, you indicated that James Earl Ray probably was paid by a rich southern group to implicate himself in the assassination of Dr. Martin Luther King."

Then it says, "Do you recall making those statements, Mr. Ray?"

Then on the second page of that same exhibit, about halfway down, again it says, Mr. Eberhart. "What made you speculate that a rich southern group had financed the assassination"? Mr. Ray: "Well, on account of it happened in the South, the garbage workers' strike and this guy down in Louisiana, Capri, whatever his name was, and I just took it for granted that a rich southerner would be behind it."

I have accurately read your testimony in executive session, have I not?

Mr. RAY. Yes.

Chairman STOKES. OK. Now, my question to you would be this: How would you just take it for granted that a rich southerner would be behind this?

Mr. RAY. I think most people in America—I think millions of people would just take for granted if it was a conspiracy, then somebody had to pay for it, because people just don't go out—and I know James as good as anyone knows him, and I know he don't do nothing for nothing; he has to get paid for doing anything he does. So it has to be one or more people that paid him. I just take for granted—that was no definite statement; that was just my belief, and I think a lot of people believe the same way.

Chairman STOKES. Then you base that belief upon something. You base it, No. 1, on the fact that you know your brother?

Mr. RAY. I know he won't do nothing for nothing.

Chairman STOKES. And you know he does nothing for nothing?

Mr. RAY. Nothing for nothing; and you figure all the trouble was in the South—Memphis, Alabama, Mississippi—so you figure the people there would pay to get him killed. I was just using, you know, just what everybody would think, or most people would think.

Chairman STOKES. Was it your belief that there were a lot of rich southerners who would pay to have him killed, or one rich southerner?

Mr. RAY. Well, at that time, when I got off the interview, I figured probably just one rich guy paid him at the time, because I didn't know anything about that.

The only thing I knew when it hit the papers—and I just figured some guy contacted him—I didn't even—I didn't know even about this Raoul guy at the time. I didn't even know about him. So I just figured probably it was one guy, one rich guy.

Chairman STOKES. Let's take it one step further: What did you believe the rich southerner's name was?

Mr. RAY. Oh, I didn't have no idea who the southerner would be. I wouldn't know if it would be that guy in New Orleans or outside

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of Louisiana, a man in the press, whatever his name was, or some guy like him. He's a millionaire.

Chairman STOKES. I have no further questions.

The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. No questions, Mr. Chairman.

Chairman STOKES. The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Can I defer to Mr. McKinney for just a moment.

Chairman STOKES. The gentleman defers to the gentleman from Connecticut, Mr. McKinney.

Mr. MCKINNEY. Thereby surprising the gentleman from Connecticut.

Mr. Ray, you have disagreed with Mr. McMillan, correct?

Mr. RAY. I filed a lawsuit against him.

Mr. MCKINNEY. Is it true to state that you have said that he has lied?

Mr. RAY. Yes; professional liar.

Mr. MCKINNEY. You have also disagreed with statements by Mr. Huie; is that not true?

Mr. RAY. Yes. I think the committee has the tape when we and Mark Lane taped Huie—don't you? Didn't he furnish the committee with a tape of Huie?

Mr. MCKINNEY. I'm sorry. Could you pull the microphone a little closer?

Mr. RAY. Didn't Mark Lane furnish you the tape of the conversation when he offered the $200,000 to get in to see James?

Mr. MCKINNEY. Right.

Mr. RAY. Yes. I don't think it was on that tape, but right around that time, Huie admitted to me, or he told me, when I confronted him with saying that I had told him that I called James up the day before or something like that, or James called me, he said he was misquoted in the newspaper. He said he never made that statement. He knew I didn't know anything about the King murder.

Mr. MCKINNEY. So the statement could be made that you disagreed with both of them or did they both lie?

Mr. RAY. Huie said he didn't lie; he said he just misquoted; but McMillan is just a liar.

Mr. MCKINNEY. So you at least disagreed with them?

Mr. RAY. Yes.

Mr. MCKINNEY. Today you, emphatically, stated that the testimony in executive session of Mr. James Rogers and a Mr. Ronald Goldenstein about a bank robbery was false; is that not correct?

Mr. Ray. That is true, and they are both ex-convicts, and Jim Rogers—I found out—was out on parole, and his parole can be revoked; so I can imagine why he lied.

Mr. MCKINNEY. Well, Mr. Ray, we have gotten quite a lecture from your counsel today on not using the status of an ex-convict as a status for basing the truth.

Ms. KENNEDY. Sir, I think you can see the difference.

Mr. MCKINNEY. Well, I'm looking for the difference.

Ms. KENNEDY. Keep looking. I think you would see it.

Mr. MCKINNEY. I'll get new glasses.

You have also disagreed with an FBI informant who stated what you had told her, is that not correct?

Mr. RAY. FBI informant—what is that?

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Mr. McKINNEY. In Canada?

Mr. RAY. Canada? I haven't been in Canada since——

Mr. McKINNEY. What you said about your brother?

Mr. RAY. I don't know what she would say, what he told her. He said, according—I think what she read off—that he stated he was going to meet a brother or see a brother, but I haven't been in Canada—I was in Canada once in my life, and I think that was in 1963.

Mr. McKINNEY. You have disagreed with New Jersey?

Mr. RAY. Yes, New Jersey. No, I didn't disagree with that. I agreed with that. I said it's probably true.

Mr. McKINNEY. You have also disagreed with a reporter, Mr. Maloney, on what he stated as your having said; is that not right?

Mr. RAY. No, not completely disagreed; but I don't remember making that statement. I know Maloney; I know he is an ex-convict out of Jefferson City; he did time with James, and I know he prints false stuff, because he said I was involved in the escape at Brushy Mountain Prison, but I'm not going to actually say I didn't say some of it; but I don't remember.

Mr. McKINNEY. You have, have you not, also admitted, both here and in executive session under oath, that you falsified bank records for Mr. McMillan?

Mr. RAY. Yes, bankbook.

Mr. McKINNEY. Yes.

Ms. KENNEDY. Mr. Congressman, could I ask you just to include in that question which bank records they were, sir, please?

Mr. McKINNEY. Certain statements showing payments, and the amount of—counsel can remind me of.

Ms. KENNEDY. And they were his sister's bank records.

Mr. McKINNEY. They were his sister's bank records; that's absolutely right—Carol Pepper's—but I think that Mr. Ray has admitted to handing them over to Mr. McMillan and realizing that they were false.

Ms. KENNEDY. Thank you.

Mr. McKINNEY. Is that not true, Mr. Ray?

Mr. RAY. Yes.

Mr. McKINNEY. You have also, have you not, stated that you—and I could be incorrect on this—and your sister sold Mr. McMillan, for $500, pictures from the Salvation Army purportedly of the Ray family which, in fact, were just simply purchased photographs?

Mr. RAY. Not all of them; they had one picture of John Ray when he first got out of the Menard Prison in 1960, and he had been in solitary for about—everybody, you know, they like their picture—because he was nothing but skin and bones. He had been in solitary for a month. So that picture was also included, along with some Salvation Army pictures.

Mr. McKINNEY. May I refer you to Martin Luther King F-615, the second paragraph, Federal Bureau of Investigation report, April 29, 1968, attested to by Joseph M. Burke and Rene J. DuMaine, where in the fifth line you said, "* * * he had lied but only in an effort to protect his brother John's investment in a bar in St. Louis." Is that substantially a correct report of the Federal Bureau of Investigation?

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Mr. RAY. It might be true, but I can't actually remember that far back, but it's possibly true because I might say something like that to keep him away from John, from harassing him.

Mr. MCKINNEY. Would you have lied to protect an investment of your brother in a bar?

Mr. RAY. Sure.

Mr. MCKINNEY. I then refer you to Martin Luther King exhibit F-606, page 2, which is, again, an FBI document from Newark, which we have already discussed, where, if you will look down in the fourth paragraph, it says, "Ray also said, 'I tell the FBI only enough to keep them off of my back.'" Is that a correct statement?

Mr. RAY. When was that statement made?

Mr. MCKINNEY. It was an FBI document.

Mr. RAY. November——

Mr. MCKINNEY. Do you have MLK F-606 in front of you? If not, I will have a copy supplied. It is on page 2, paragraph 4.

Ms. KENNEDY. Yes, I think we have it.

Mr. MCKINNEY. It is a report: "To: Director, FBI, Attention: FBI Identification Division, From: SAC, Newark, (44-854) (P)," dated June 11, 1968, where you, in the fourth paragraph, are quoted by the FBI as saying, "I tell the FBI only enough to keep them off my back." Is that fairly accurate?

Mr. RAY. That might be true. I can't remember that far back.

Mr. MCKINNEY. You can't remember that?

Mr. RAY. No.

Mr. MCKINNEY. OK. Then may I refer you to an "Interview of Jerry Ray, Twin Orchards Country Club, Long Grove, Ill.," which is Martin Luther King exhibit F-611, which is: "Attorneys Kieckhefer and White interviewed Jerry Ray in Lake Zurich, Ill., on December 20, 1976."

Mr. PEPPER. Mr. Chairman, we were not provided with that.

Mr. MCKINNEY. Mr. Chairman, I would ask that MLK exhibit F-611 be placed in the record at this time.

Chairman STOKES. Without objection, so ordered.

[The information follows:]

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MLK Exhibit F-611

RE[illegible]

Interview of Jerry Ray, Twin Orchards County Club, Long Grove, Ill. (312) 634-3800

Attorneys Kleckhefer and White interviewed Jerry Ray in Lake Zurich, Illinois on December 20, 1976.

Mr. Ray admitted that he had lied to the FBI in 1968 when he stated that he had not seen James Ray after his escape from MSP. He now states that he saw James possibly three times at the Cypress Inn in Northbrook, Illinois during the period when James was working at the Indian Trails Restaurant in Winnetka, Illinois. James Ray never related how he managed to effect his escape from MSP. Jerry was aware that his brother, John, had visited James in prison the day before the escape but was unaware of any assistance which John may have provided. Jerry claims not to have known about the escape in advance.

According to Jerry the George McMillan account of the meeting between John, Jerry and James in which money was given to James and the assassination discussed is totally false. The three brothers never met together after the escape and Jerry never gave James any money except for a very small amount while James was in prison. James was nearly broke when Jerry saw him in Northbrook at the Cypress Inn. However, it was clear that James had more money after he returned from Canada in the summer of 1967.

James never told Jerry that he was leaving the Indian Trails where he was working in order to travel to Canada. Jerry claims to the best of his knowledge never to have called James at the restaurant nor to have received James' last paycheck from the restaurant in the mail. In August when James returned to the United States they met on one occasion. James stated he was going to establish himself in Alabama. It was clear that he had more money at that time. He gave Jerry his car and said he was going to get a better one in Alabama. Jerry doesn't know why James went to Alabama.

Jerry stated that he never went to Alabama until two years after the assassination in 1970. After James went to Canada, Jerry only talked to James on one occasion until after the assassination. James called Jerry around Christmas 1967. Jerry thinks James was in Texas at the time and just wanted to engage in small talk. Jerry was never aware that James was in California until after the assassination.

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James never mentioned the names of Dr. King or George Wallace to Jerry. James told Jerry after his apprehension that there had been a conspiracy to kill Dr. King but he never spoke of his role, if any, in such a conspiracy.

James never spoke about any interest which he had in photography. Jerry is not aware of any drug dealing by James while he was in prison or after he escaped.

Jerry associated with the following people while in St. Louis: Rhonda(Duncan) Gibson, Stoney Nelson, Jim Rogers.

The sister of Jerry & James, Carol Pepper, had two or three bank accounts in St. Louis during the pertinent time period. One account was at the Bohemian Savings and Loan Association. She presently resides at 523 Franru Lane, Lemay, Missouri.

The story given to George McMillan concerning James Ray and the Nazi Party connection was untrue. Jerry also knows nothing about James Ray being a Bible student in prison.

Jerry visited James in Brushy Mount prison after the assassination. Jerry was staying in the Holiday Inn at Harrison, Tennessee when James tried to escape. Jerry knew nothing of the escape attempt in advance. Jerry talked to the warden and tried to visit James after the escape attempt but was unsuccessful.

Harry Jones is a reporter for the "Kansas City Star." There is a person whom Jones assisted in getting a parole from MSP who now works for Jones. This person supposedly has knowledge concerning Ray's escape from MSP.

Jerry has never heard of Ray Russell or Cooley's organization. There is someone named Gilbert Cameron who served time with James at MSP. Cameron is now at a prison in Ashville, North Carolina.

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Mr. McKINNEY. It is the first page, second paragraph, where it states: "Mr. Ray admitted that he had lied to the FBI in 1968 when he stated that he had not seen James Ray after his escape from Missouri State Prison."

Is that a true comment of what you told these attorneys from the Department of Justice, that you had lied to the FBI in 1968?

Mr. RAY. I can remember meeting them two guys. I don't know what you are referring to. We met at this coffee shop. I can't——

Mr. McKINNEY. Is it your testimony you can't remember meeting with attorneys?

Mr. RAY. No, no, I can remember meeting with them. I remember them. I remember where we had coffee together in a restaurant.

Chairman STOKES. The time of the gentleman has expired.

Mr. McKINNEY. Could I ask unanimous consent to continue for just 2 more minutes, and then I will be finished?

Chairman STOKES. Without objection, the gentleman is recognized for 2 additional minutes.

Mr. McKINNEY. May I refer you then to Martin Luther King exhibit F-594? This is a letter written by you, I believe, from your executive session and from your testimony today, on "J. B. Stoner for United States Senator" campaign, et cetera. Is that correct, that you wrote that?

Mr. RAY. Yes.

Mr. McKINNEY. You stated you wrote that as somewhat of a joke?

Mr. RAY. Yes.

Mr. McKINNEY. Did you type this yourself?

Mr. RAY. I typed it myself.

Mr. McKINNEY. And this is your own writing?

Mr. RAY. Yes.

Mr. McKINNEY. So it is exactly your own wording?

Mr. RAY. Yes, sir.

Mr. McKINNEY. Is it fair to state, after the first comma, the second sentence, you say, "But being you two are in mourning for them eleven Jews that got done in by the Arabs in Munich then I figured that I owed you a letter." Is that correct?

Mr. RAY. Yes, I wrote the whole letter. I admitted that before.

Mr. McKINNEY. May I then refer you to Martin Luther King exhibit F-614. This is a purported telephone conversation of Friday, August 29, 1969. Do you have a copy of this exhibit in front of you? It is F-614, August 29, where you state, that this was in essence in your own hand, that you had written this from remarks you had called from your brother; is that not correct?

Mr. RAY. Yes.

Mr. McKINNEY. And that this telephone conversation was taped. Now, did you read this comment from what you said you had written?

Mr. RAY. Well, I give this office to KMOX, I think, wasn't it? They got National Banner, but——

Mr. McKINNEY. I asked you a question. You were told that the tape was rolling and that you could start. In fact, it says, "Go ahead." And "It's all right for me to tape this, right?" "Sure." "OK." Then there is this long statement.

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Now, did you read that from a written statement? You told us that you had written this——

Mr. RAY. Yes.

Mr. MCKINNEY [continuing]. From remarks; so that this was read over the telephone by you?

Mr. RAY. No, read in front of the TV camera.

Mr. MCKINNEY. Read in front of a TV camera? From a statement that you had written yourself?

Mr. RAY. Yes.

Mr. MCKINNEY. Had you typed that statement yourself or written it in longhand?

Mr. RAY. I can't actually remember. That's been so long ago. I know they made a Xerox copy at KMOX.

Mr. MCKINNEY. But it is fair to state the words, the sequences, the sentences, the commas and all, are something that you read, that you had written; is that correct? Because we are dealing here with a transcript of a tape, and I just want to know how the original started. Were you actually reading something that you had written in your own words? You have testified, I believe, that J. B. Stoner certainly didn't write it for you?

Mr. RAY. Yes.

Mr. MCKINNEY. You said that you had written it from remarks culled from your brother?

Mr. RAY. Yes.

Mr. MCKINNEY. So you actually read something that you had written?

Mr. RAY. I'm pretty sure. I can't actually remember the thing, but the only thing I can remember—whom I done it with—Barry Seraphim of KMOX-TV—and I made a copy of the written up statement or typed up, or however it was. I can't remember now if I typed it up, wrote it up, or how it was made up.

Mr. MCKINNEY. Then for the record, I would suggest that at this point in the record, certainly not the typing, not the writing, but the grammar, the use of the English language and everything else stand in stark comparison next to each other in the record of Martin Luther King F-594 and Martin Luther King F-614.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. Ray, when you were interviewed by Mr. McMillan on these occasions which we have cited to you today, is it fair to say that you were trying to impress George McMillan that you were closer to James Earl Ray than you really were?

Mr. RAY. No, I wouldn't say that.

Mr. FITHIAN. I'm puzzled, because today you testified that he called you infrequently—I think you said once or possibly two or three times—yet I note in the McMillan notes which we have used extensively here today in discussing these things with you, that on page 13, for example, that you say he—James Earl—called Jerry about nine times, once from Mexico, Memphis, Texas, New Orleans, and so on.

Now assuming that this was not fabricated, I just wonder why you would be trying to convey to McMillan that you were that

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close to your brother during either the pre-escape period or during the fugitive period.

Mr. RAY. I don't remember making them statements to McMillan. I haven't even read his book.

Actually, I read excerpts of Time magazine that he had in there, but I haven't even read his book, and I don't remember making them statements to him; but I know definitely James didn't call me from—he called me from New Mexico, but not Mexico, and he only called me, I think, about four times, three or four times all the time he was on the run.

Mr. FITHIAN. The second area I would like to ask you about again has to do with the McMillan document, and that is whether or not you did believe, whether or not you now believe, that your brother James Earl Ray attempted to get into pornography as a money-making proposition?

Mr. RAY. I don't have no idea whether he did or not. I don't think he did. I think he said he run an ad in an underground Los Angeles newspaper, but he did it for another reason. I forget what reason he told me he did it for.

Mr. FITHIAN. Well, if we were to spend some time, Mr. Chairman—I know time is short—going through the McMillan document, in a number of cases, pages 5 and 6 and so on, there are a number of references about James Earl Ray getting into pornography, and you say at the bottom of page 5, or you are quoted as saying by George McMillan: "His big idea was to make plenty of money."

You go on through that and shift, as I read this document, toward the end by saying, "since pornography really didn't pay off"—he made some small change selling pictures in Los Angeles and so forth—but "since pornography didn't pay off" you turned then, in the latter part of the notes, to such statements as your brother saying to you it was necessary for him "to get the big nigger."

Now I could go to several references in the document again, if you want, but I am just trying to get at what you believe to be the truth, and you are telling me now that to your knowledge your brother never got involved in pornography, or didn't even try, that the trip to Mexico wasn't related to that?

Mr. RAY. No, I don't think he even tried that, tried to get into pornography, because he took off for Canada right after he worked at this Klingman Restaurant for 2 or 3 months, whatever it was.

Mr. FITHIAN. And the camera that was purchased and was a part of the material found at the arrest, that was not intended to set up——

Mr. RAY. Not that I know of.

Mr. PEPPER. Mr. Chairman, a point of clarification: Is the Congressman stating that there was camera equipment found at the time of the arrest of James Earl Ray?

Mr. FITHIAN. No, I wasn't saying that. I was just trying to get from the witness whether or not all this information that he told George McMillan repeatedly——

Mr. RAY. Supposedly told George McMillan.

Mr. FITHIAN. What?

Mr. RAY. Supposedly told George McMillan.

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Mr. FITHIAN. That you were quoted as having told George McMillan.

Let me go to one other thing: You said something earlier this morning that was rather intriguing. You said he—meaning your brother—was used in a conspiracy unknowingly. I believe I quote you pretty accurately; is that correct?

Mr. RAY. Yes.

Mr. FITHIAN. Is that your testimony? Would you amplify for me now on what you meant by that?

Mr. RAY. I'm going by all the facts in what he has told me, and his attorney, Mark Lane, about when he went to Memphis. He didn't even know King was going to be in Memphis and he was up to this rooming house, and he did a few errands for this guy they call Raoul and he went out to get his car fixed, and that's when King got killed; and he took off.

So that's what I was referring—means—was unwillingly was involved in it, and the committee—I just visited James a couple weeks ago and he said the committee brought this service station guy up here to testify. He said it was several blocks from the station that he was at, and then he also—like I said earlier—followed the thing against the archives.

Then we found out instead of being in Atlanta on April 1, he was in a motel in Corinth, Miss. They stole all this stuff and the FBI done seized all the files out of that motel now, since I've been down there. So that's why I am saying he was unknowingly involved in a conspiracy to murder Dr. King.

Chairman STOKES. The time of the gentleman has expired.

Mr. FITHIAN. I ask unanimous consent to proceed for 2 additional minutes, Mr. Chairman.

Chairman STOKES. Without objection, the gentleman is recognized for 2 additional minutes.

Mr. FITHIAN. I just wanted to follow up a bit on that last comment.

You said that subsequent to James Earl being before this committee, you went down and did this investigative work, and that you found that the FBI had taken the records?

Mr. RAY. Let me explain the whole thing better, because if I just make half a statement, then, you know, you get confused on it.

When he was up here, I think he said——

Mr. FITHIAN. As you are doing this, there are two points I wanted you to clarify, and perhaps you could just put them in the same testimony.

First of all, the name and the title of the person that told you that the FBI took the records—that's one specific point I would like.

Second, according to your understanding, when the FBI actually took the records.

Mr. RAY. Yes.

Mr. FITHIAN. OK, proceed.

Mr. RAY. Anyway, he drawed the map. I was going to show you the map when I went down there, and where he was at on April 1, and so before he had me go down he was having John Auble go down because he's a TV guy in St. Louis, and he broke the spy story on that. So Auble couldn't get away. So then I went over and

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James was coming back up here to testify at that time, so he wanted this information for when he came back up here.

So he drew a map where he was at, and I got the map here someplace on me. And so I went directly to the place he was at, a motel in Corinth, Miss. So I go up there and take a couple of pictures of the motel, and the manager run out and he wanted to fight; and I said—he told me, "Get off my property or I'll call the police. What you doing here, anyway?" And I told him. I said, "I just wanted to verify that Eric Starvo Galt was here on April 1." He said, "The FBI just been here and they know it all, so get away from here."

I went on back and took some pictures, showed the pictures to James, and he said that was the motel he was at.

Mr. FITHIAN. Now, the name of the motel was?

Mr. RAY. Southern Motel.

Mr. FITHIAN. Southern Motel?

Mr. RAY. In Corinth, Miss.

Mr. FITHIAN. In Corinth, Miss.?

Mr. RAY. And——

Mr. FITHIAN. And the man who tried to run you off the property was supposedly the manager?

Mr. RAY. Yes; and he said he was there in 1968; he was there at that time, but he wouldn't say that James was there; and so he just ordered me off his property.

So then I had James Polk of NBC News to go down and then I had Anna Ray, the girl James married to, to call up over there and it turned out what happened was when Auble got this map he called the sheriff of Corinth, Miss., and said, "Do they have a motel down there that fit that description?" because he didn't have the name of it. So the sheriff said, yes. So then the sheriff went out there and looked at the records, the 1968 records, and he called in the FBI and the FBI came in and seized all the records.

So I didn't see James' or Eric Galt's name on there, but James said that was the motel he was at; and why would the sheriff call in the FBI and the FBI seize all the records? Because they knew at the time he was coming back up here. Then if he showed where that was a forged document in Atlanta on April 1, then—plus Mark Lane was ready to take on Alexander Eist and prove him a liar.

So I think that would have messed the committee up.

Chairman STOKES. The time of the gentleman has again expired.

Mr. FITHIAN. One additional minute, Mr. Chairman.

Chairman STOKES. Without objection, the gentleman is recognized.

Mr. FITHIAN. Is it your testimony today that Raoul does exist, did exist throughout that period of time?

Mr. RAY. Repeat that again.

Mr. FITHIAN. Do you believe that a man named, or a person named Raoul did, in fact, exist and that your brother had associations with him through this period of time?

Mr. RAY. I have no reason not to believe it.

Mr. FITHIAN. Now, were you intentionally misleading Mr. McMillan, or was McMillan misquoting you when he said in his notes on pages 9 and 10 at the bottom of page 9—Mr. Chairman—"The

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whole thing about Raoul and running drugs from Canada was bullshit." Is that totally out of context?

Mr. RAY. I can't remember no statement like that, because I've insisted since 1968 it was conspiracy. That was my belief, and then the more time, the more I find out, the stronger it gets; so it wouldn't make sense for me to tell one guy one thing and tell the rest of the country a different thing.

Mr. FITHIAN. Thank you. And I thank the indulgence of the Chair.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Pennsylvania, Mr. Edgar.

Mr. EDGAR. Thank you, Mr. Chairman.

Mr. Ray, I wonder if you would describe your early childhood with your brothers, John, and James, and your sister, Carol? What was homelife like as a child prior to age 10?

Mr. PEPPER. Mr. Chairman—Congressman, please clarify and make explicit the reason for this line of interrogation.

Mr. EDGAR. There are several reasons for this line of interrogation. If we, as a congressional committee, are to understand the motives and lifestyle of James Earl Ray, who is a prominent part of our investigation, it is helpful for us to understand and know from a relative of that individual what kind of conditions existed throughout his life that may have, or may not have, contributed to some of the allegations that have been made in this case.

Mr. PEPPER. Mr. Chairman, counsel is not going to object to the question if the Congressman is looking for this kind of information to develop a better understanding of the family relationship of James Earl Ray in that social context; but counsel would simply ask the Chair whether or not this information has already been, or not been, provided in executive session. And the reason that counsel is asking that question is because of the wide and great amount of publicity that this particular witness has received over the course of—my goodness—the last several years, serving no other purpose except the fact that he has been the brother of James Earl Ray, and counsel is reluctant to see this kind of information continue to be aired publicly.

Chairman STOKES. Mr. Edgar, can you reply to that?

Mr. PEPPER. I simply want to know if you have this information already in your——

Mr. EDGAR. Mr. Chairman, I am seeking original information for myself as a member of this committee. I am seeking information on the lifestyle of James Earl Ray and how that lifestyle may have, in fact, contributed to some of his attitudes during and continuing from 1966 through the present; and I think it is very relevant to this investigation.

I have been a little bit alarmed at the counsel for the witness acting as though our procedures today were in any attempt trying to put your client on the hot seat. I think your client is here in public session to provide to the American people some understanding and some factual information about a very important case, and I think that information about family background that your client can provide can be very helpful to us.

Chairman STOKES. The Chair would also note that this appears to be in line with conversations he has had with ABC, with Huie,

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McMillan. It would seem to me that this is already in the public domain.

Mr. PEPPER. We don't know where the gentleman is going, so we can't properly say that; but if the gentleman is stating that, in fact, he is looking for information that has not been elicited in executive session, then we will not object to the line of questioning.

Chairman STOKES. All right.

Mr. EDGAR. I repeat the question: Can you describe your childhood, early childhood, with Carol and John and James?

Mr. RAY. We grew up mostly on a farm in Missouri, Ewing, Mo., and I was awful small when James moved off. He moved to Alton, Ill., to go to work. He stayed with my grandmother and sometimes with my uncle there; so I wasn't around him much.

Then he went to the Army, and when he got out of the Army he went to California and different places; so I didn't have much contact with him until—the most contact I had with him was after King got killed—but before that nobody in the family knew him hardly, because he always went off on his own.

He got to be 16 years old, and he went in the Army. He got out of the Army and then he went on his own; but the rest of the family grew up together—John, me, Carol, and Frank, and the rest of them, so it was back during the Depression time when jobs was hard to get at first. Then Dad worked on a railroad. Then we moved to Quincy, and most of my life in Quincy, Ill. So I wouldn't know just too much how to describe it.

I couldn't describe James being in there because he never was around us, and like I testified earlier, I seen him in 1951, and I visited him two or three times in prison. He visited me one time when I was in Menard, and that's the only time I seen him until he escaped.

Mr. EDGAR. Is your father alive, or dead?

Mr. RAY. Alive.

Mr. EDGAR. You had indicated in the past on a number of occasions that he was not alive?

Mr. RAY. Yes. The reason for it, see, James didn't want him harassed, so when James went into jail at Jefferson City—you put down your mother and dad's address—he put down "Father deceased" because he didn't want him bothered. He didn't want the police or nobody bothering him.

Mr. EDGAR. Were you close to Carol?

Mr. RAY. Oh, I guess about like any brother and sister would be, not extra close because I'm in Chicago and she's in St. Louis.

Mr. EDGAR. But you would call Carol quite often?

Mr. RAY. No, no; not too often, maybe now—now we do quite a bit on account of this stuff going on, but before maybe once every 2, 3 months.

Mr. EDGAR. Were you close to John?

Mr. RAY. No, not necessarily.

Mr. EDGAR. In your early childhood and being raised on the farm, were there any indications that James Earl Ray had strong feelings about Black people?

Mr. RAY. I couldn't actually answer that, because I never was around him, and beings like when I was very young, when I was

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about 8 years old or something like that, he moved off, and I can't——

Mr. EDGAR. So there is nothing in your background that you can remember or recall in your early childhood that would indicate to the committee that there were strong racial attitudes one way or the other with James Earl Ray?

What were the racial attitudes within your family as you grew up?

Mr. RAY. Well, it wasn't much ever said, because we lived in a place, in Ewing, Mo., and there wasn't no Blacks that lived in Ewing, Mo.; and when we finally moved to Quincy, Ill., the population then was 42,000 and they had 40,000 whites and 2,000 Blacks; so there was never no contact with minority. We went to school. The school was segregated, not from the law but just there was no Blacks living in that area. They went to a different school out in their area where they lived at; so there just was never no contacts.

Mr. EDGAR. Did you have personally any strong negative feelings about the Black community in the late sixties?

Mr. RAY. No.

Mr. EDGAR. I wonder if you could refer to MLK exhibit F–594, which is the letter that was written on J. B. Stoner's campaign stationery by you to——

Mr. RAY. I think this is the most read letter in the history of the United States. I've had this letter put on me on the Donahue Show and every place I go.

Mr. EDGAR. Earlier you testified that this was a joke?

Mr. RAY. Yes.

Mr. EDGAR. You were putting on these two particular persons. Can you indicate for me what in that letter is funny?

Mr. RAY. Well, you never did hear Micky and Teddy. If you hear Micky and Teddy, you'd probably wrote it yourself.

Mr. EDGAR. I can't understand what you're saying.

Mr. RAY. I say, you never did hear Micky and Teddy. That's two reporters for Ring Radio, and if you had, you'd probably cosign this letter and send it in with me.

Mr. EDGAR. I'm still not clear as to your statement.

Mr. RAY. I said, the people this letter was addressed to was two Jewish girls on Ring Radio. Micky is one's name; Teddy is the other name, and I said if you ever heard them on the show, the radio—it's all talk show—you would probably cosign the letter and send it in with me.

Mr. EDGAR. I think the record should show that I would not cosign the letter, and I don't find anything funny in the letter itself, and I think there are some attitudes expressed there that are difficult for me as one member of the committee to find as humorous or funny in any respect, and just because two radio personalities may have, in fact, said some things, it's very difficult for me to see the joke in this kind of statement.

Chairman STOKES. The time of the gentleman has expired.

Mr. EDGAR. Mr. Chairman, I ask for 2 additional minutes.

Chairman STOKES. Without objection, the gentleman is recognized for two additional minutes.

Mr. EDGAR. Going back to relationships with your family, could you describe John for us?

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Mr. RAY. Well, how would you want me to describe—I don't know what you mean by "describe him."

Mr. EDGAR. Let me ask you some specific questions about John: Is John on the lazy side?

Mr. RAY. I would say yes.

Mr. EDGAR. Does John have a slight speech impediment?

Mr. RAY. I'd say yes.

Mr. EDGAR. Was John as a member of the family the leader of the family, or was he just one of the members of the family?

Mr. RAY. I would say myself, he's got—you know—he is kind of a leader type, but I wouldn't say he was a leader, because we all did our own thing and we all did what we wanted to do.

Mr. EDGAR. Describe Carol. Was she a nervous-type person? Is she a nervous——

Mr. RAY. Yes, she's highly nervous.

Mr. EDGAR. Not interested in talking with the media or the press?

Mr. RAY. No, she's never given out interviews. If she was up here, you know, she—I wasn't in here.

Mr. EDGAR. Isn't it true, of the three brothers and sisters of James Earl Ray, that you were the one who took the position of communicating with the press, communicating with others, going out and seeking lawyers for your brother, and, in fact, upon his arrest in London, didn't you take the responsibility for helping him, at his request?

Mr. RAY. Yes, for several reasons you just named off about John was on the lazy side, and Carol was publicity shy. You know, she stayed away from the news media, so being as I am not lazy, that if James would ask John to do something he would postpone it maybe or not go to there all the time so he knowed that he would.

Mr. EDGAR. So James Earl Ray considers you the point person in the family, the leader?

Mr. RAY. Not a leader, because I am not a leader type, but he considers me a—John has got a speech defect and plus like I say on the lazy side and Carol is publicity shy, and although I don't have the best English, but I am not what you call lazy. You can check my work records on that and plus I'm not, you know, press shy. I'm not shy with the press.

Mr. EDGAR. I have one final question. It is just two parts. You had indicated in testifying that you have little contact with James Earl Ray for long periods of time.

Mr. RAY. Yes.

Mr. EDGAR. Perhaps visiting him several times in prison. You had indicated in testimony that a few weeks after the escape from Missouri State Penitentiary you received a call from James Earl Ray, and at that point agreed to meet with him at some period of time in May, June, or July of 1967, and you in fact knew of the whereabouts or at least the fact that James Earl Ray had escaped from the penitentiary in 1967, and was at large.

You had testified that from about that point on you had several contacts with James Earl Ray, either by telephone or in person, and that in fact after his capture in June of 1968, you immediately left your position and began to work on his behalf. Is all of that testimony accurate?

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Mr. RAY. It's all accurate.

Mr. EDGAR. During that period of 1967 when you knew James Earl Ray had escaped from the penitentiary, did you at any time communicate with Carol or John that your brother, James Earl Ray, had escaped?

Mr. RAY. I went to St. Louis sometime in 1967 after the Grapevine opened up, and I visited John at the Grapevine and had some drinks in there, but I can't recall ever meeting Carol after—in between that time. It's possible, but I'm pretty sure I didn't, and so I can only remember that one contact, and it was on my day off and I think I drove to St. Louis I think, and had a few drinks in the Grapevine, talked to John and drove back and went to work.

Mr. EDGAR. You did not spend Christmas of 1967 at Carol's house?

Mr. RAY. I—let's see, Christmas. I believe I worked then. I believe I worked on Christmas and——

Mr. EDGAR. Did Carol or John know that James Earl Ray had escaped from Missouri State Penitentiary?

Mr. RAY. Let's see. I imagine he did, but I can't speak for them. I imagine when I went and seen John in 1967 at the bar I imagine we talked about it and I don't think I seen Carol all during that time, and so I can't speak for them. You have to ask John when he comes in tomorrow.

Mr. EDGAR. No further questions.

Chairman STOKES. The time of the gentleman has again expired.

The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. As I understand your statements, you have a belief, or I presume you still do, that James Earl Ray received or was committed some substantial payoff by rich southerners, as you put it, for whatever his involvement in this matter was; is that right?

Mr. RAY. That was my first belief. I don't believe it no more. That was the belief I had when it first happened, and I think maybe probably most of the rest of Americans believe the same thing, but after I started learning the facts and learned more, then that wasn't my belief then.

Mr. SAWYER. Do you still believe there was a conspiracy?

Mr. RAY. In my own mind I know there was. I don't believe it. I know there was, and I think the only way we will ever find out the facts is if James wins this suit he filed to get all these secret FBI files out of the archives. I think that will clear him.

Mr. SAWYER. Why then—you feel he was involved in the conspiracy, however?

Mr. RAY. Unknowingly involved, unknowingly involved.

Mr. SAWYER. Why then or how then do you explain the fact that he has made no effort at all, being under a 99-year sentence, which under the laws of Tennessee as I understand them results in a minimum 30-year time before even eligibility for parole occurs, why then, how do you reconcile that with the fact that he has made no effort or even made any effort to accept any overtures that he might do some bargaining with revealing the rest of the conspiracy?

Mr. RAY. He don't want that. He don't want no parole. The only thing he wants is a trial where the evidence can come out and get aquittal, because he wouldn't agree if they commute his sentence

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right now to time served if he has still got the murder rap hanging on his head because he wants to clear that off the books and he wants a jury trial where he can present his side of the case, and to show that he didn't kill King, because if he gets a trial he thinks all these secret FBI files come out then that will clear him.

Mr. SAWYER. But you say you know that he was involved in the conspiracy?

Mr. RAY. Unknowingly involved in it.

Mr. SAWYER. And I presume that you know or at least received advice from counsel that if he was involved actively in the conspiracy——

Mr. RAY. He would be guilty——

Mr. SAWYER. He is guilty of first-degree murder whether or not——

Mr. PEPPER. Mr. Chairman, maybe it is more a point of clarification than an objection to the gentleman's line of questioning, several times the witness has stated that in his belief his brother was unknowingly involved in the conspiracy, and that would lend, I think, credence and solidity to a position that he doesn't necessarily know anyone else who is involved in it. The mere fact that there was a conspiracy does not mean that he knows the other participants.

Mr. SAWYER. The fact that he was a member of the conspiracy would perforce, I am sure you are a good enough lawyer to know that he must have been knowingly a member of the conspiracy to be a part of one.

Ms. KENNEDY. That is the precise opposite of what the witness is saying, though. The committee is supplying something that this witness has repeatedly failed to say. He has specifically indicated that if his brother was involved he was not knowingly involved. He was told to go to Memphis. He did not know that King was there. The testimony as——

Mr. SAWYER. Counsel, I am really not asking questions of you.

Ms. KENNEDY. Well, sir, this is his testimony.

Mr. SAWYER. As I understood the witness, and I think I understood him totally clearly, he said that he knew his brother was involved in a conspiracy.

Mr. RAY. I said he was unknowingly, unknowingly involved.

Mr. SAWYER. Thank you. I have nothing further, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

Mr. Ray, let me ask you this. You were present in August when your brother testified before this committee, were you not?

Mr. RAY. I was what?

Chairman STOKES. Present in the hearing room when your brother testified.

Mr. RAY. No, no. I was in St. Louis. When James Earl——

Chairman STOKES. When James Earl Ray testified in August.

Mr. RAY. Yes, I was in St. Louis.

Chairman STOKES. You were not in the courtroom?

Mr. RAY. Oh, no. I was in St. Louis.

Chairman STOKES. In the hearing room.

Mr. RAY. No, no, St. Louis. That is when I was accused of robbing this bank at Alton and Mark Lane called me up that night and suggested I turn myself in, so I drove to Alton the next day and

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that was the second day James testified, and turned myself in to the police and waived the statute of limitations and they said I never was a suspect.

Chairman STOKES. Do you know that at the beginning of that hearing with reference to your brother wanting an opportunity to present his case, that this committee gave him an hour and a half, which he occupied?

Mr. RAY. Yes.

Chairman STOKES. Every moment of. You are aware of that, are you not?

Mr. RAY. Yes, I watched most of it on TV.

Chairman STOKES. You watched it. Were you watching it also when I was examining your brother about his whereabouts during that period of time?

Mr. RAY. I probably was. I can't remember all of it.

Chairman STOKES. Do you remember my questioning him about his whereabouts on April 1, and he said something to the effect that "If you can put me in Atlanta on that date, I'll admit the King thing here on national television"?

Mr. RAY. Yes.

Chairman STOKES. Do you remember that?

Mr. RAY. Yes, sir.

Chairman STOKES. A few minutes later do you remember we had presented a document or an exhibit to him that was a laundry receipt that did place him in Atlanta on April 1? Do you remember that?

Mr. RAY. Yes.

Chairman STOKES. So now after that hearing, it was important for him to establish that he was not in Atlanta on April 1.

Mr. RAY. Yes.

Chairman STOKES. Was it not?

Mr. RAY. That's right.

Chairman STOKES. And pursuant to that, you and he talked. He drew a map with you, for you, where he was on April 1.

Mr. RAY. Yes.

Chairman STOKES. And following that map, you then went to Corinth——

Mr. RAY. Mississippi.

Chairman STOKES [continuing]. Mississippi, to the Southern Motel.

Mr. RAY. Motel.

Chairman STOKES. Your purpose for going there was to get evidence that would exonerate your brother, was it not?

Mr. RAY. Yes.

Chairman STOKES. So when you got there, you took photographs of this hotel.

Mr. RAY. Yes.

Chairman STOKES. Did you not?

Mr. RAY. Yes.

Chairman STOKES. Which you took back to your brother and he said, "That's where I was on April 1."

Mr. RAY. Yes.

Chairman STOKES. And while you were there you talked with the manager of the hotel.

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Mr. RAY. Yes.

Chairman STOKES. Did you not?

Mr. RAY. Yes.

Chairman STOKES. And the manager of the hotel said to you that he was there, meaning the manager, in 1968.

Mr. RAY. Yes.

Chairman STOKES. Is that correct?

Mr. RAY. Yes.

Chairman STOKES. Did you get the name of the manager?

Mr. RAY. No. He is still there. I haven't—I didn't get the name of him. He run me off. He threatened to call the police on me.

Chairman STOKES. I am sorry?

Mr. RAY. He threatened to call the police on me, run me off, and he wouldn't give me his name.

Chairman STOKES. Would not give you his name?

Mr. RAY. No.

Chairman STOKES. Did you ask him if your brother, James Earl Ray, was there on April 1, 1968?

Mr. RAY. No, I didn't ask him about James. I asked him if Eric Starvo Galt was there.

Chairman STOKES. You asked him what?

Mr. RAY. If Eric Starvo Galt was there.

Chairman STOKES. You did ask him that?

Mr. RAY. Yes. Asked him if Eric Starvo Galt was there. Then his answer was the FBI's just been here. They got all—no, he didn't say they had all the records. He said the FBI has just been here and get off my property or I'm going to call the police on you. And I said could I look at the record and he said no, you can't look at the record. And so he said if you take any more pictures I'm going to call the police. I have three pictures taken of the motel. He grabbed the three pictures so I took some more pictures from a distance, and so I took them back to the prison and showed them to James, and when I showed them to him he said he is almost positive that is the motel. It's the same way he drew it on the map. I've got the map someplace around here where he drew it for me. So then Auble sent James Pope down, and then Anna Ray, she called up over there, and this same manager was there talked to her that had run me off. He told her that the FBI had seized all the records, first to back up the sheriff, Auble called the sheriff up and the sheriff of Corinth, Miss. went out and looked at the record and after he looked at the records he called the FBI up of Tupelo, Miss. and the FBI from Tupelo, Miss. seized all the records.

Chairman STOKES. When was this? Can you tell us when the sheriff from Corinth, Miss. was out there, and when he made this call to the FBI and they then seized the records?

Mr. RAY. To be perfectly honest I couldn't actually name no date. The only thing I know, I think was right after James come back from the live hearings he is wanting to establish that he wasn't in Atlanta on April 1, so he drew a map first and sent it to John Auble to KSD-TV in St. Louis. He was going to check it out but he couldn't get away and the committee was calling James back and he wanted to have this information before he came back, so then he drew a map and had me go for it, so while I was visiting Mark Lane in Memphis the committee canceled him coming back up but

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he still needs the information for, you know, when he files a motion for trial.

Chairman STOKES. Tell us what date you were in Corinth, Miss., at the Southern Motel.

Mr. RAY. Let's see. It was, it is about 5 days, it's about 6 days before he was scheduled to come back up. When do you have him scheduled to come back up here? Can you look down on your record? It was about 6 days before he was scheduled to make his appearance in front of the committee.

Chairman STOKES. Can you tell us what month this was?

Mr. RAY. He was scheduled to come up this month. It was early in December.

Chairman STOKES. In November? You are talking about November?

Mr. RAY. I mean November, the early part of November.

Chairman STOKES. So then you would have been there at the Southern Motel talking to this manager the early part of November?

Mr. RAY. Yes.

Chairman STOKES. Tell us how long you stayed in Corinth.

Mr. RAY. Oh, 2½, 3 hours.

Chairman STOKES. 2½, 3 hours. You didn't spend the night there?

Mr. RAY. I spent the night, I drove on over after I got all the information I got, I drove over to Harriman, Tenn., and stayed over and visited James the next day.

Chairman STOKES. When did you go back to the penitentiary and see James Earl Ray again?

Mr. RAY. I went back, I was in Corinth, Miss., one day, and the next day James took him the pictures and I have one of the cameras that you can make the picture in 10 seconds or a minute. It was a Kodak.

Chairman STOKES. Thank you. Anything further?

The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. Thank you.

Mr. Ray, you in response to a question from Mr. Sawyer stated in unequivocal terms that you know that there was a conspiracy, and corrected him a couple of times in that regard. You know you are here to share knowledge with us, and I would want you to tell us whether you meant to say, "I believe strongly there was."

Mr. RAY. I used the wrong word. I should have said "I believe very strongly."

Mr. FAUNTROY. Yes.

Mr. RAY. Because if I definitely knew that, I would have to know the conspiracy.

Mr. FAUNTROY. Yes, you would share that with us, would you not?

Mr. RAY. That was just a mistake in words.

Mr. FAUNTROY. Thank you. Now——

Mr. PEPPER. Mr. Chairman, I think the record will show at various points the witness has said very specifically: "I believe in my own mind." Those were his precise words.

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Mr. FAUNTROY. Yes. I was only referencing to what I heard him say, and you heard him say it, too, and he has corrected that now, and I am satisfied with that.

With respect to a number of specific statements by Mr. McMillan reporting conversations he had with you, I would like to have some specific answers now. On June 27, 1972, Mr. McMillan states that you stated, "I knew all about the escape but didn't know when they would arrive. Jack met him because he was in St. Louis, and I was in Chicago. I was halfway expecting a phone call. I got it. I couldn't leave right then. The next day I went and met at the Atlantic Hotel. They had already checked in."

That is part of F-599, page 5. Is that true?

Mr. RAY. You mean did we all meet down at the Atlantic Hotel?

Mr. FAUNTROY. Is it—yes.

Mr. RAY. No; definitely not.

Mr. FAUNTROY. And it is not true that you knew all about the escape?

Mr. RAY. No.

Mr. FAUNTROY. OK, even though he reported that?

Mr. RAY. Yes.

Mr. FAUNTROY. So he again was misrepresenting the truth?

Mr. RAY. Yes.

Mr. PEPPER. Mr. Chairman, just a point of information, if you please, because Mr. George McMillan's statements and reports have been used again and again here with respect to this witness' credibility and the committee's valid attempt, I think, to establish the truth here. As a point of information, would you inform counsel and the witness whether Mr. McMillan has made any of these statements under oath, and if he has not, why has he not been, or is it the committee's intention to have Mr. McMillan testify under oath?

Chairman STOKES. The chairman can answer that.

Mr. FAUNTROY. To my knowledge these statements have not been made under oath, and as you know, our mandate is to seek the truth from all persons who have alleged that they have knowledge.

Mr. PEPPER. Mr. Chairman, as an eminently fair man, would you not say that at some point in time the fair thing to do would be to put Mr. McMillan under oath, since such credibility is being given to his statements?

Mr. FAUNTROY. I think that is a fair statement. So returning to Mr. McMillan's allegations with respect to what Mr. Jerry Ray told him that he knew, let me turn to page 6 of F-599 and ask Mr. McMillan whether statements in the middle of the page that "Porno was the main topic that night, less chance of getting caught if he did it right. Also he thought that there would be more money in it. He graduated he thought from this robbery-burglary, didn't want to go back to that. He was running dope, too, no matter what the FBI says."

Mr. RAY. It definitely wasn't true. I can't remember all my conversation with Georgie McMillan, but it definitely is not true. We didn't have no meetings in Chicago meeting John or James. We never the three of us together at one time, so I can't—yeah, I can't remember what McMillan talked about because he is around me.

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He hung on me for years and years until he finally got his book published, but——

Mr. FAUNTROY. But you can testify——

Mr. RAY. Definitely we didn't meet, us three meet up there and talk about pornography or dope or anything because we all three of us was never together.

Mr. FAUNTROY. And with respect to going to Birmingham, on page 8, did you or did you not say, "I wish I had gone with him. He could have done porno if he could have just one thing on his mind. If I had gone with him, if money had really started rolling in, it's possible he could have forgotten or forgot about the big boy. I don't know if I had gone with him to Mexico he might not have done anything but he couldn't keep his mind just on porno."

Did you make that statement to Mr. McMillan?

Mr. RAY. I don't remember no such statement like that.

Mr. FAUNTROY. All right. Did you make the statement on page 9 dealing with the report of his conversation with you on Tuesday, June 27, that the whole thing about Raoul and running drugs from Canada was "bullshit"?

Mr. RAY. I don't remember making no statement like that.

Mr. FAUNTROY. Did you state, on page 10, that Raoul was to throw Huie off, for some reason he didn't want Huie to know about porno, he would laugh in his cell about how he was throwing Huie off?

Mr. RAY. No. The only thing I can recall ever telling McMillan, I did tell McMillan that he, James, was throwing Huie off, and he was doing it because Huie was releasing all this stuff. It was supposed to have been between him and Arthur Hanes. Hanes would tell Huie would release it. The only thing I can ever remember telling to throw Huie off that James told that a guy run out of a flophouse and put a sheet over his head and got in a car or something like that. That was because Huie was hooked up on the Ku Klux Klan and he blamed the Klan for everything, so that was just, you know, the white sheet over his head and that. He more or less did it as a joke and Hanes knew it, too.

Mr. FAUNTROY. But you testified that you did not tell Mr. McMillan that Raoul was what this record says you say he was.

Mr. RAY. I don't remember ever saying anything like that.

Mr. FAUNTROY. All right. On page 11, still on the interview of the 27th of June in 1972, did you or did you not say, "See, it wasn't necessarily that he would have to leave the country after killing King. He didn't see how much heat there would have been. His main idea was not going to Canada but to Mexico. He had it on his mind that he might have to leave the country, and Canada was the best way to go, but if it hadn't had all that heat on him, he would probably be living in Mexico today."

Mr. RAY. I don't remember saying anything like that.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. Ray, I would just like to clear up one more point before I terminate my questioning. I believe you said today, in response to a question, that you had been in the Grapevine Tavern only once.

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Mr. RAY. Only once that I can remember. I am pretty sure it was only once. This is before I quit my job at Sportsman's Country Club and moved to St. Louis in 1968 after the killing of King. I think I had only been in it once before the——

Mr. FITHIAN. And were you in there several times after you moved to St. Louis?

Mr. RAY. Well, I wasn't in there. I tended bar there for a while.

Mr. FITHIAN. I am sorry.

Mr. RAY. I tended bar. I tended bar there for a while. I was in there regular.

Mr. FITHIAN. And what period of time would that have been?

Mr. RAY. Oh, let's say about June until September of 1968.

Mr. FITHIAN. Let me then ask whether either in conjunction with the Grapevine Tavern and your various visits there or through any other means do you know, did you know, any of these individuals? Did you know James Sutherland?

Mr. RAY. I don't—I can't recall. I'm pretty sure I didn't know him. I don't like to give no definite statement, but I didn't know him by name. He might have came in, I seen his face or something, but I don't remember meeting him.

Mr. FITHIAN. Did you know John Kaufmann?

Mr. RAY. No.

Mr. FITHIAN. Did you know Beulah Kaufmann?

Mr. RAY. No.

Mr. FITHIAN. Did you know Dr. Maxey?

Mr. RAY. No.

Mr. FITHIAN. The doctor that attended the Missouri State Prison.

Mr. RAY. No.

Mr. FITHIAN. Did you know a man by the name of Paul Spica?

Mr. RAY. No.

Mr. FITHIAN. Thank you, Mr. Chairman. I have no further questions.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Pennsylvania, Mr. Edgar.

Mr. EDGAR. Yes. Thank you, Mr. Chairman.

Mr. Ray, I would like to clarify just some comments that you made to the chairman just a few moments ago. Can you give the committee the names of anyone who went with you to the motel in Corinth, Miss.?

Mr. RAY. I went by myself.

Mr. EDGAR. You went what?

Mr. RAY. Me and Mark Lane was talking it over and I left Mark Lane's house and he suggested that I go over and check it out myself.

Mr. EDGAR. So there was no one else with you at the time that you arrived to take the pictures of the motel in Corinth, Miss.?

Mr. RAY. No, sir.

Mr. EDGAR. There were no reporters present?

Mr. RAY. No, sir. It wasn't no publicity hunt. We was just trying to find out the truth.

Mr. EDGAR. You talked about a sheriff in Mississippi. Was he a regular sheriff, a deputy sheriff?

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Mr. RAY. I didn't have no contact with the sheriff. John Auble of the St. Louis TV called the sheriff up and I just imagine he said the sheriff. He didn't say deputy sheriff or anything.

Mr. EDGAR. So you didn't talk to a sheriff?

Mr. RAY. I didn't talk to him personally, no.

Mr. EDGAR. So you do not have any firsthand knowledge that——

Mr. RAY. Oh, I know definitely John Auble called and told me when he got that map that he called the sheriff up. Then Anna Ray called up, the girl that James got married to, and she called over there and plus this motel operator told me that the FBI seized the records, so I know most of it by, you know, firsthand.

Mr. EDGAR. But you only went to that motel to take the pictures?

Mr. RAY. Yes, just that one time.

Mr. EDGAR. And the next day you visited——

Mr. RAY. James.

Mr. EDGAR [continuing]. James.

Mr. RAY. With the——

Mr. FITHIAN. Would the gentleman suspend?

Mr. EDGAR. I yield to the gentleman.

Mr. FITHIAN. I did not get the last name of the television personality who went down. John?

Mr. RAY. John Auble. He works for KSD-TV in St. Louis.

Mr. FITHIAN. Thank you.

Mr. EDGAR. Mr. Ray, do you personally know what records the FBI seized?

Mr. RAY. It seized the registration, you know, where you sign in, seized back the records on that time where James was—you know, Eric Galt was signed in. That is according to what the hotel manager told Anna Ray when she called down there about it. Then that's what he told me when I seen him in person, so he has told both of us that.

Mr. EDGAR. Wait a minute, I am confused. Are you indicating that the phone calls that were made by the reporter and by Mrs. Ray were made before your visit?

Mr. RAY. No. John Auble was supposed to go down there. He is the reporter from St. Louis, and when he couldn't go he couldn't get away from St. Louis on account of the ratings thing and so James needed the information before he came back up here so then he drew a map, the same map he drew, you know, another copy of the map and give it to me and asked me to check it out. He had a highway and everything, the overpass.

Mr. EDGAR. Mr. Ray, you have just testified that when you arrived at the motel, you were told by the manager of the motel that the records had been seized.

Ms. KENNEDY. No.

Mr. RAY. What I said, when Auble was going down, Auble called the sheriff up and asked the sheriff, he described the map to the sheriff and asked him if any motel fit that description, and the sheriff said yes, so what the sheriff did then, he went out to the motel, then he looked at the records. Then he called the FBI in Tupelo, Miss., and they came in and seized the records. They looked at them and seized them.

Mr. EDGAR. Is this before or after a map was made?

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Mr. RAY. That was after a map was made. That was just after James drew a map and sent it to John Auble of St. Louis and Auble looked at the map and called the sheriff up in Corinth, Miss., and described the map and asked him if any motel fit that description.

Mr. EDGAR. And then you made the visit?

Mr. RAY. And when Auble couldn't leave St. Louis, I went down.

Mr. EDGAR. All of the information except for the actual visit that you made is secondhand information that you are giving the committee today?

Mr. RAY. I don't know if the committee had the motel operator. He told me the same thing he told Anna and so I don't think the committee guys would make up the story that the FBI seized the motel register and I don't think he would threaten to call the police and order me off his property if there wasn't something going on.

Mr. EDGAR. You don't have any knowledge that the information, those documents were seized, personally?

Mr. RAY. Only from what he said. Only from the motel guy, what the motel guy said, and he has told I don't know who all about it now.

Mr. EDGAR. I have no further questions.

Chairman STOKES. Any other members of the committee seeking recognition?

Ms. KENNEDY. Mr. Chairman, would it be possible for counsel to see the laundry receipt that satisfied the committee that——

Chairman STOKES. It has already been provided——

Ms. KENNEDY. It has? OK.

Chairman STOKES [continuing]. To Mr. Lane at the time Mr. Ray was here.

Ms. KENNEDY. All right, I am satisfied. Thank you.

Chairman STOKES. Mr. Ray, at the conclusion of a witness' testimony before this committee, under the rules of the committee, either the witness or his counsel, and that has been determined to be one of his counsel, may make a statement to the committee for a period of 5 minutes, during which time you can either amplify or explain your testimony before the committee.

I would extend at this time to either you or one of your counsel the opportunity to operate under that rule.

Ms. KENNEDY. Your Honor, I just want to put on the record my objection to this ruling in light of many hours of grilling this witness to limit him and/or one of his counsel to 5 minutes.

In my opinion it is unconscionable and denies him his constitutional rights to be represented by counsel. I think it is virtually an impossibility for Ray, Pepper or me to make any kind of comprehensive response to all the conjecture, speculation and questioning this witness has been subjected to.

Chairman STOKES. The rule does not exist for that purpose, counsel. As stated, the rule exists for the purpose of the witness either explaining or amplifying his testimony and that alone.

Mr. Ray, have you conferred with counsel as to who will make the statement?

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Mr. PEPPER. The witness and counsel will split the 5 minutes. The witness has, and we request the opportunity of placing additional information in the record at the conclusion of the testimony.

Chairman STOKES. As I understand it then, counsel and the witness will split the time, is that correct?

Mr. RAY. Yes.

Chairman STOKES. All right. In addition, may I say, Ms. Kennedy, if you have anything additional you would like to submit for the record, you may do so in written form.

Ms. KENNEDY. Thank you.

Chairman STOKES. Mr. Ray.

Mr. RAY. Information coming from this committee naming me for—11 years later—for a bank robbery which I didn't commit, I think is awful bad because I never robbed that bank and I don't have no knowledge of robbing the bank and I haven't been in Alton, Ill.—up until I went over there to turn myself in for the bank robbery—since 1960.

So I just want to make that clear and I think the documents I have furnished today will show there is no way possible I could rob that bank or been involved in the bank.

I also would like to say in James' behalf that I think that if he wins this suit—that I am going to put in the file to get all these secret FBI files locked in the Archives—that we will find out who actually killed Martin Luther King and I don't think until he actually gets a trial will anybody ever know who actually killed King, and in this letter he also sent to me about conflict of interest with Mark Lane, he says that the only conflict of interest is with the committee, not with Mark Lane or me or James, so the conflict of interest lies on the committee's part.

So the only thing I would want to say is, if the public wants to find out the truth who killed Martin Luther King, and if he is successful in getting this suit, because the FBI file wouldn't be locked in the Archives if it wasn't of benefit to the FBI.

Mr. PEPPER. Just to finish the time, Mr. Chairman, I think it has only been a period of about a month and a half that counsel have been in any way really familiar with the proceedings and the variety of the investigations relating to the assassination of Dr. Martin Luther King, Jr.

I think I, for one, am deeply disturbed and distressed at the fact that information has been publicly disseminated, that this information does not come to this committee under oath; that it is information of all things that constitutes a reporter or writer or a journalist's notes. In an age when journalists are trying very hard to protect their notes, indeed, going to jail, it is very interesting that a journalist here has turned over entire sheets of notes and that this committee has taken it and submitted it with its press package to all the members of the mass media and as recently as last Tuesday that committee staff disseminated and purveyed this as it was truth and as it was in fact the conclusions of the committee that the brothers had been involved in a criminal conspiracy.

I find that most distressing indeed, and I trust this committee will place under oath the individual, Mr. George McMillan, who is the source of a great deal of the testimony that has come from the

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other side this afternoon and ask Mr. McMillan to make these statements under oath.

With respect to Mr. Bradford Huie, I am certain this committee and its staff will look very closely at how and why and where Mr. Huie came to make an offer of $220,000 to James Earl Ray through Nashville attorney Jack Kershaw first, repeating it on a tape and transcribed telephone conversation if James Earl Ray would once and for all admit that he was the assassin of Martin Luther King, offering him pardons, if you will, from the State of Missouri, and the State of Tennessee, as well as the $220,000.

I am certain the committee is going to look into that and want to address why that offer was made, how it was made, and where that money would come from.

I think these are important and very critical questions that have simply got to be addressed.

I would like to remind the committee and its staff of the ruling of the Supreme Court with respect to the speech and debate clause and immunity to each and every member thereof under the Dole-McMillan case of 1972.

You are perfectly within, of course, speech and debate and immunity in providing within house and preparing reports. Gentlemen, you begin to go far afield, and I suggest outside of the legislative sphere, when you start to disseminate publicly information with respect to James Earl Ray, perhaps not so much but certainly with respect to John Ray and Jerry Ray.

It is not enough that they have undergone, simply by being the basis of being the brothers of one accused of a heinous crime, the kinds of torment they have over the course of the last 11 years, it is something else on top of that to continually visit this kind of defamation upon them leaking through the media the way this committee has done.

I trust that the chairman will take these words in the spirit in which they are offered and will act accordingly with respect to the staff and the behavior of the other members of the committee from here on.

Chairman STOKES. Thank you, counsel.

I might say to counsel that this committee has not yet reached any conclusions based upon any of the testimony and evidence that has been received either in executive session or open hearings.

The committee intends very shortly to meet for that specific purpose, at which time the committee will arrive at conclusions, make recommendations to this Congress.

At that time it will make it conclusions known to the American public. Until then I would like the record to conclusively show this committee has arrived at no conclusions. There being nothing further——

Ms. KENNEDY. Your Honor, I would ask for 1 minute, if I may.

Chairman STOKES. Ms. Kennedy.

Ms. KENNEDY. Yes. I want to ask for 1 minute, if I may, sir.

Chairman STOKES. I recognize you, Ms. Kennedy.

Ms. KENNEDY. Thank you, sir.

I want to say I never met Jerry Ray until yesterday evening. I appear here at a great personal, private, public, professional, and political risk. My own sister has denounced me for coming before

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this committee to represent a redneck racist, but I am here because I think it is important to the Black community, and the Black people in general that the truth be obtained.

I simply want for the record to indicate that this purported search for truth has seemed consistently to have an aim of avoiding exculpatory information.

As far as his being grilled, for example, on telling the FBI just enough to keep them off his back, in that sense he is no different from President Nixon or Colson or Ehrlichman or other people who have lied to keep the FBI off their back.

As for the idea of conspiracy, bushes were cut from the area where another reporter who, as far as I know, is not an ex-con, indicates that the shots have come. No information of the nature that is exculpatory to the theory that James Earl Ray is the center of a conspiracy seems to be able to get on to the AP wires and I simply want for the record to submit that I take it as seriously as any white or Black person on this committee, the antisemitism exhibited in this letter.

My humor, the attitude that I took of levity, was because of the hypocricy of our sitting in these halls and pretending that the entire society does not reward people for killing Black kids, whether it is a cop who is now applying for a pension or whether it is cops all over this country killing Black people.

All I am saying is, any attempt to smear this man with racism would only seem to be reflective of a racist society and whether it is antisemitism or anti-Black attitude, although Stoner may be more outspoken and this letter may be more offensive, the fact is that the law schools and all parts of the institutional system of this country is predicated on that same thing.

I simply would ask that you follow up some of the exculpatory information you have and that you not attempt to only followup laundry slips and slivers of information, neglecting substantial, well-documented evidence to the contrary, and I want to thank you, sir.

Chairman STOKES. Thank you, Ms. Kennedy.

I might just say to you that this committee has, in a very diligent manner, over the past 2 years, endeavored in every way that we have been able to try and uncover the real truth of all the facts and circumstances around not only the death of Dr. King, but another great American, President Kennedy, and this committee has been receptive at all times to any type of exculpatory evidence related to either the Ray brothers, or James Earl Ray himself, and no one on this committee would ever be a part to any coverup of any type of exculpatory evidence or testimony of any type.

I can assure you that when we reach our final conclusion, it will be based upon our honest search for the truth in this matter.

Ms. KENNEDY. Thank you, sir.

Chairman STOKES. Thank you.

Mr. RAY. May I put these two things in the record, Mr. Stokes?

Chairman STOKES. There is something you would like to have in the record?

Mr. RAY. Yes.

Chairman STOKES. Can you tell us what it is?

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Mr. RAY. One thing is about conflict of interest and the other thing is this suit that has been filed against the Archives, you know, getting the FBI files out of the Archives.

Chairman STOKES. Certainly.

The clerk will mark these exhibits appropriately as MLK exhibits F-584 and F-585 [1] and they may be entered into the record at this point.

[The information follows:]

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[1] MLK exhibit F-585 is a copy of Mr. Ray's civil suit against the National Archives. It is available at Federal District Court in Washington, D.C. as civil action No 782340

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Jerry Ray
591 Cherokee
Marietta, Georgia. 30061.

16 November 1978

James E. Ray #65477
B.M.P.
Petros, TN. 37845.

Dear Jerry:

I have a duplicate copy of the letter the House select committee investigating the Dr. Martin Luther King jr posted you dated 7th November 1978.

In respect's to the Select Committee dening you the right to choose counsel, Mark Lane, to represent you; I believe it up to the individual, not the politicans, to decide whether there would be a conflict of interest if Mr. Lane represented you.

In respect's to the committee appointing you counsel, there is no doubt but what the committee would appoint one of the politicans pimps. Mostly likely after he represented you he would hold a news conference, e.g., Percy Foreman, and say you "confes ed" to him what ever the committee wants a confession about. The attorney-client privilage rule is non-existence when the legal system decides as mush. Percy Foreman had no release from me though he not only testified about what I told him but lied to the committee.

Sincerely:

James E Ray

cc: Mark Lane
cc: Select Committee
cc: American Bar Association.

MLK EXHIBIT F-584

Chairman STOKES. Anything further?

Mr. RAY. Oh, yes. This is that map, if you care to see that. That is the map I was showing you that James drew for me.

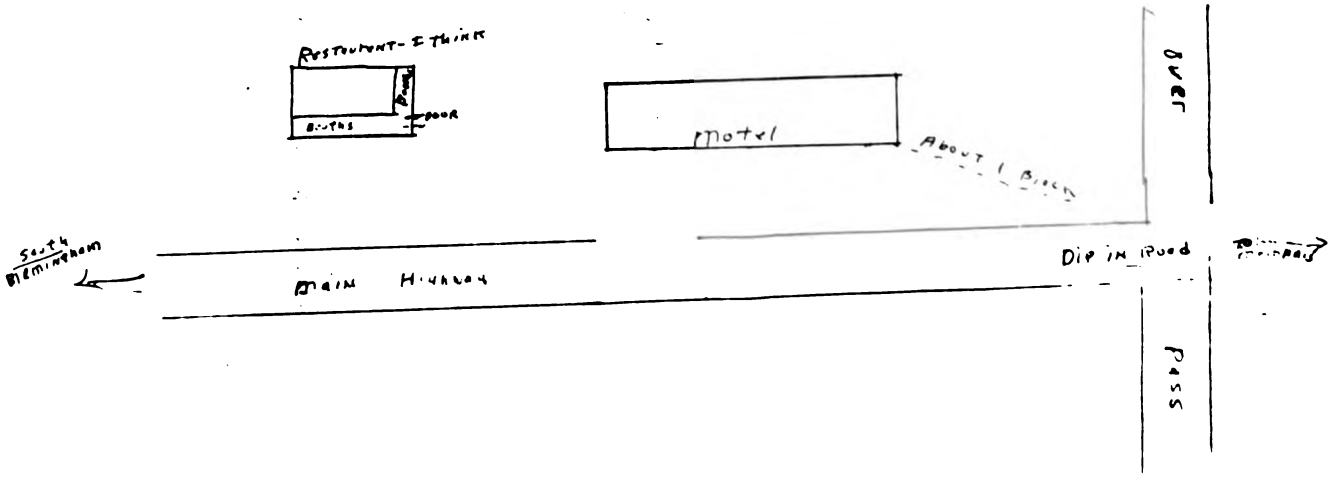
Chairman STOKES. Do you want to enter that as part of the record also?

Mr. RAY. You can look at it if you want to. That is a picture of how he drew it and I drove right straight to it.

Chairman STOKES. Staff can receive it and if you desire it to be marked as MLK exhibit F-626 and made a part of the record, we will also receive that.

[The information follows:]

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MLK Exhibit F-626

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Chairman STOKES. Is there anything further?

Mr. RAY. That is all.

Chairman STOKES. Thank you, Mr. Ray. Thank you, counsel.

There being nothing further to come before the committee at this time, the committee is adjourned until 9 a.m. tomorrow morning.

[Whereupon, at 4:30 p.m., the committee was adjourned, to reconvene at 9 a.m., Friday, December 1, 1978.]



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INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

HEARINGS

BEFORE THE

SELECT COMMITTEE ON ASSASSINATIONS

OF THE

U.S. HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

DECEMBER 1, 1978

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INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

FRIDAY, DECEMBER 1, 1978

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON ASSASSINATIONS,
Washington, D.C.

The subcommittee met, pursuant to adjournment, at 9:22 a.m., in room 345, Cannon House Office Building, Hon. Walter E. Fauntroy presiding.

Present: Representatives Stokes, Devine, Fauntroy, McKinney, Fithian, Sawyer, and Edgar.

Also present: James Wolf, deputy chief counsel; Mark Speiser, staff counsel; and Elizabeth L. Berning, chief clerk.

Mr. FAUNTROY. The committee will come to order.

This morning the Subcommittee on the King Assassination begins its last day of the committee's public hearings on the death of Dr. Martin Luther King, Jr. As Chairman Stokes indicated when the committee opened its public hearings on August 14, 1978, the full committee has identified three main issues to investigate in the King assassination in order to fulfill its legislative mandate which is found in H.R. 222: First, who assassinated Dr. King; second, how well did the agencies perform; and third, did the assassin or assassins act alone; that is, was there a conspiracy.

Obviously, too, the full committee must also consider recommendations, administrative and legislative, and they will be the subject of 2 days of public hearings by the full committee the second week in December.

I want now to yield to Ms. Berning to state for the record who are our members of the subcommittee for today.

Ms. BERNING. Mr. Chairman, you, Mr. McKinney, and Mr. Fithian are regular members of the King subcommittee. Mr. Stokes will be substituting for Mr. Ford. Mr. Devine will be substituting for Mr. Edgar.

Mr. FAUNTROY. Thank you.

The Chair now recognizes Deputy Chief Counsel James Wolf for the opening narration.

NARRATION BY JAMES WOLF, DEPUTY CHIEF COUNSEL

Mr. WOLF. Thank you, Mr. Chairman.

To appreciate the relevance of the testimony in these hearings of John Ray, another brother of James Earl Ray, it is necessary to understand the scope and detail of the evidence the committee has amassed on two incidents and the circumstances surrounding them.

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First, James Earl Ray's escape from the Missouri State Penitentiary on April 23, 1967; the suspected supporting role of John Ray in the escape; John Ray's denial of that role; and the possible meaning of that denial.

Second, the robbery of the Bank of Alton, Ill., on July 13, 1967; the striking similarities of the Alton robbery and five others in 1969 and 1970, the last of which led to the arrest, conviction, and imprisonment of John Ray; the other reasons to suspect the Ray brothers were involved in the Alton robbery; and the possible meaning of the denials of the brothers of involvement in these robberies.

In addition, it is instructive to examine the likely significance of these two incidents to the investigation of the assassination itself. That is, why should the committee be interested in the details of two relatively minor crimes, for which the statute of limitations makes it impossible for the perpetrators, whoever they are, to be brought to justice?

The probable answer lies in the resistance of the Ray brothers to acknowledge any association among themselves in these two criminal incidents, while the force of the evidence points to such an association.

It might be also argued quite logically that the resistance of the Ray brothers to admitting a criminal association among themselves in these minor crimes is based on a frank realization that such an admission might well lead to their implication in the higher crime of assassination.

It is appropriate now to turn to an examination of the evidence available to the committee. Records at the Missouri State Penitentiary in Jefferson City, Mo., indicate that James was visited by John on April 22, 1967, the day before he began his 14-month flight that ended with his arrest on June 8, 1968, in London for the assassination. In executive session before this committee, John has denied that he helped his brother escape, or that he knew about the escape beforehand. John even asserted that he did not know James had escaped from prison until he was identified on April 19, 1968, as Erio Starvo Galt, the suspected assassin of Dr. King.

To sum up John's denials: He was totally unaware of his brother's escape until a year later, which means he had no contact with James in person, by telephone or by letter throughout the period.

Prison records show, however, that John established a regular pattern of visits to his brother in the months leading up to James' escape on April 23, 1967. In the latter half of 1966, he came to see James three times. Nevertheless, John has testified that he decided to suspend the visits after April 22, so he failed to learn of James' escape for about a year thereafter.

John Ray has also testified that he cannot recall the April 22 visit, suggesting it might have been made by somebody posing as him.

In interviews with the committee, James Earl Ray has said it certainly was one of his brothers, Jerry or John, who visited him on April 22. And he said it was probably John. Circumstantially, it is unlikely that the visitor was Jerry, since he was working at that time in Chicago, at a job that required his presence 6 days a week, with only Thursdays off.

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Further, both Jerry and John were on James' approved visitor list, and Jerry actually visited James six times from 1960 to 1965. Since they had to show identification and a signature sample on each visit, it is unlikely that Jerry would have posed as John.

John Ray's true level of familiarity with the circumstances of James' escape from Missouri State Prison may be inferred from his own statements that can be read to indicate he assisted his brother. In an apparent attempt to veil his own true role, John wrote on March 5, 1973, to George McMillan, the author of "The Making of an Assassin," that, upon his escape, James called "• • • a certain party • • • who went and helped him." He wrote further that the person who helped James "• • • is doing time now in Federal prison for a charge that I suspect is a frameup."

Mr. Chairman, I request at this time that the March 5, 1973, letter from John Ray to George McMillan be inserted into the record as MLK exhibit F-639.

Mr. FAUNTROY. Without objection, it is so ordered.

[The information follows:]

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Dear George: March 5, 1973

Will drop you a litter to let you know that We Were on a hunger strike Fer. and they had us lock in our cells. Badenough going nine days Without Eating, But I Was having back trouble too.

I received the chapter, and twenty-five dollars, Do you Want the Chapter Back? I figured that you of had your book on the Market By Now.

they have been talking about shiping me to the federal Jail in Marion, Ill. for the past two Months. If they do I Will give you My New address. I Want to Keep in Contact With you, Never Know When a person needs a Character Witness.

You did not have to much in chapter VII. the book that you are Writing has a lot of life, and Mayhim. Frankie Was that Way also, a lot of guess Work. I don't believe Frankie Wrote his book on his own thinking. I believe he was paid to Write it that Way. It Wasn't his Styles.

I don't Know whether it Was the Wealthy East, or the F.B.I. Who paid him, But he sure Detour from his prior Writing ability. It had so Much F.B.I. propaganda, that the Money source Could of Come from that area.

I really got a laugh going Back over Frankie book. While they had The Cage up on the strike. Frankie said that they Was no Raul Bowers at no time, Was he seen, and this would of been impossible, With the Contacts that Jimmy was supposed to of had Mafia With him.

then Frankie goes on, and on about Jimmy running dope, Jewelry, and Robbing all over the Country. Frankie at no time shows where he ever seen or Was present at Crimes, But how to show you how Lost Frankie Was in his Book.

He stated also that Jimmy Walk for days to get ~~from~~ to St. Louis from Jefferson city where he escape, When arrived Jimmy had a car, and F.B.I. Waiting for him in Jeff city. He Said he was arrested by the police on the Bridge for car trouble at Columbia, Mo. He also got a phone Call to a certain party in St. Louis to come down, and give a car. the person who went and help him, also is Doing Time now in federal prison for a Charge that I figure is a frame-up. they probably got Records of both of them. phone calls, and the police Tickets.

Have to go -

Jack.

MLK Exhibit F-639

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Mr. WOLF. At the time that the letter was written, John Ray was in a Federal penitentiary for a bank robbery conviction, one he has always contended was an FBI frameup. And, while John Ray has claimed to the committee in executive session that he fabricated the admission to Mr. McMillan, he has acknowledged that he was referring to himself when he described a "certain party" imprisoned in a "frameup."

John Ray has also contradicted his denials of an awareness of James' escape from prison in conversations with Walter Rife, a long-time criminal associate of the Ray brothers who was incarcerated with John at Leavenworth in the early 1970's. Mr. Rife has said John admitted that he picked up James on the outskirts of Jefferson City after the escape.

In addition, Jerry Ray has told Mr. McMillan of John's involvement in James' escape, saying he, too, was aware of it beforehand. Jerry Ray has since repudiated that remark.

The final decision on the issue is up to the committee, but the evidence seemingly forces a conclusion that John Ray is lying when he says he did not know in advance of James Earl Ray's plan to escape from Missouri State Prison.

James' elaborate escape scheme, which involved his being hidden in a bread box with enough food and money for sustained flight, suggests he planned the breakout in advance, certainly prior to the April 22 visit by John.

In addition, John was aware that James had made two previous attempts to escape.

Next, it is logical to reason that, given his inclination to attend to details, James would not have left his flight from the vicinity of the prison to chance. It would have been more characteristic of him to have sought assistance, rather than wander aimlessly around Missouri for 6 days, as he claims he did, before arriving in St. Louis.

Further, even if James had escaped the way he says—without assistance from John or anyone else—it is difficult to believe he did not contact John upon his arrival in St. Louis.

That John knew James was a prison escapee before April 1968 is also indicated by his contact with Jerry, who, in turn, had seen James at least three times from May to August 1967, and who had spoken with him by phone. Jerry has told the committee he doesn't recall seeing John before December in 1967, but he does say he saw both John and his sister, Carol Pepper, during a visit to St. Louis for Christmas. Carol Pepper, in an FBI interview, confirmed this family reunion.

There are two other John and Jerry contacts prior to April 1968.

First, John told the FBI he went to Chicago in the summer of 1967 and had seen Jerry.

Second, Jerry told the FBI he had seen John and Carol Pepper in the first week of February 1968.

Further, Carol Pepper told the FBI she learned of James' escape within several weeks of the day it happened, and it is improbable she wouldn't have told John about it, since they were in business together as co-venturers in the Grapevine Tavern in St. Louis. As such, they would have had to be in periodic contact.

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While John and James persist in their claims of having had no personal telephone contact during James' flight, the opportunity certainly existed. James was in the St. Louis area, where John was living, at least twice in 1967 and possibly once in 1968. He admits traveling through St. Louis immediately after his prison escape, and he acknowledges returning there in July 1967, after quitting his job in Chicago.

There is additional evidence that James went to Quincy, Ill., between March 17, 1968, when he is known to have left Los Angeles, and March 21, when he arrived in New Orleans. En route from Quincy to New Orleans, he would have passed by St. Louis.

Moreover, James could have been expected to contact John, who was the brother closest to him in age. Their relationship before James' prison escape and after his arrest in London was quite close. Missouri State Prison visitation records show 11 visits with James by John between 1960 and 1967, as opposed to only six by Jerry. Further, while Jerry's last visit occurred on July 1, 1965, John came to the prison four times after that date—on July 10, November 13, and December 20, 1966, and on April 22, 1967.

Following James' arrest on June 8, 1968, correspondence shows that relations between the two brothers continued to be close. In a letter dated July 15 from London, James makes reference to a possible visit by John with James in England, the ability of John to provide $600 for attorney Arthur Hanes, Sr., an apparent attempt by John to persuade James to hire attorney Percy Foreman, and the need for John not to discuss James' case.

Mr. Chairman, I request at this time that the July 15, 1968, letter be inserted in the record as MLK exhibit F-644.

Mr. FAUNTROY. Without objection, it is so ordered.

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MLK Exhibit F-644

In replying to this letter, please write on the ... Number 059124 Name SNEYD

H.M. PRISON,
HEATHFIELD ROAD,
WANDSWORTH,
LONDON, S.W.

Dear Jodie

I will just write you a few lines to let you know everything is alright I will probly be back shortly. any way don't come over for me you can't get in, attorney Howard Caudle and two cops to represent about Judge Carey wanting to reverse my case I don't want it reverse I will explain later but you know that's things are not doing anything to benefit me I just could I would like for you to give the attorney Arthur Howe $6000 and you can get home off of Jerry and Dick over

Ralph (SB)

No. 243 (2455)

I might as well drop out of
Yalobusha when I get back
You mention Jerry Thomason
He is a good attorney but
I will wait until I get back
as I want some attorneys
who can work together.
So I will let Honea
decide on someone he think
would be best.
I cannot appeal my situation
here but I can get
rid of listing to that
lawyer so I put that
at up about thirty [illegible]

[illegible]

Ford R. C. Sgt.

Add. address.
Arthur F. Honea
617 Brown Marx Bldg.
Birmingham Alabama 35203
Telephone 324-5311

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Don't discuss any part of this case with anyone until I get back especially the libel part. I think pity will have a good thing. If you see fu manchu or the tongue tell them am O. K. Take it easy.

Mr. WOLF. In view of this apparent close relationship between James and John, it seems remarkable that James would have met at least three times with Jerry and made telephone contact with him numerous times, while not seeing John or speaking with him once over the 14-month period of his flight. In fact, James admitted that the purpose of his trip from Chicago to St. Louis in July 1967 was to visit relatives, although he denies seeing any of his kin on the 600-mile roundtrip.

James affirms that he sought out several old acquaintances in June or July 1967, including Jack Gawron in St. Louis, Mo. Gawron was a close friend of John. Other associates James contacted lived in the Quincy area.

The point is: James goes out of his way to deny contact with John, to whom he was close, while he admits contacting a number of old cronies who lived in the same part of the country as John.

A final point worth noting in establishing a link between James and John Ray—they were both quite active in the 1968 Presidential campaign of the American Independent Party. John, as testimony in these hearings has shown, distributed party paraphernalia at the Grapevine Tavern in St. Louis and assisted in party registration efforts, while James helped secure voter registrations for the American Independent Party in California.

The American Independent Party link is significant in that it connects the brothers in—for them—the unlikely activity of politics, suggesting that their respective engagements in it were not mutually exclusive. In addition, it connects the Ray brothers with an extreme political faction in the St. Louis area, a leader of which has been identified as the offeror of a $50,000 contract on Dr. King's life.

Evidence of involvement in the Alton Bank robbery by the Ray brothers may be fairly described as substantial, albeit circumstantial. It can be broken down into the following categories: First, the significance of Alton, Ill., James Earl Ray's hometown;

Second, the purpose of Ray's trip to Alton on or about July 13, 1967;

Third, James' financial condition just before and just after the Alton holdup;

Fourth, admissions by Jerry Ray; and

Fifth, a similarity of method between the Alton robbery and holdups of other banks in a subsequent period, for one of which John Ray was arrested and convicted.

James Earl Ray was born in Alton, Ill., on March 10, 1928, and he lived there for 2 years. At the age of 16, he returned to Alton where his grandmother ran a roominghouse. His uncle, William Maher, lived in Alton then, and he still does.

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Indeed, physical evidence in the Alton robbery—stocking masks, clothing, et cetera, was found several yards from Mr. Maher's residence.

James again returned to Alton after his discharge from the Army in 1948, and he worked there for several months. In 1954, after release from prison where he served a term for a taxicab robbery, he again returned to Alton, Ill. On August 21, 1959, James Earl Ray and Joseph Austin robbed a supermarket of $2,200 in Alton, Ill.

By his own admission, James Earl Ray had decided to go to Canada at the time he quit his job at the Indian Trail in Winnetka, Ill., on June 24, 1967. But instead of traveling directly, he made two trips in the opposite direction—to Quincy, Ill., and the St. Louis area.

Ray had only about $450 at the time, and he was concerned enough about his finances that he returned to the Chicago area from Quincy to pick up his last paycheck from the Indian Trails. He then headed for St. Louis, ostensibly to visit relatives. But there are problems with this story: for one, Quincy is a good deal closer to St. Louis than is Chicago; for another Ray admits he did not visit his relatives after all.

In light of Ray's financial condition, his resolve to go to Canada and the risk of driving to the vicinity of the prison from which he had recently escaped, it is probably unlikely he would have returned to St. Louis unless he was lured there by some substantial benefit.

Ray's presence in the St. Louis area on or about July 13, 1967, is affirmed by his own testimony and corroborated by his purchase of a 1962 Plymouth for $210 in East St. Louis, Ill., on July 14. July 13 is the date that $27,230 was taken from the Bank of Alton, Ill., by armed holdup men.

I would ask at this time, Mr. Chairman, that MLK exhibit F–647 be inserted into the record and be appropriately displayed.

Mr. FAUNTROY. Without objection, it is so ordered.

[The information follows:]

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BANK ROBBERY MODUS OPERANDI ANALYSIS

WHERE: Bank of Alton, Ill.

WHEN: July 13, 1967, 1:30 p.m.

TAKE: $27,230

NO. OF SUBJECTS IN BANK: Two

WEAPONS: Sawed-off shotgun; revolver

DISGUISE APPAREL: Stocking masks and hats

ACTIONS DURING HOLDUP: Subject with shotgun stood guard while accomplice with revolver collected money from behind counter

ACTIONS DURING ESCAPE: Stocking masks, clothing discarded in wooded area; attempted burning of discarded evidence near scene

MLK Exhibit F-647

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Mr. WOLF. This exhibit is an analysis of the modus operandi in the Alton bank robbery.

As for John Ray's whereabouts in July 1967, he has acknowledged that he was residing in St. Louis then. And it is not out of the question that Jerry Ray was also in Alton on July 13. He was working at the time near Chicago, but Thursday was his day off. July 13 was a Thursday.

Let us return to our discussion of James Earl Ray's finances and what possible alternatives there are to the fictitious Raoul as a source of his funding. The logical period for this source to have been tapped is between the date of Ray's last paycheck from the Indian Trails in early July and the date of the first appearance of "Raoul" on July 25. If it had been earlier, it is probably doubtful that Ray would have taken menial labor in a restaurant for $85 a week, nor would he have driven all the way from Quincy to Winnetka to pick up a check for $77.53. And it is about the time Ray introduces Raoul in his version of his flight that he made a number of relatively large expenditures—for a vacation at a Canadian resort, the purchase of a 1966 Mustang costing $1,955, and for camera equipment worth $337.

Since the Alton Bank robbery appears to be a logical alternative to Raoul as Ray's source of funds, it should be useful to take a more detailed look at his financial transactions in July 1967.

By his own calculations, Ray had not more than $500 to his name when he left Chicago for St. Louis in July 1967. His financial prospects were pretty grim, too, for he had decided to go to Canada, where he had no real reason to expect to earn a legitimate income. Yet, the day after the Alton Bank robbery, he began to spend money quite freely—$210 on a used automobile on July 14, $150 for 2 months' rent on arrival in Montreal, $50 for a prostitute in Montreal, $200 for new clothes.

Ray tries to explain his new-found funding with a claim that he netted $1,700 by holding up the manager of a brothel, but there are inconsistencies in this story, and Ray has been able to produce nothing to corroborate it.

Ray had a history of criminal activity in areas familiar to him. What is more, his escape from prison shows he was a criminal capable of elaborate planning and effective execution. We also know he planned his trip to Canada in advance. It seems highly unlikely that he would have gone to a strange city in a foreign country when he was financially destitute. It makes much more sense that he would have returned to the St. Louis area briefly and committed a crime with one or two trusted associates.

In the period right after his escape from prison and through July 1967, Ray's only trusted associates were his brothers, Jerry and John. And, as we have seen, Alton was a town he knew like the palm of his hand.

Indications that John Ray obtained a substantial sum of money in the summer of 1967 can be found in his abrupt departure from St. Louis for California in about August. He apparently intended to open a bar with cash he was carrying in his pocket, of which about $3,000 was deposited in two St. Louis bank accounts on his return.

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John has claimed that he saved the money prior to leaving for California, but his work habits do not lend themselves to a theory that he earned the money at honest labor.

James Earl Ray's brother Jerry has admitted to at least one committee witness, who has asked for anonymity, that James and John did indeed commit the Alton holdup.

That the Ray brothers had the opportunity to commit the Alton Bank robbery has been established by their whereabouts at the time it occurred.

Motive is readily provided by their need for money. James was especially hard pressed as a fugitive from justice, for whom taking a job constituted considerable risk.

The means to commit the crime can be deduced from their respective pasts—all three had been involved in armed robberies.

Beyond opportunity, motive and means, there is compelling evidence in the method and pattern of activities of the bank robbers in Alton and the similarity of the Alton modus operandi with that of other bank robberies that followed.

Although the Ray brothers have denied participating in the subsequent robberies, there is substantial proof that Jerry or John or both are lying. James himself was, of course, in prison for the King assassination at the times of the subsequent robberies.

I would again call attention, Mr. Chairman, to MLK exhibit F-647, the modus operandi chart for the Alton Bank robbery.[1]

At approximately 1:30 p.m. on July 13, 1967, two gunmen wearing stocking masks and hats entered the bank of Alton. The one referred to in FBI reports as suspect No. 1 was carrying a handgun. He is described by witnesses as a middle-aged, white male, 5 feet 10 inches, 150 to 160 pounds. Suspect No. 2 was carrying a shotgun. He was described as a middle-aged white male, 5 feet 8 inches, 170 to 180 pounds.

Neither of these descriptions would eliminate the Ray brothers.

I would ask, Mr. Chairman, that MLK exhibit F-646 be inserted into the record and displayed at this time.

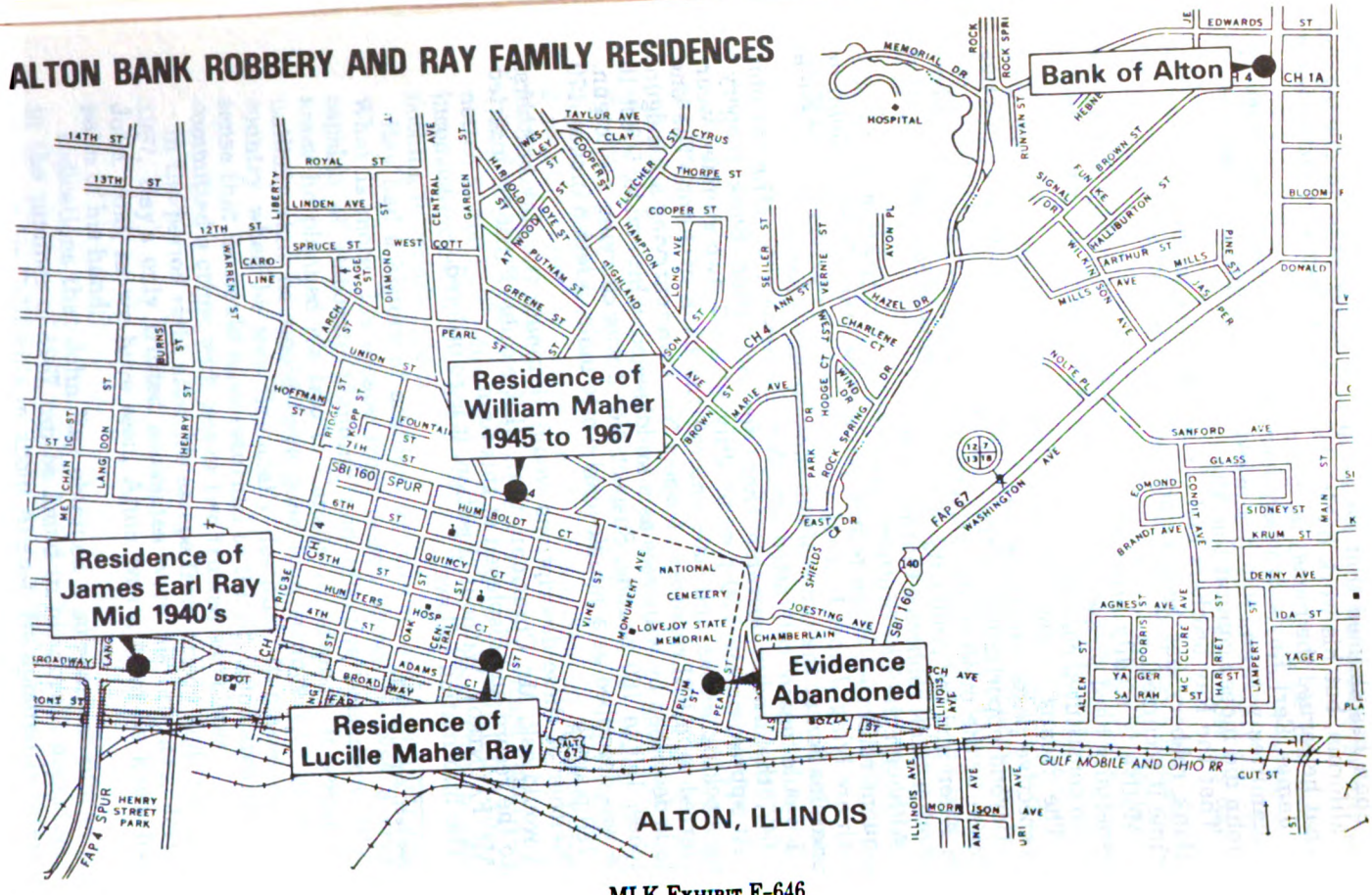
Mr. FAUNTROY. Without objection, it is so ordered.

[The information follows:]

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[1] See text, supra, at p. 11.

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MLK Exhibit F-646

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Mr. WOLF. This exhibit is a map of Alton, Ill.

As can be seen on the map, the bank is at the corner of Brown and Washington Streets.

Upon exiting the bank, the two robbers crossed Brown Street and headed west to a church parking lot, presumably where a getaway car was waiting. There is no witness evidence of the route of escape from that point, nor is there a description of the car. Nevertheless, the shotgun and clothing worn by the robbers were found in a wooded area near the National Cemetery of Alton, one that was only several hundred yards from the home of William Maher, an uncle of the Ray brothers. Mr. Maher's home was—and still is—at 1118 7th Street. Also nearby is a former home of the Ray brothers' mother at 1209 East 4th Street, and one of James himself at 538 East Broadway.

The point where the evidence was abandoned and Mr. Maher's home are about 1 mile from the bank, a 3-minute drive at normal speed. In addition, the location of the abandonment site indicates the robbers were familiar with the area, since it is situated at the dead end of Fifth Street.

It can also be reasoned from the location of the evidence abandonment site that the robbers did not take the most direct route out of town, which would have been in the opposite direction. Indeed, the robbers headed in the direction of the Alton Police Department. It would appear, then, that the robbers had confidence in their ability to elude police while not leaving town. This confidence might well have been based on a familiarity with the area where the evidence was abandoned.

It is worth noting that following a supermarket robbery in 1959, James Earl Ray successfully escaped from police in a car and on foot, while his accomplice was caught.

It would be useful at this time to compare the modus operandi of the Alton robbery with those of five subsequent holdups. While John Ray has been convicted of only one of them—the robbery of the Bank of St. Peters, Mo.—there is solid evidence from which to argue that he participated in the other four. Jerry Ray has been identified as having been involved in at least one of the five.

I would ask at this time, Mr. Chairman, that MLK exhibit F-648, F-649, F-650, F-651, and F-652 be inserted into the record and be displayed.

Mr. FAUNTROY. Without objection, it is so ordered.

[The information follows:]

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BANK ROBBERY MODUS OPERANDI ANALYSIS

WHERE: Farmers Bank of Liberty, Ill.

WHEN: October 17, 1969, 10:45 a.m.

TAKE: $10,995

NO. OF SUBJECTS IN BANK: Two

WEAPONS: Sawed-off shotgun; revolver

DISGUISE APPAREL: Stocking masks and hats

ACTIONS DURING HOLDUP: Subject with shotgun stood guard while accomplice with revolver collected money from behind counter

ACTIONS DURING ESCAPE: Stocking masks discarded; attempted burning of evidence, including automobile, near crime scene

MLK Exhibit F-648

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BANK ROBBERY MODUS OPERANDI ANALYSIS

WHERE: Farmers & Traders State Bank of Meredosia, Ill.

WHEN: January 28, 1970, 1:05 p.m.

TAKE: $5,038

NO. OF SUBJECTS IN BANK: Two

WEAPONS: Sawed-off shotgun; revolver

DISGUISE APPAREL: Stocking masks and hats

ACTIONS DURING HOLDUP: Subject with shotgun stood guard while accomplice with revolver collected money from behind counter

ACTIONS DURING ESCAPE: Stocking masks, clothing discarded in wooded area

MLK EXHIBIT F-649

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BANK ROBBERY MODUS OPERANDI ANALYSIS

WHERE: Laddonia State Bank, Laddonia, Mo.

WHEN: June 11, 1970, 1:00 p.m.

TAKE: $13,975

NO. OF SUBJECTS IN BANK: Two

WEAPONS: Sawed-off shotgun; revolver

DISGUISE APPAREL: Stocking masks and hats

ACTIONS DURING HOLDUP: Subject with shotgun stood guard while accomplice with revolver collected money from behind counter

ACTIONS DURING ESCAPE: Stocking masks discarded; attempted burning of evidence, including automobile, near crime scene

MLK Exhibit F-650

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BANK ROBBERY MODUS OPERANDI ANALYSIS

WHERE: Bank of Hawthorne, Florida

WHEN: July 29, 1970, 2:00 p.m.

TAKE: $4,514

NO. OF SUBJECTS IN BANK: Two

WEAPONS: Two revolvers

DISGUISE APPAREL: Stocking masks and hats

ACTIONS DURING HOLDUP: One armed subject stood guard while the other went into the vault and collected the money

ACTIONS DURING ESCAPE: Stocking masks were discarded after the crime

MLK Exhibit F-651

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BANK ROBBERY MODUS OPERANDI ANALYSIS

WHERE: Bank of St. Peters, Mo.

WHEN: October 26, 1970; 1:20 p.m.

TAKE: $53,128

NO. OF SUBJECTS: Three

WEAPONS: Revolvers

DISGUISE APPAREL: Stocking masks and hats

ACTIONS DURING HOLDUP: All subjects had revolvers - - two stood guard while their accomplice collected money from behind counter

ACTIONS DURING ESCAPE: Stocking masks and clothing discarded in wooded area

MLK EXHIBIT F-652

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Mr. WOLF. These exhibits consist of one modus operandi chart for each of the five bank robberies: The Farmers Bank of Liberty, Ill., the Farmers & Traders Bank of Meredosia, Ill., the Laddonia State Bank of Laddonia, Mo., the Bank of Hawthorne, Fla., and the Bank of St. Peters, Mo.

The participation of John Ray in all five bank robberies is supported by evidence, even though he was only convicted of the St. Peters, Mo., holdup.

It would be appropriate at this time, Mr. Chairman, to introduce the statement of James Rogers to the committee as MLK F-662. Mr. Rogers has testified that he was involved in four of the robberies, each of which was planned and participated in by John.

It would be appropriate at this time, Mr. Chairman, to introduce the statement of Ronald Goldenstein as MLK F-663. He has acknowledged to the committee that he participated in the robberies in Meredosia, Ill., and St. Peters, Mo.

Mr. FAUNTROY. Without objection, both the documents referenced to are admitted.

Mr. WOLF. It would be appropriate at this time, Mr. Chairman to introduce the statement of Clarence Haynes who has admitted participating with John Ray in the robbery of the Laddonia, Mo. bank as MLK exhibit F-664.

Mr. FAUNTROY. Without objection, it is so ordered.

[The information follows:]

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MLK EXHIBIT F-662

DATE INTERVIEWED: August 13, 1978 TIME INTERVIEWED: 9:25 p.m.

PLACE INTERVIEWED: Telephone Interview

NAME: James Rogers

DATE OF BIRTH: SOCIAL SECURITY NUMBER:

HOME ADDRESS: 1867 W. Chateau, Anaheim, California

BUSINESS ADDRESS:

HOME TELEPHONE: (714) 635-4636 BUSINESS TELEPHONE:

ASSOCIATES:

MLK INVESTIGATION CONNECTION:

INTERVIEW STATEMENT:

Interview conducted by Michael Eberhardt and Mark Speiser

Rogers stated in his telephone interview that no one else besides himself, John Ray and Clarence Haynes, was involved in the State Bank of Laddonia, Missouri bank robbery(6/11/70). He stated that he had never heard of Ernest Turley.

As to the robbery in Meredosia, Illinois, (Farmers and Traders State Bank, 1/28/70), Rogers stated that the getaway car in which he, John Ray and Ronald Goldenstein were driving broke down a few miles from the scene of the crime. Rogers stated that Jerry Ray was called and he came and picked up Rogers, Goldenstein and John Ray and drove them to St. Louis. Rogers indicated that Jerry may have been given some of the bank robbery money. He stated that Jerry definitely knew that the other three had committed the bank robbery.

With respect to the Bank of Hawthorne, Florida robbery,(7/29/70), Haynes

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stated that John Ray met hi and Carl Kent in Jacksonville, Florida before the robbery. John was alone. Rogers did not know if John had just come from New Orleans. The night of July 29th was spent by Rogers, Ray and Kent in a two story non-chain motel just outside of New Orleans. Rogers indicated that the motel was next to a bar and probably not more than a mile from the Governor's bridge. He indicated it was about a $12.00 cabfare from the motel to the airport. Rogers left New Orleans, probably that night or early the next morning, for California by plane. Before leaving, Rogers and Kent engaged some prostitutes while John Ray stayed in his motel room.

Rogers stated that he was never in New Orleans with Jerry Ray. Rogers further denied ever being involved with Jerry Ray in any crime, besides the Meredosia bank robbery. He reiterated that the only robberies in which he was involved with John Ray were the four bank robberies.

gned: Michael C. Eberhardt Date: 8/14/78

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MLK EXHIBIT F-663

INTERVIEW FORM

DATE INTERVIEWED: JUNE 13, 1978 TIME INTERVIEWED 3PM

PLACE INTERVIEWED Via Telephone from Minneapolis, Minn.

NAME: GOLDENSTEIN, Ronald Siebelt

DATE OF BIRTH: 05/19/39 SOCIAL SECURITY NUMBER:

HOME ADDRESS: Apt 100, 116 Oak Grove, Minneapolis, Minn

BUSINESS TELEPHONE: 612-339-8214 HOME TELEPHONE 612-870-8605

ASSOCIATES: (Former) John Larry Ray, Jerry William Ray, James Russell Rogers, Jerry Lee Miller

MLK INVESTIGATION CONNECTION: Admitted participation in bank robberies with John Larry Ray 1970.

INTERVIEW STATEMENT:

NOTE: This interview supplements original interview report filed by Investigators Waxman and Baetz on subject Ronald S. GOLDENSTEIN.

GOLDENSTEIN was contacted by Staff Investigator Baetz by telephone at his place of employment, Community Hospital, Minneapolis, Minnisota.

GOLDENSTEIN advised that in addition to his participation in the robbery of the Bank of St. Peters, Mo., which he reported in original interview report, GOLDENSTEIN had also participated in the robbery of the Bank of Meredosia, Ill, on January 28, 1970.

GOLDENSTEIN stated that he was solicited to participate in the Bank of Meredosia robbery by John Larry Ray and Jerry William Ray while in St. Louis in December, 1969. He agreed to partcipate and preliminary plans were made by both Ray brothers, GOLDENSTEIN, and James Russell ROGERS.

On or about January 24, 1970, GOLDENSTEIN met with the RAY brothers and ROGERS in Quincy, Ill. and final plans were made to rob the bank.

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INTERVIEW SHEET CONTINUATION: PAGE 2

GOLDENSTEIN stated that John and Jerry RAY had worked out most of the plans which consisted of 2 men entering the bank, committing the robbery, and exiting to a waiting automobile. The automobile would be driven to a spot 2 to 3 miles outside of town where it would be dropped and they would be picked up by another auto and taken further out to a wooded area and dropped off. They would be picked up at the wooded area several hours later.

GOLDENSTEIN advised that he and James ROGERS entered the bank and held it up, suing handguns supplied by John RAY. They exited the bank and wre picked up by John RAY who was also armed. RAY, GOLDENSTEIN AND ROGERS were then driven to a prearranged spot where they left that vehicle and were picked up by an auto driven by Jerry RAY. (GOLDENSTEIN states that Jerry RAY was NOT armed) They were then driven to a wooded area and dropped off with Jerry RAY driving away from the immediate area. Jerry RAY returned after dark and picked up all three subjects.

GOLDENSTEIN advised that to the best of his recollection the weapons were disposed of by throwing same ina river. The other articles used in the robbery, such as the womens stockings used as masks, were disposed of by burning.

GOLDENSTEIN reported that to the best of his recollection they proceeded to St. Louis where the money was split up, with equal shares going to GOLDENSTEIN, ROGERS, JERRY RAY and JOHN RAY.

GOLDENSTEIN had no further information to offer.

INTERVIEWER SIGNATURE: Conrad E. Baetz

TYPED SIGNATURE Conrad E. Baetz

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MLK Exhibit F-664

"INTERVIEW FORM"

220174

DATE INTERVIEWED: APRIL 25, 1968 TIME INTERVIEWED: 2 P.M

PLACE INTERVIEWED: VENICE POLICE DEPT VENICE ILL

NAME: CLARENCE HAYNES

DATE OF BIRTH: 6-13-15 SOCIAL SECURITY NUMBER: 498 05 32

HOME ADDRESS:

BUSINESS ADDRESS:

HOME TELEPHONE: BUSINESS TELEPHONE:

ASSOCIATES: JOHN RAY

MLK INVESTIGATION CONNECTION: BANK ROBBER

INTERVIEW STATEMENT:

THIS INTERVIEW WAS CONDUCTED BY STAFF INVESTIGATORS WAXMAN AND BAETZ. HE STATED THE FOLLOWING.) REGARDING THE CADONA MO. BANK ROBBER, JIMMY ROGERS AND HE (HAYNES) WERE INSIDE THE BANK, JOHN RAY WAS OUTSIDE IN AN AUTO, DRIVING, HAYNES FURTHER STATED THAT THE BANK ROBBERY WAS JOHN RAYS IDEA, WAS SUPPLIED THE GUNS BY JOHN RAY AND ALSO THE STOCKING MASKS THAT WERE USED. HE STATED THAT JOHN RAY TOLD THEM TO SHOT IF

FORM 84-A

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ANYONE SHOT AT THEM
JOHNS CAR WAS IN FRONT OF THE BANK
AND HAYNES AUTO WAS ABOUT 1 MILE
AWAY
WHEN THEY DROVE TO HAYNES AUTO
THEY BURNED JOHN'S CAR
THE MONEY WAS DIVIDED IN A HOTEL
ROOM SOMETIME LATER, AT WHICH
TIME THEY EACH GOT $ 6,000

HAYNES SEEMS TO KNOW JOHN RAY
VERY WELL AND STATED THAT HE WORKS
FOR HIM AT RAYS TAVERN ON NATIONAL
STREET IN ST LOUIS

HE SAYS THERE IS NO BAD BLOOD BETWEEN
HIM OR THE RAY FAMILY AND HAS NO AXE
TO GRIND. BUT ALSO STATED THAT HE
HAS NO DOUBT HE WOULD BE KILLED IF
THIS INFORMATION GETS OUT

Interviewer Signature

Typed Signature

MEL WAXMAN Date Transcribed

CONRAD BAETZ

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Both Mr. Goldenstein and Mr. Haynes have characterized John Ray as the mastermind of the robberies they participated in. He was the one who provided the weapons and the getaway car or cars. In Haynes' case, John Ray gave lessons in how to shoot, if necessary.

In addition, the committee located another witness, one who has requested anonymity. This witness has said that John Ray admitted his involvement in the Meredosia, Ill. holdup. At the same time, the committee has evidence that Jerry Ray has admitted the Meredosia robbery.

Finally, the committee has evidence of other crimes committed by the Ray brothers for which the method was strikingly similar to those mentioned to this point:

One, according to a witness, John and Jerry held up the Sportsman's Club near Chicago, Jerry's former place of employment, on July 6, 1969. The gunmen were wearing stocking masks.

Two, on June 4, 1968, the Trustee Savings Bank of Fulham, London was held up for $200. James Earl Ray's fingerprint was found on the robbery note left at the scene.

Mr. Chairman, at this time it would be appropriate to recall Mr. John Ray before the subcommittee.

Mr. FAUNTROY. Thank you.

Prior to recalling Mr. Ray, let me remind all persons in the hearing room, both the press and citizens, of the fact that security requirements insisted upon by the U.S. Marshal's office requires that we ask all persons to remain in your seats whenever the witness is entering or exiting the room.

Let me note for the record that you, Mr. John Ray, are appearing pursuant to a continuing subpena, and by direction of the Chair. And, Mr. Ray, you recognize that you are still under oath.

TESTIMONY OF JOHN LARRY RAY, ACCOMPANIED BY JAMES H. LESAR, COUNSEL, AND HAROLD WEISBERG, INVESTIGATOR

Mr. RAY. Yes, sir.

Mr. FAUNTROY. Let me also note for the record that the chairman of the full committee, Mr. Stokes, is present, and as a matter of due deference to him, I now yield the Chair to the chairman to preside over continuing questioning.

Mr. LESAR. Mr. Chairman, I have a few preliminary matters I would like to raise.

Chairman Stokes. Would the gentleman speaking please identify himself for the record.

Mr. LESAR. Yes. I am James H. Lesar, attorney for John Larry Ray.

Chairman Stokes. And you have some preliminary matters in the nature of what?

Mr. LESAR. Yes. The first one is that I would like to make a brief statement.

Chairman Stokes. Would you also identify the other individual at the witness table with you?

Mr. LESAR. Yes.

To my right is Mr. Harold Weisberg who is serving as my investigator on this case. I regard him as the leading authority on the assassination of Dr. King, and he has extensive familiarity also

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with John Ray and the circumstances of John Ray's existence over the past several years.

Chairman Stokes. Is his presence at the witness table necessary in order for you to be able to advise your client on his constitutional rights?

Mr. Lesar. It is necessary for me to be able to effectively represent Mr. Ray. We have come here under extremely difficult circumstances.

For example, earlier this week my client was arrested when he wandered into a house by mistake. I was notified that he had been arrested by his sister at about 12:15 or 12:30 a.m., Tuesday morning. I repeatedly made attempts by phone calls to the police and to prison officials in St. Louis, Mo., to be allowed to speak with him. I was denied that permission.

By the same token, Mr. Ray—Mr. Ray's sister, Carol Pepper, was denied permission to visit him, and the marshals denied Mr. Ray permission to retrieve some documents which he had obtained recently to represent himself at this hearing.

Some time ago, in fact, one of the more recent instances was on November 2 of this year, when I requested that this committee provide me with a number of materials that I thought essential in order to be able to represent Mr. Ray properly, to advise him properly. The committee made no response to my request.

The materials that are relevant to Mr. Ray's situation are voluminous. They include more than 50,000 pages of FBI documents. These documents have been obtained by Mr. Weisberg under the Freedom of Information Act. He has read them. He is aware of details that few people are aware of.

To give one example of just how important and how pertinent his assistance can be, the committee will recall that one of the most devastating testimony against James Earl Ray came from Mr. Anthony Eist—Alexander Eist I guess his name is—a Scotland Yard warder.

Chairman Stokes. Mr. Lesar——

Mr. Lesar. I have a specific example and I want to——

Chairman Stokes. Just a moment. I haven't recognized you for that purpose. Just a moment. You asked for the right to make a preliminary statement. There is no provision under our rules for any preliminary statement to be made on behalf of witnesses before this committee.

I attempted, in a sense of being fair to you, to extend you a few moments to make whatever comments you had in the nature of preliminary remarks. You have gone far afield, and the Chair is not going to permit it at this time.

Mr. Lesar. Mr. Chairman, you are distorting what has happened. I requested——

Chairman Stokes. I am not. You are out of order.

Mr. Lesar. Let me explain——

Chairman Stokes. You are out of order, Mr. Lesar. And you will cease at this point being out of order.

Mr. Lesar. I want the record to reflect that I have not made an opening statement that I requested to make. I was responding to a question——

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Chairman STOKES. I am not going to permit you to continue. If you continue to persist in this way, then we will have no alternative except to see that you are out of these proceedings.

Now, if you want to remain in here and represent your client, then you are going to conduct yourself in an orderly way before a congressional committee.

Mr. LESAR. I am attempting to——

Chairman STOKES. Are you going to cease or not? Are you going to cease or not?

Now, at this time the Chair is going to recognize Mr. Mark Speiser, counsel for this committee, to proceed with this witness.

Mr. LESAR. Mr. Chairman, before we proceed——

Chairman STOKES. You are not recognized.

Mr. Speiser, you will proceed.

Mr. LESAR. I wish to object to the manner in which the Chair is attempting to railroad——

Chairman STOKES. Your objection is noted. If I have any further comment from you, then you will be out of these proceedings.

Proceed, Mr. Speiser.

Mr. SPEISER. Thank you very much, Mr. Chairman.

Mr. Ray, I would like you to state for the record your address prior to your current arrest. State your present address and your current occupation.

Mr. RAY. Occupation, chauffeur. Address, 3541 Holliday Street, St. Louis, Mo.

Mr. SPEISER. Your present occupation?

Mr. RAY. Chauffeur.

Mr. SPEISER. Mr. Ray, I would like to focus your attention to the period of 1968, and ask you a very direct and specific question that is of concern to this committee. And that pertains to the racial attitudes that you might have possessed and that likewise might have been shared by your brothers John—excuse me—Jerry and James.

Now, specifically with respect to you, John, we are interested in what your attitudes were towards Dr. King and the civil rights movement that he headed in 1968. Were you supportive of his movement, were you indifferent, or were you vehemently opposed to the movement that he led?

Mr. LESAR. Mr. Chairman, I wish to object to the question.

Chairman STOKES. Will counsel state the basis for his objection?

Mr. LESAR. Yes.

First of all, it seeks to inquire into matters of my client's beliefs which are protected by the First Amendment.

Second, it has no relevance to the assassination of Dr. King which is the purpose for which this committee is sitting.

Chairman STOKES. Does counsel for the committee care to be heard?

Mr. LESAR. Excuse me. May I make one further point.

In addition, these questions were addressed to—and questions of a similar nature—were addressed to Mr. Ray in his testimony in executive session. And I would like to move now that those transcripts which have only been provided to me today, after the committee has repeatedly refused over the past several months to provide me with copies, and after the committee staff had confis-

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cated my notes that I took on these transcripts, I ask that these transcripts are admitted in evidence.

Chairman STOKES. Isn't it true, Mr. Lesar, that you have always had access to these materials in the committee offices? Isn't that true?

Mr. LESAR. Yes. That is one of the games that this committee has played.

Chairman STOKES. Isn't that true?

Mr. LESAR. Yes, Mr. Chairman, it is true. It is also true that it is meaningless.

Chairman STOKES. That is all I asked you.

Does counsel for the committee have anything further?

Mr. LESAR. I made a motion. Would the chairman rule on my motion?

Chairman STOKES. The Chair is asking counsel for the committee for his comment on your objection.

Mr. SPEISER. Yes, Mr. Chairman.

In response to Mr. Lesar's objection, I would like to note that information that has been made available to this committee leads us to believe that the Ray family was a very close family in 1968, and that the attitudes shared by one of the Ray brothers was an attitude likewise possessed by the others.

And in terms of trying to ascertain the true motive behind the assassination, assuming the admitted assassin is the true assassin, we are interested in determining whether it was a financial motive or racial motive. And we feel that the attitudes shared by John Ray toward Blacks and Dr. King in 1968 might be fairly indicative of the attitudes that James Earl Ray himself possessed at that period of time.

Chairman STOKES. The objection is overruled. And counsel's exceptions are noted.

Mr. LESAR. I have further objection that this whole line of questioning is premised upon a doctrine that is an anathema to the American Constitution and to the way America has in its best moments always tried to proceed. This is sheer guilt by association.

Chairman STOKES. Mr. Lesar, you have no way of knowing at this point what counsel's entire line of questioning is. Therefore, your objection is out of order and overruled.

Proceed, counsel.

Mr. SPEISER. I think there's a pending question, Mr. Ray. Do you recall the question or should I repeat it?

Mr. LESAR. Would you please repeat the question?

Mr. SPEISER. Again, Mr. Ray, my question was: What was your racial attitude toward Dr. King and the civil rights movement that he headed in 1968? I am asking you, were you indifferent toward Dr. King, were you supportive of the program that he headed up, or were you vehemently opposed to the movement that he was directing?

Mr. LESAR. May I confer with my client a minute, please.

Before he answers, and he will respond to that, would you please—you have asked him whether or not he was opposed or supportive of the policies of Dr. Martin Luther King. Would you identify what those policies are?

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Chairman STOKES. I think counsel can let his question stand. If the witness understands the question, he may answer.

Mr. RAY. I would guess you would say I was a mild segregationist, I guess.

Mr. SPEISER. Excuse me.

Mr. RAY. I guess you could say I would be a mild segregationist.

Mr. SPEISER. Can I properly interpret your response to mean that you were opposed to Dr. King and the movement that he was leading?

Mr. RAY. I was opposed to a lot of different movements. I was opposed to the J. Edgar Hoover movement. You interpret that—I would say I was opposed, maybe, to a certain extent.

Mr. SPEISER. Mr. Chairman, at this time I would move that MLK exhibit F-632 be marked into evidence and be introduced into the record, and that the clerk furnish Mr. Ray with a copy of this document. This docuent is an FBI report dated April 23, 1968, based on an April 22, 1968 interview with the witness, John Larry Ray.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[The information follows:]

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MLK EXHIBIT F-632

FEDERAL BUREAU OF INVESTIGATION

1 Date April 23, 1968

JOHN LARRY RAY, also known as JACK, was located at the Grapevine Bar, 1982 Arsenal Street, St. Louis, Missouri, telephone Prospect 6-9417. RAY readily admitted his identity and also admitted that he is the brother of JAMES EARL RAY. He said that he had not spoken with anyone concerning the charges against his brother, and this includes other members of his family.

RAY stated that he last saw JAMES two to four years ago, when he visited his brother at the Missouri State Penitentiary, Jefferson City, Missouri. Prior to this visit, he had not seen his brother for approximately fifteen years. On that occasion, JAMES EARL RAY had just been discharged from the United States Army and visited members of the family in Quincy, Illinois. RAY said that he has had no other contacts with his brother over these many years and has no knowledge of his whereabouts. He insisted that he has not been contacted by his brother since the latter's escape from the Missouri State Penitentiary in 1967 and, as a matter of fact, did not know of the escape.

JOHN RAY stated that he is commonly known as JACK. He said that his sister, CAROL ANN PEPPER, owns the Grapevine Bar and has operated the establishment since the fall of 1967. He claimed that he did not have any interest in the business other than to assist his sister. He said that she had had some trouble with patrons fighting and since that time he has tried to assist her in the operation of the bar.

JOHN RAY stated that the last time he was outside the City of St. Louis was three, four or possibly five months ago, when he went to Quincy, Illinois, to visit his sister.

During the interview, the following descriptive and background information was obtained:

Name	JOHN LARRY RAY, also known as JACK RAY
Race	White
Sex	Male
Date of Birth	February 14, 1933
Place of Birth	Alton, Illinois

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On 4/22/68 at St. Louis, Missouri File # SL: 44-775

by SA HARRY C. JUNG and SA ROBERT A. HESS HCJ:klr Date dictated 4/23/68

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SL: 44-775

Height		5'10" to 5'11"
Weight		160 to 170 pounds
Build		Medium
Hair		Brown
Eyes		Brown
Complexion		Medium
Peculiarities		Slight speech impediment
Residence		1900a Cherokee Street, St. Louis, Missouri (rents two rooms above Cherokee Buffet)
Marital Status		Single
Military Service		None
Criminal Record		None admitted
Automobile		1960 Ford Thunderbird, two-door, hardtop, white over blue, bearing Missouri license AE2-558
Relatives	Mother	LUCILLE RAY, nee MAHER Deceased
	Father	Refused to identify
	Sisters	MELBA RAY, Quincy, Illinois;
		Mrs. CAROL ANN PEPPER 2025 Bellevue Maplewood, Missouri;
		SUSAN RAY Current address unknown
	Brothers	JERRY RAY Chicago, Illinois;
		FRANK RAY Deceased (killed in automobile accident in 1964);
		MAX RAY, Address unknown (MAX was born in 1952 and wa last known by JOHN to be in orphan's home, Quincy, Illi

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3
SL: 44-775

Uncle

WILLIAM MAHER
1118 East Seventh Street
Alton, Illinois.

It is noted that RAY was initially uncooperative and said, "What's all the excitement about? He only killed a nigger. If he had killed a white man you wouldn't be here. King should have been killed ten years ago."

Special Agent JUNG informed JOHN RAY of the provisions of the Harboring Statute and cautioned him concerning withholding information concerning a Federal fugitive.

Mr. LESAR. Excuse me.

Mr. SPEISER. Now, Mr. Ray, I am not concerned with the entire document. I am only concerned with page 3, the last page of that document, the first full paragraph. I would like you to read that paragraph out loud, please.

Mr. RAY. Is this the FBI report?

Mr. SPEISER. Yes, sir.

Mr. RAY. Have you got all the FBI reports introduced in evidence?

Mr. SPEISER. No, I am only focusing on this particular FBI report at this time. The other reports that I will introduce into the record will subsequently be introduced when needed. So just focus upon this particular FBI document that is in your hands, and turn to page 3, and I ask you to read the first full paragraph.

Mr. LESAR. Yes. Point of information, please.

Was this document—was Mr. Ray questioned about this document in executive session?

Chairman STOKES. I think that it is irrelevant whether he was questioned about it in executive session.

Mr. LESAR. Well, I think it goes to something about this committee's methods. Because the committee——

Chairman STOKES. Mr. Lesar, maybe you don't understand. But you are going to proceed in these hearings in an orderly way, the same as you would in any courtroom or any other congressional hearing. And I am going—I am admonishing you now. I am not going to tolerate it. Do you understand?

Mr. LESAR. Excuse me. I am simply——

Chairman STOKES. I said, do you understand that?

Mr. LESAR. I have listened to other counsel who were allowed to raise questions and to make objections. Am I to be distinguished from those?

Chairman STOKES. This Chair has bent over backward to let any counsel represent his client. I happen to be a lawyer, and think I am a very good one, and understand the necessity of representation. But I am not going to tolerate any disorderly proceeding in this room. I want you to understand that. Any proper objection will be addressed properly.

Mr. LESAR. Then I would like a ruling on the motion I made earlier to admit these transcripts in evidence.

Mr. SPEISER. Mr. Chairman, if I can respond.

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Chairman STOKES. There was no previous motion that the transcripts be entered into the evidence. You made some reference to when they had been furnished to you. That was this morning.

Mr. LESAR. No.

Chairman STOKES. There was no provision for you to make a motion for this committee to accept into evidence in a public hearing executive committee testimony. You are thereby overruled.

Mr. LESAR. Well, you are using some of this testimony today. You've distributed these documents that you intend to use today. I think they probably have been distributed to the press also.

Now, it would seem only fair and proper that the entire matter be put into the record so that people can judge the full context of it.

Chairman STOKES. Mr. Lesar, you are overruled, and we will proceed to the next point.

Mr. SPEISER. Thank you, Mr. Chairman.

Mr. Ray, again I ask you to read out loud the first full paragraph from the top of page 3.

Mr. LESAR. Excuse me 1 minute.

All right.

Mr. RAY. Ready?

Mr. SPEISER. Yes, sir.

Mr. RAY.

It is noted that Ray was initially uncooperative and said, "What is all the excitement about. He only killed a nigger. If he had killed a white man, you wouldn't be here. King should have been killed 10 years ago."

That is the paragraph.

Mr. SPEISER. Let me re-read that for the benefit of the people who may not have heard you, Mr. Ray.

What is all the excitement about. He only killed a nigger. If he had killed a white man, you wouldn't be here. King should have been killed 10 years ago.

Now, I ask you, Mr. Ray, is that statement reflective of your attitude toward Dr. King in 1968?

Mr. RAY. I would say no. But, see, at the time of the interview I was in a tavern. And I ran a tavern in a racist neighborhood. And everybody makes these statements, similar statements.

Mr. SPEISER. You admit making this statement?

Mr. RAY. I probably was drunk, if I did say it.

Mr. SPEISER. I am sorry.

Mr. RAY. I said I drink all the time. I was probably drunk if I did. I drink. I make statements, just like I wandered into the wrong house coming up here. You see, I get drunk. I don't know what I am doing sometimes. It is possible I made that statement.

Mr. SPEISER. You have just mentioned that you have heard similar statements made in your tavern, is that correct?

Mr. RAY. The whole South St. Louis makes statements like that.

Mr. SPEISER. Let me ask you at this point, Mr. Ray, if you are familiar with what your brother James' attitude was toward Blacks in 1968?

Mr. LESAR. I would object to the form of the question. It presumes that he knew what James Earl Ray's attitude was.

Mr. SPEISER. I will be more than happy to rephrase the question, Mr. Chairman.

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The question, Mr. Ray, is were you familiar with your brother James' attitude toward Blacks in 1968?

Mr. RAY. No. No, I—I am not familiar because the last time I, except for prison or jail, I did not see my brother James since 1949 which is 19 years.

Mr. SPEISER. At this time you have no recollection of James ever conveying to you what his attitudes were toward Blacks?

Mr. RAY. No.

Mr. SPEISER. At this time, Mr. Chairman, I would choose to have marked into evidence and introduced into the record MLK exhibit F-633, and have a copy furnished to the witness. MLK exhibit F-633 is a letter written by the witness, John Ray, to author George McMillan and dated May 28, 1972.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

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MLK Exhibit F-633

Donna Mc Millian
12. Illiard St. 1
Cambridge, Mass. 02138

MLK Ex. F-633
MAR 28 1972

Dear Mr. Mc Millian: May 28-1972

I will Drop you a few Lines to let you know im answer your Letter:

this was a 10 year age Step in the old Man and Kid Age, so in 1935 Kid could not be in Late 20's and old Man in Early 30's.

I was born 2-14-33. the Birth Cer. Says James Ray Jr. the Doctor said He wanted the old Man to Name me James, old Man told him I already had one with same name, just the Doc. was Drunk, and he made a Mistake. This was found out in 1961 when old Man applied for S.S. pension.

the old Man said Earl took the Check, and he did not know of, when he went in the same place the next day, the owner Call the police on him, Earl came in Looks the old Man, he knows that it was Earl but he couldn't say any thing.

I Believe Aunt Sadie Figured that Earl and the O.M. got Within 5 years in prison, when he was 16 years of age He was convicted for Robbing a Liquor Store and in Mississippi River, him and another Kid Beat the jury Conviction the Grand Larceny politician and Aunt Sadie were pretty friendly, they tried to run Earl out of Town, and the old Man and Aunt Sadie to Kill him up to Lesson him a Lesson

It was not a frame house we were into over in Ewing, But Large Log House, with an Either Large Fireplace, you could see Between the Cracks of the Logs, the Inside Could be in the Summer, and the wind and Draws would blow it true the Winter, We had to stay in Bed with 10 or 12 Blankets on Some Winter Days. The Fireplace held a big pot Large Sack

1222 1977

Jim Carter, who we Met one Day, and Became the Fireplaces were no Good for Heat. If you Stand in Front you Are Burning up, while your Back is Freezing and Vice-Versa

There was some confusion about this Frame 2 Room Frame House.

The O.M. paid a Boy for $5.00, it was Sitting on Land about 3 Miles away. He did not Receive about 2 Months later the O.M. paid to have it Moved Right to the Log House. The Boy the Boys at Prof Ed Mine, and his Brother came down and Demand $100.00 for the House. He said his Brother did not own the House, and did not Sell the House. The O.M. Either had to Move it Back or pay the $100.00. He paid.

The old Man said they Set down there for a Couple of years Mistermining this Land up. The O.M. Seeing this Happen to Ed he wanted to Lay down and Rest Both of them, and went up in Clifton Chair.

This would be what you call Busting in Prison. A few Months Later one of the Brother was Missing 3 Days. at 600.00 the Boys. the old Man had 3 Days Jail up in Bern.

There was more confusion when Ed was Killed in a White Suit, but Ed Manner all over it. The old Man would not drive him over the Ridge, but drop him off on the Side. He said he did not want to get arrested, but I Expect it was the suit he did not want to pay.

III

MAR 2 8 1977

There was two Lilies Bunks on each side of path to the House, I believe there was 52 acres. The O.M. always told us, if you want to Break or Jail, then Figure out how to break out, don't Call on him.

What Really Burn Jimmy and the rest of Soldiers Coming Back from Germany was the order that all Married Couple Ride First Class and Single Ride Second.

They almost had a Riot on Ship when the white Soldiers who did the Fighting had to Ride Second.

The Black Soldiers who was the Kitchen waiters but all Married Human Male, and Rode First Class.

The Black would parade around on the Deck with a White Rag on his arm, Waiting the Best Service.

Well Chuck

P.S. I read Frank Rock, I sound like he was your agent for the F.B.I. Frank is one of those Lebanese from the Eastern Establishment who's trying to prove how smart the F.B.I. Is and Whitewash King Fuad. He first out how smart the agents are and him also when he Killed the Union on the Lawsuit. I don't know Whether you found a Nut yet waiting Wack a Fad out of him, what happen when a Lawyer Get a hold of him?

Jack

Mr. SPEISER. I am not concerned with the entire letter, Mr. Ray. I am concerned with just a portion of the letter, and that is on page 3, the following paragraph, which I shall read at this time.

What really burns Jimmy and the rest of the soldiers coming back from Germany was the order that all married couples ride first class and single soldiers ride second class. They almost had a riot on the ship when the white soldiers who did the fighting had to ride second. The Black soldiers who were the kitchen workers had all married German girls and rode first class. The Blacks would parade around on the deck with a white girl on his arm getting the best service.

Now, does this statement you made in the letter to author George McMillan serve to refresh your recollection as to any conversations you had with your brother James in which he expressed to you his attitude toward Blacks?

Mr. RAY. You are speaking 30 years ago. You are also speaking, with every soldier onboard in a riot. I expect it would burn anybody up because the whole ship was burned up about it. But, I think this comment was made in, like I say, prior to 1949, which is 20 years—20 years, a different story then.

Mr. SPEISER. Mr. Chairman, at this time I would choose to have marked into evidence and introduced into the record MLK exhibit F-613. I would also ask that a copy be furnished by the clerk to the witness, and that the exhibit be placed in the record at this time.

Chairman STOKES. Without objection, so ordered.

[The information follows:]

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MLK Exhibit F-613

Select Committee on Assassinations

U.S. House of Representatives

WASHINGTON, D.C. 20515

Date 6/28/78

KING Doc.# 220575

Doc.Index Subject Incoming Correspondence

Cross Index Ref.

JEREMY AKERS ARTHUR HAYNES
MARLIN RISINGER RAMON DEL RIO
WM. BRADFORD HUIE
J.B. STONER MUSTANG
JER GRACE WARDEN
JOHN RAY
CANIPE
AEROMARINE
C. MCMILLAN

Copy To:

Blakey – Matthews	Johnson – Evans
Wolf – Hutton	Eberhardt
Billings	Hamilton – Hindle

TEAM: # 1 # 2 #3 #4

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REPORT ON HSCA INTERVIEW WITH WILLIAM BRADFORD HUIE
APRIL 10, 1978, HARTSELLE, ALABAMA

To : Gene Johnson, Mike Eberhardt

From : Marlin Risinger

Date : April 21, 1978

220575

Jeremy Akers and I interviewed Mr. Huie at his home in Hartselle, Alabama, on April 10, 1978. The interview lasted approximately six hours. The information which Mr. Huie provided is set forth below.

Jerry and John Ray

- JOHN met with Ray the day before the escape from Jeff City and discussed the plan. Huie thinks John may have given Ray some cash. Huie says this was the last time John saw Ray until after the arrest in June, 1968. Huie minimizes any connection between John and James Earl Ray.

- Huie has no knowledge of any relationship between any of the Ray family and J.B. STONER before the assassination.

- JERRY met with Ray only a few days after the escape, before Ray arrived in Chicago, and gave him the pistol which Ray says he got from an unidentified friend just before leaving for Canada. Huie doesn't say where this meeting took place. Ray says he got the pistol from a friend in E. St. Louis. Huie told us several times that he got this story about Jerry and the pistol from JOHN.

- JERRY told Huie that James Earl called him the night before the killing and told him that "Big Nigger" had had it. Huie says Jerry told him this in Huntsville in November, 1968. He recalls that he and Jerry were drinking that evening, but he doesn't think Jerry was drunk or unaware of what he was saying. Huie insists, however, that he did not believe Jerry's story then and does not believe it now. Huie thinks that Jerry will say anything for a few bucks, but that he really doesn't know anything about the case.

(Note, throughout the interview Huie insists that he does not think JERRY knew anything about the killing. It appears from

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his earlier and his current remarks that he really does think that Jerry was in close contact with James Earl during this time. His present denials do not seem very convincing.)

- JOHN told Huie in Memphis at the time of the Guilty Plea that James Earl was "crazy about niggers."

- Although he was extremely hesitant, Huie finally acknowledged that FOREMAN told him in 1968-69 that Ray was making all the remarks that Foreman attributes to him in the 1974 deposition. These remarks include -

  - Ray left the gun at Canipe's so the boys at Jeffy City would know he had killed King.
  - Ray made up Raoul.
  - Ray returned to Atlanta after purchasing the rifle in Birmingham.

Huie doesn't remember, however, that Foreman told him that JERRY was with him at Aeromarine.

- Huie says he doesn't have any opinion about MCMILLAN's story that Ray met with JOHN and JERRY in Chicago shortly after the escape and discussed the pornography business. Huie doesn't seem to think too much of the pornography theory.

- Ray did tell Hanes that he stopped in Birmingham for an hour and a half on the way back to Atlanta after the assassination. Hanes did not ask Ray and questions about the stop, and evidently Huie did not instruct Hanes to ask him. Huie tried to locate someone in Birmingham who could substantiate the stopover, but he was unsuccessful.

- Huie never had any proof that Ray met with JERRY in Detroit or Gary, Indiana, after the assassination. He says he told the Grand Jury this only because he figured Ray probably did make such a contact. (Typically, this undermines Huie's claim that he does not think Jerry had any foreknowledge of the crime.)

J.B. STONER

Huie acknowledges that he has no evidence that shows STONER had any relationship with a member of the RAY family before the assassination. Huie argues, however, that if anyone were involved in a conspiracy to kill King, it would have been Stoner. He offers three reasons for his feelings.

- Ray spent time in Atlanta, near Stoner's h.q.
- Stoner contacted Ray immediately after the arrest.
- Stoner developed a relationship with Jerry after the arrest.

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STONER (cont.)

Huie says that Ray "could" have met with STONER in Birmingham in 1967. Again, he has no evidence.

- Huie says that there are three people who may possibly have had some foreknowledge of the killing: STONER, JERRY, and JOHN.

(It should be noted that Huie freely acknowledges that he and STONER have had a life-long feud over politics and ideology. Huie considers Stoner to be the most dangerous and violent racist in the country.)

ARTHUR HANES

- Huie says that it would be presumptious of him to assume he knew everything that passed between HANES and Ray. He says, for instance, that he did not know of the change in the contract which Hanes and Ray made in September, 1968. Regarding the "facts of the case," however, Huie figures that he knew everything that Hanes knew, since this full exchange of information was what the contracts signed by Hanes, Huie, and Ray stipulated.

- Huie denies that Ray told HANES the "white sheet story" as a joke. Ray told Hanes this in dead seriousness, and he repeated it to FOREMAN. Huie claims that this was the only story Ray ever gave to his first two attorneys. He does not know when Ray first began to change his story from this version to the gas station version, but he insists it was sometime after the Guilty Plea.

- Huie recalls that the first time Ray ever lied to HANES or him was when he claimed he drove straight from Birmingham to Memphis, instead of returning to Atlanta. Hanes and he knew Ray was lying for several reasons.

  - They were unable to locate the motels.
  - A reporter (for the Times?) found a laundry slip and a restaurant check which placed Ray in Atlanta after 3/30/68.

- Huie claims that HANES knew that the FBI had tape recordings of some of King's sexual affairs. Although Hanes did not have the tapes in his possession, he intended to get them and use them in the trial to show that a jealous husband may have had a better reason for killing King than Ray had.

- Ray told HANES that he test-fired the 30.06 rifle on the

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road to Memphis, somewhere near Corinth, Miss. He says that this doesn't mean that Ray drove to Memphis from Birmingham, since Corinth is on the road from Atlanta as well. As far as Huie knows, Hanes never asked Ray why he fired the rifle if he had no intention of killing King.

- Ray also told HANES that he stopped in Birmingham for an hour and a half during the drive back to Atlanta after the assassination. For some reason, Hanes did not ask Ray why he stopped there, and Huie did not instruct Hanes to ask him. Huie says that he never was able to confirm this stop.

- One of the HANES may have the road maps which Ray filled in for Huie. Huie says that Hanes, Jr., probably has some of his files.

- Huie minimizes the amount of investigating HANES did for the case. Hanes was interested in defending Ray, not in finding the truth.

PERCY FOREMAN

- Huie tells us, after persistent questioning, that FOREMAN told him in 1968-69 that Ray was confessing to him the same details that Foreman later outlined in the 1974 Deposition. (see p.2, under "Jerry & John")

- Huie says he told FOREMAN in November,1968, that Ray was guilty and that there was no money in the case. Huie figures that the reason Foreman made the mistake of accepting the case was that he was extremely busy and did not really think about what he was doing.

- Like HANES, FOREMAN never really conducted any investigation of the case.

- It didn't enter Huie's mind that there might be a Guilty Plea in the case until after FOREMAN became Ray's attorney. Huie suggests that Foreman's friendly relationship with BATTLE facilitated the Plea.

RAY AND RACISM

- Huie insists that Ray had a racial motive for killing King.

- Both brothers told Huie that Ray was crazy about blacks.

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RAY AND RACISM (cont.)

- Huie talked to two women in St. Francis Hotel about the Rabbit's Foot incident. They told him that Ray was talking about racial attitudes in Alabama and worked himself into a tantrum.
- Huie located a prostitute in Mexico who remembered a racial incident in a bar (described in Dreamer).
- Claire Keating told him that Ray made some racist remarks. (described in Dreamer)
- Ray refused a transfer while at Leavenworth for racial reasons.

- Huie believes that Ray purchased the rifle in Birmingham because he wanted to focus the crime in the South, especially in Alabama. Huie guesses that Ray would have preferred to kill King in Alabama because of Wallace. Ray thought Wallace might be willing to pardon the murderer of a famous civil rights leader.

MISCELLANEOUS INVESTIGATIVE MATTERS

- Huie was never able to disprove the "6-day railroad story" of the escape from Jeff City.

- Huie never had any concrete proof that Ray was smuggling dope in Mexico. Luis Garcia, in Puerto Vallarta, never told him Ray was involved in the trade. Huie just assumed this.

- Huie says he has never heard the story which the Klingemans in Chicago told the FBI Huie had told them: i.e. that Ray had flown from California to Atlanta but had been told that the time was not right; and that Ray had intended to go to Mexico after the assassination and then double back to Canada to throw off the authorities.

- Huie doesn't know why Ray never cashed the Superior Bulk Film. Co. check.

- Huie says that Ray received mail in Birmingham in 1967, but he has no reason to think it was from Jerry. (Huie says in the Grand Jury testimony that this letter was from Jerry.)

- Huie can't explain the three-day gap from 8/21/67, when Ray allegedly crossed the Canadian border back into the U.S., and 8/25/67, when he arrived in Birmingham.

- The two women whom Huie says Ray knew in Birmingham in 1967 (Dreamer) were a dance instructor and someone else whom he

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can't remember but who was not very important.

- Huie doesn't know anything about Ramon del Rio or the Mexican police investigation of Ray.

- Huie doesn't remember ever knowing anything about a connection between Ray and Florida. He doesn't remember ever being told by Hanes not to investigate the "Florida addresses."

- Huie writes in the Dreamer that someone other than Ray had a set of keys to the Mustang on April 4, 1968. He is unable to remember whom he had in mind.

- Huie cannot remember the phone call which he told the Grand Jury Ray received on the night of April 2, 1968. He says he doesn't even know where Ray was on that night.

- Huie doesn't think Ray got to Memphis until April 3, 1968, but he can't remember why he settled on that date for Ray's arrival in town.

- In the Dreamer Huie writes that Ray admitted to him that he was stalking King in Selma, Alabama. Huie told us that this "admission" consisted of Ray's neutral response to Huie's charge that he was lying about getting lost in Selma. When Hanes told Ray that Huie didn't believe him, Ray simply responded "O.K."

- For about one week during 1968 or 1969, Huie thought that the FBI might arrest a Greek in New Orleans who frequented the Le Bunny Lounge. As far as he can remember, he doesn't think that the man had anything to do with Liberto or Gulas. The man was never arrested, and Huie cannot remember who he was.

- In his first interview with HSCA (Spring, 1977), Huie said that Ray had contacted some woman in Canada other than Claire Keating. He tells us now that this woman was someone Ray had only corresponded with once or twice through a Lonely Hearts Club. Huie doesn't have any evidence that they ever met. Evidently this is the woman whose address Ray gave to the Canadian police when they stopped him for jaywalking.

- Ray told Kershaw that he agreed with Huie about the story of the fugitive period up to about 48 hours before the assassination.

- Huie was never able to identify a single criminal associate of Ray's during the fugitive period.

- Huie never spoke to anyone who substantiated Curtis' story that Ray expressed an interest in killing King for money while at Jeff City.

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- The first artist's conception of the King assassination resembled Gus Prosche. Huie tried to find some connection between Ray and Prosche in Birmingham, but was unsuccessful. He also tried to find some connection between Ray and Ace Carter, Wallace's chief speech writer, but was unsuccessful.

- Huie never did learn the exact route Ray followed on his drive from Memphis to Atlanta after the assassination.

- Huie thinks that there definitely was someone in the Mustang besides Ray. How else explain the cigarette ashes and clothes that were too small for Ray.

- Huie never bothered with Grace Walden or Charlie Stevens, because by the time he got into the case both of them had told at least 5 contradictory stories.

- Huie figures that Ray probably did send money out of Jeff City to his family, but he has no proof.

THE HUIE FILES

- Huie doesn't know where his files are - probably with Hanes, Jr., McMillan, Frank, etc.

- Huie admits that some of the quotes in Dreamer were composites of the "20,000 Words" and things that Ray had told Hanes.

Miscellaneous

- Charles Edmondson, with the Commercial-Appeal in Memphis, worked for Huie at one time or another. Ray also had a Canadian reporter working for him.

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Mr. SPEISER. This exhibit——

Mr. LESAR. Excuse me. Did you say by the court?

Mr. SPEISER. If I did, excuse me.

Mr. LESAR. It is a grievous mistake. Evidence has been admitted here before this body before we even sat at the table. There was no attempt——

Mr. SPEISER. I believe I said by the clerk, excuse me. I stand to be corrected. I believe I said by the clerk.

Mr. LESAR. If I misunderstood you, I apologize. It certainly strained my credulity.

Mr. SPEISER. This exhibit, Mr. Chairman, is a report of an interview that was conducted by this committee with author, William Bradford Huie.

On page 2 of this interview——

Mr. LESAR. Excuse me, counsel, Mr. Speiser. Would you prefer me to refer to you as Mr. Speiser or——

Mr. SPEISER. Either way will suffice.

Mr. LESAR. Fine. I have a preliminary question about this interview. I read it last night. The committee delivered materials to my office about 5 p.m. last night, some 125 pages, apparently so that it would be able to make a pretense of that we had——

Chairman STOKES. Mr. Lesar, perhaps it would be helpful to you if I were to explain to you the role of counsel before a congressional committee.

Under the rules of the House, your sole purpose here is to give advice to your client. The Chair will bend over backward to give you every right to do that. I am not going to permit you to make a running commentary in this congressional hearing.

Now, I admonish you for the reason that I am not going to tolerate this to continue. You have now been advised of your role before a congressional hearing. I am going to ask you to comply with it.

Mr. LESAR. Now, other counsel who have appeared——

Chairman STOKES. I am not interested in other counsel. I am talking about you and this witness in this congressional hearing.

Mr. LESAR. I see. We are a special case.

Chairman STOKES. No; you are not special, sir. You can believe that.

Mr. LESAR. Well, then, let's——

Chairman STOKES. Sir, there is nothing before the Chair. And I am not going to tolerate any further conversation with you.

Mr. LESAR. I am objecting to the admission of this because this is an unsworn statement. It is double hearsay or even more. It appears that this is dated April 21, 1978. It appears that Mr. Huie was not sworn. Apparently Mr. Huie——

Chairman STOKES. Make your objection. Do you know how to make an objection?

Mr. LESAR. Yes.

Chairman STOKES. Make your objection and stop. You have made your objection. And your objection is overruled.

Mr. LESAR. The Chair——

Chairman STOKES. Your objection is overruled.

Proceed, Mr. Speiser.

Mr. SPEISER. Thank you, Mr. Chairman.

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Mr. Ray, I am concerned with the statement that was made by Mr. Huie to our investigators concerning a statement made by you to Mr. Huie.

According to Mr. Huie, as is reflected in the first full paragraph from the top of the second page of that interview, you told Huie in Memphis at the time of the guilty plea that James Earl Ray was crazy about niggers.

Now, do you have any recollection of making such a statement?

Mr. RAY. Well, I can't interpret that statement. I have no recollection if I can't interpret it anyway. What do you mean by——

Mr. SPEISER. Well, does this statement serve to refresh your recollection——

Mr. RAY. No.

Mr. SPEISER [continuing]. Of any attitude that James Earl Ray expressed toward Blacks that he might have conveyed to you?

Mr. RAY. I don't recall making that statement.

Mr. LESAR. Counsel, could you advise me as to—yesterday it developed during the hearing that Mr. George McMillan, who has been used as a basis for an attack to the credibility of Jerry Ray and James Earl Ray and John Ray, had not ever been put under oath by this committee.

Has Mr. Huie ever been put under oath by this committee?

Chairman STOKES. Counsel, you are not to reply to that.

Mr. Lesar, have you been provided with a copy of the rules of this committee?

Mr. LESAR. Yes.

Chairman STOKES. And let me at this time refer you, sir, to rule 3 entitled "Hearing Procedures" which I am going to read the pertinent parts of so that hereafter the Chair can invoke these procedures in the event that you don't comply.

Section 3 which says: "Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights."

And 4 which says: "The chairman may punish breaches of order and decorum and professional ethics on the part of counsel by censure and exclusion from the hearings, and the committee may site the offender to the House for contempt."

Sir, I merely say to you that if you want to test me, that you can try.

Mr. LESAR. Mr. Chairman——

Chairman STOKES. I let you know that now.

Mr. LESAR. Mr. Chairman, I will let you know right now that I do not intend to flinch 1 inch from that threat.

Chairman STOKES. And neither does the Chair intend to flinch 1 inch from the rules of the House of Representatives.

Mr. LESAR. I——

Chairman STOKES. Proceed, Mr. Speiser.

Mr. SPEISER. Thank you very much, Mr. Stokes.

At this time, Mr. Ray, I would like to shift the focus of the inquiry from any attitude that you or your brothers may have possessed toward Dr. King, to the escape of your brother, James Earl Ray, from the Missouri State Prison.

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You are aware, are you not, that James was incarcerated at the Missouri State Prison in Jefferson City, Mo., from March 1960 until April 23, 1967. Are you aware of that fact?

Mr. RAY. Correct.

Mr. SPEISER. Where were you primarily residing during that period of time?

Let me be a little more specific. During the period of 1967 and 1968, where was your primary residence then?

Mr. RAY. What years was it?

Mr. SPEISER. 1967 and 1968.

Mr. RAY. St. Louis.

Mr. SPEISER. How were you employed?

Mr. RAY. 1967-68, I had a tavern.

Mr. SPEISER. Prior to the tavern in 1967?

Mr. RAY. I was employed as a—well, I can't actually—I was employed as a bartender for 4 or 5 years at Indian Hills Golf Club in——

Mr. SPEISER. Again, I am trying to focus upon a period of 1967. Your brother James escaped in April 1967. Are you aware of that fact?

Mr. RAY. 1967?

Mr. SPEISER. April 1967.

Mr. RAY. Yes; that is correct.

Mr. SPEISER. And what were you doing on or about that period of time in terms of employment?

Mr. RAY. I can't—I can't—I believe I was a painter.

Mr. SPEISER. Well, when James was incarcerated in Missouri State Prison, did you have occasion to have telephone calls with him?

Mr. RAY. No.

Mr. SPEISER. You never spoke with James by telephone?

Mr. RAY. No; I don't recall.

Mr. SPEISER. Did you ever write to your brother James?

Mr. RAY. Yes; I imagine I had, yes.

Mr. SPEISER. Would you write to him and he write back to you, or was it a one way line of communication?

Mr. RAY. It would be two ways.

Mr. SPEISER. How far was St. Louis from the Missouri State Prison?

Mr. RAY. Oh, I guess, I would say 120 miles.

Mr. SPEISER. 120 miles?

Mr. RAY. Guessing, yes.

Mr. SPEISER. About a 2-hour drive?

Mr. RAY. Three hours I guess.

Mr. SPEISER. Did you have a car at that time?

Mr. RAY. I can't recall whether I did or not. I had so many automobiles I actually don't know.

Mr. SPEISER. I am not asking you what type of car you had. I am asking you if you had a car.

Did you generally have a car?

Mr. RAY. Well, most of the time, but not all the time.

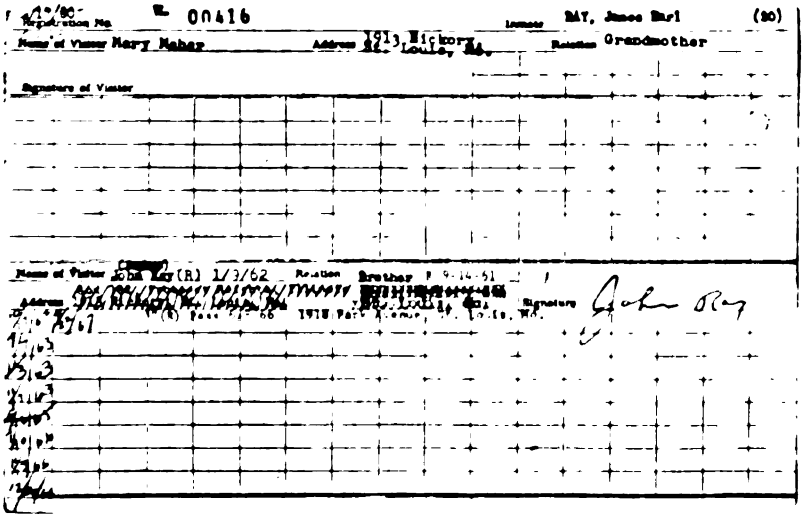
Mr. SPEISER. Did you have the occasion to visit your brother James at any time while he was incarcerated at the Missouri State Prison?

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Mr. RAY. Yes.

Mr. SPEISER. At this time, Mr. Chairman, I would choose to have marked into the record and introduced into the evidence MLK exhibit F-634, which exhibit reflects according to the records of the Missouri State Prison the dates that the witness, John Larry Ray, visited his brother James while he was incarcerated at that institution.

[The information follows:]



MLK EXHIBIT F-634

Mr. LESAR. Mr. Chairman?

Chairman STOKES. Yes, counsel.

Mr. LESAR. Just prior to the hearing this morning I had a brief conference with, I think, first an assistant counsel for the staff, and then later with Mr. Blakey about the question of immunity for John Ray.

And you probably will not personally recall, because I don't believe you were present, but in the executive sessions, on the executive session of April 18, 1978, immunity was conferred upon John Ray. He has now been—he was resubpenaed in this November, and, however, because of his arrest in St. Louis he is here as a result of a petition for writ of habeas corpus ad testificandum and pursuant to the continuing subpena rather than the subsequent subpena.

And I was uncertain, and the counsel for the committee said he always was uncertain as to the—whether or not the immunity previously conferred upon Mr. Ray was continuing under these circumstances.

And we both agreed that in order to resolve any uncertainties, in the interest of my client, that we ought to proceed to immunize him under the new order.

And so I would request that we do that, and I think it would be appropriate that—I think it would be appropriate that we again choose the question which was selected by the committee as an

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appropriate one to plead immunity in the executive session. And that was the question regarding prior knowledge of James Earl Ray's escape from the Missouri Penitentiary.

Chairman STOKES. In order for the witness to be able to invoke the immunity order provisions, it will be necessary for him to assert his constitutional rights under the fifth amendment.

Is the witness doing that at this time?

Mr. LESAR. I would so advise him.

Chairman STOKES. All right. The witness will have to answer, Mr. Lesar.

Mr. RAY. On advice of counsel, I now take the fifth amendment.

Chairman STOKES. Mr. Speiser, are you prepared to confer immunity upon the witness?

Mr. SPEISER. Yes, Mr. Chairman.

On November 13 this committee went before U.S. District Court Judge Charles Bryant and secured from him an immunity order which will be effective upon the assertion by Mr. Ray of his fifth amendment privilege. And this immunity order, which I would choose to have introduced into the record as MLK exhibit F-630, is before you at this time.

[The information follows:]

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MLK Exhibit F-630

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Application of UNITED STATES HOUSE OF REPRESENTATIVES SELECT COMMITTEE ON ASSASSINATIONS	Misc. No. 78-0327

FILED

NOV 13 1978

JAMES F. DAVEY, Clerk

ORDER
CONFERRING IMMUNITY UPON AND
COMPELLING TESTIMONY FROM JOHN LARRY RAY

The United States House of Representatives Select Committee on Assassinations having made written application, pursuant to Title 18, United States Code, Sections 6002 and 6005, for an order conferring immunity upon John Larry Ray and compelling him to testify and provide other information before the Subcommittee on the assassination of Dr. Martin Luther King, Jr. of the Select Committee on Assassinations or the full Select Committee, and the court finding that all procedures specified by § 6005 have been duly followed, it is hereby, this 13th day of November, 1978,

ORDERED, that John Larry Ray in accordance with the provisions of Title 18, United States Code, Sections 6002 and 6005, shall not be excused from testifying or providing other information before the Subcommittee on the Assassination of Dr. Martin Luther King, Jr. of the Select Committee on Assassinations or the full Select Committee on the grounds that the testimony or other information sought may tend to incriminate him.

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ORDERED FURTHER, that John Larry Ray appear when subpoenaed by said Subcommittee or Committee and testify and provide such other information that is sought with respect to matters under inquiry by said Subcommittee or Committee.

AND IT IS FURTHER ORDERED that no testimony or other information compelled under this order (or any information directly or indirectly derived from such testimony or other information) may be used against John Larry Ray in any criminal case, except a prosecution for perjury, giving a false statement or otherwise failing to comply with this ORDER.

United States District Judge

Dated: NOV 13, 1978

Mr. SPEISER. I would, therefore, request, Mr. Chairman, that you direct John Larry Ray to answer the question.

Chairman STOKES. The exhibit, without objection, is hereby entered into the record.

Pursuant to the court order conferring immunity upon the witness, you are advised at this time, Mr. Ray, that an immunity has been conferred upon you by a court of law and, accordingly, you are directed to answer the question put to you.

Mr. LESAR. Before he answers, I think there is an exhibit in connection with this we have not yet been given.

May we have it?

Chairman STOKES. Exhibit F-634.

Mr. SPEISER. Yes, Mr. Chairman, just to clear up the record.

Chairman STOKES. Furnish counsel with a copy of that.

Mr. LESAR. May I have a copy of that, too?

Mr. SPEISER. That was the interview of Mr. Huie.

Mr. LESAR. All right, fine. We do have that one.

Chairman STOKES. Any further objection?

Mr. LESAR. No.

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Chairman STOKES. All right, sir.

You are directed to answer counsel's question.

Do you recall the question?

Mr. LESAR. Could we have the question repeated, please?

Chairman STOKES. Counsel, repeat the question, please.

Mr. SPEISER. I have at this time introduced into the record MLK exhibit F-634, and I ask you whether this record accurately reflects the dates that you visited your brother, James Earl Ray, while he was incarcerated at the Missouri State Prison?

Mr. RAY. I could not remember any dates.

Mr. LESAR. Let me, for the record, read the dates that appear on this document. There are actually two parts to the document.

The first says "name of visitor, Mary Maher", and it lists her as a grandmother of James Earl Ray, and then below that it says "name of visitor, John Ray, (R) 1/9/62" and lists him as a brother. And the dates appear to be "10/17/62; 7/7/63; 11/3/63; 11/17/63."

The next one is difficult to make out because there is a slash through it, but it appears to be "5/6/65." Following that "7/10/66; 11/13/66; 12/20/66." And then in the next column it appears to be "4/22/67."

Chairman STOKES. Is the answer of the witness the fact that he does not recall those visits?

Mr. RAY. No; I do not recall them.

Chairman STOKES. Proceed, Mr. Speiser.

Mr. SPEISER. Mr. Ray, I am particularly concerned with the last visit that is reflected on that record. That is the visit on April 22, 1967. That was the day prior to the escape of your brother from the Missouri State Prison.

I ask you at this time, do you have any recollection of visiting your brother James the day preceding his escape from the State Prison?

Mr. RAY. I do not have no recollection of that.

Mr. SPEISER. Do you have any reason to offer this committee at this time as to why this record before you would not be accurate?

Mr. RAY. I did not say it wasn't accurate. I just said I don't recall visiting that certain day.

Mr. SPEISER. Well, let me attempt to further refresh your recollection by advising you of the fact that your brother, James, testified under oath in a deposition on December 2, 1977, to this committee that you, John, were probably the brother who visited him on April 22, 1967, the day prior to his escape.

Mr. LESAR. Excuse me, may we have, I believe that has been marked as an exhibit, and I would like to have the reference to it so I can locate it.

Mr. SPEISER. No problem, counsel. That is MLK exhibit F-635, which I shall request be marked into evidence and introduced into the record at this time and that a copy be furnished to the witness.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[MLK exhibit F-635 follows:]

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Q. What amounts would that of been?

A. Oh, very, very small.

Q. Like what?

A. During the seven year period?

Q. Yes.

A. It couldn't of been over a hundred, hundred dollars over the seven years. Because I never asked for any money, if I'd of asked for it it would of been different.

Q. How much money did you send out including these checks to the Pepper Stationery Company?

A. At most it must of been 200.

Q. Who visited you before you escaped?

A. Uh, it was John, uh, well it was one of my brothers that visited a couple of days before I escaped.

Q. Which one.

A. John or Jerry, I'm too positive now which one it was. It was, I believe it was John, I'm not certain.

Q. What happened during that meeting?

A. Uh, nothing.

Q. Did you tell him that you were going to come out?

A. No, I didn't tell him anything. That would of been illegal.

Q. Why not?

A. Uh, I don't know. I don't -- I can't remember all what I told him, but I mean they all knew, both Jerry and John knew that I was thinking about escaping. So, it wouldn't of been no revelation if I, if I would of mentioned something

MLK EXHIBIT F-635

Mr. SPEISER. Let me read the pertinent portion of that question and answer segment.

Question. Who visited you before you escaped?
Answer. Uh, it was John, uh, well, it was one of my brothers that visited a couple of days before I escaped.
Question. Which one?
Answer. John or Jerry. I'm too positive now which one it was. It was, I believe it was John. I'm not certain.

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Mr. LESAR. Excuse me, counsel; it would just appear from the reading of it that there is a typographical error or something left out of that sentence. I would suggest it should read: "John or Jerry, I am not too positive now which one it was." Otherwise, it doesn't seem to make any sense.

Mr. SPEISER. I am willing to go along with your observation.

Mr. LESAR. My construction of it, yes.

Mr. SPEISER. I don't think that changes the import of Mr. James Earl Ray's statement here, that is, "It was, I believe, I believe it was John." Having had this statement——

Mr. LESAR. He adds after that, "I am not certain."

Mr. SPEISER. Thank you. The document speaks for itself.

Mr. Ray, having had an opportunity to have this statement of your brother brought to your attention, does it serve to refresh your recollection of having visited your brother James the day prior to his escape?

Mr. RAY. I don't recall it, no. Actually I don't—his—the—Jerry, my visiting pass, Jerry used it sometimes. I used it sometimes, and a guy named John Gawron, I believe, used it sometimes.

Mr. LESAR. Mr. Speiser, I would like to assist the committee on this matter.

I am advised that there was an FBI investigation of this, and that the result of that FBI investigation would be favorable to my client's testimony, and I would like to request that we be provided with a copy of any FBI documents pertaining to that.

Mr. SPEISER. Mr. Lesar, I am not aware of any particular document that you are alluding to but putting aside your statement I am concerned with the response of your client, not the final product of the FBI's investigation, if there was one. I am concerned with an answer from your client.

Mr. LESAR. Well, I understand that.

Chairman STOKES. Mr. Lesar, at this point will you let the witness proceed to reply to counsel's questions?

Mr. LESAR. Well, excuse me.

Chairman STOKES. You are out of order in terms of your request at this point and, accordingly, the Chair would extend to you or your client at the conclusion of his testimony 5 minutes during which time you may explain or amplify any portion of his testimony.

Mr. Ray, will you answer the question?

Mr. RAY. Just a minute, sir.

Mr. LESAR. Mr. Ray has requested that you advise him as to the date of James Earl Ray's escape.

Mr. SPEISER. The date of his escape was April 23, 1967.

Mr. LESAR. All right. No; go ahead.

Mr. RAY. What was the question?

Mr. SPEISER. I have been attempting to try and refresh your recollection both through introducing into evidence a copy of your visitor's record as well as a statement from your brother, James, under oath, both pointing to the fact that you visited your brother, James, on April 22, 1967. I am asking you for the last time; do both these facts serve to refresh your recollection of having visited your brother, James, on that date?

Mr. RAY. I don't recall visiting him on that date.

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Mr. SPEISER. Do you deny you visited him on that date?

Mr. RAY. I don't deny it, no. I just said I don't recall it.

Mr. SPEISER. Let's proceed.

Were you aware that your brother, James, had made two prior unsuccessful attempts to escape from the Missouri State Prison in 1961 and in 1966?

Mr. RAY. I expect maybe I did, yes.

Mr. SPEISER. How were those brought to your attention?

Mr. RAY. Well, he told me about them all, all, I guess he must have told me about it. If I did, if I had knowledge of it. You see, he tried——

Mr. LESAR. Never mind; go ahead. Proceed.

Mr. SPEISER. Did you assist James in his efforts to escape from prison in 1961 and 1966?

Mr. RAY. No.

Mr. SPEISER. On both occasions he was unsuccessful?

Mr. RAY. No.

Mr. SPEISER. When was the first time that you learned your brother James Earl Ray had escaped from the Missouri State Prison?

Mr. RAY. Well, I guess when I read about it in the paper.

Mr. SPEISER. You mean——

Mr. RAY. The capture I can't recall; later on, a year later, a year and a half later.

Mr. SPEISER. What do you recall reading in the paper that served to——

Mr. RAY. When he was a suspect of being a fugitive from the King assassination.

Mr. SPEISER. James escaped on April 23, 1967. On April 19, 1968, he was identified as a suspect in the assassination of Dr. King. It's your testimony today that it was not until April 19, 1968, almost a year later that you first became aware that your brother had escaped from the Missouri State Prison?

Mr. RAY. I can't recall being aware. It's possible, but I can't recall of being aware. I can't remember him escaping.

Mr. SPEISER. But it's your testimony you may have been aware of it?

Mr. RAY. It's possible I was aware but I can't recall being aware of it. Someone could have told me and now I have forgot about it, see.

Mr. SPEISER. Following your last visit, assuming that you actually made that visit on April 22, 1967, to your brother, did you make any subsequent attempt to visit your brother at the Missouri State Prison?

Mr. RAY. I don't know.

Mr. SPEISER. Assuming the accuracy of your testimony then, your last visit, according to this record, was on April 22, 1967. James was identified on April 19, 1968. You made no attempt to visit your brother in that entire year period?

Mr. RAY. 1967——

Mr. SPEISER. Mr. Chairman, I sense every time I ask a question to the witness I am getting his counsel's response rather than the witness' response.

Mr. LESAR. No; you are not.

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Mr. SPEISER. There is no problem in an attorney conferring with his client, but every time I ask a question I don't know whether I am getting Mr. Ray's response or Mr. Lesar's response.

Mr. LESAR. Let me explain part of the problem, if I will be allowed to finish my statement this time.

Part of the problem is because this committee, contrary to normal practice, has not allowed my client to have a copy of the transcript of his testimony. Therefore, we have these 200 or 300 pages of previous testimony that he has not had a chance to go over. I have had a partial opportunity to go over it but not to retain my notes on it.

Therefore, I must confer with him and remind him of things in a transcript which he has not had any opportunity to review because of the games that this committee has been playing.

Chairman STOKES. Mr. Lesar, if you are familiar with the rules of the House and the rules of this committee you would know that it is not contrary to normal procedure. No witness who testifies before an excecutive session of the Congress is entitled to a copy of that executive transcript. He is entitled to access to it, which has been given to you as counsel for him.

Mr. LESAR. Would you like the copy of a transcript of a witness who testified in executive session?

Chairman STOKES. Sir, you are out of order. I have told you that before. I am not going to continue to admonish you in that respect either.

Mr. SPEISER. I believe I have a pending question, Mr. Ray.

Mr. LESAR. Would you repeat the question, please?

Mr. SPEISER. Again, James Earl Ray escaped on April 22, 1967. He was identified as the assassin on April 19, 1968 which, according to your testimony, may be the first time that you were aware that he had escaped.

My question to you is that in that almost 1 year period you made no effort to go visit your brother, call him or write?

Mr. RAY. Well, what about it? From November 17, 1963, to April 6, 1965, I did not visit him there.

Mr. SPEISER. Just answer my question.

Mr. RAY. I didn't actually hear your question, when you asked me, see.

Mr. SPEISER. During that entire period, almost 1 year, you made no effort to visit, call or write your brother, James, who was only 2 hours away from you?

Mr. RAY. I guess I didn't make the effort. There is nothing unusual about it, because between, between one visit here, it was almost 2 years, from 1963-65. So that wouldn't be unusual.

Mr. SPEISER. Let me ask you this, Mr. Ray. While a resident of the St. Louis area did you ever have occasion to read the newspapers?

Mr. RAY. Well, they are on strike now. So you can't tell, see.

Mr. SPEISER. Well, let's focus on a period of 1967 and 1968. Did you read the newspapers at all?

Mr. RAY. Occasionally.

Mr. SPEISER. At this time, Mr. Chairman, I would choose to have marked into the record MLK exhibit F-637 and that a copy be furnished to the witness.

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This is a copy of a news article that appeared in the St. Louis Post Dispatch on April 24, 1967.

Chairman STOKES. Without objection, it may be entered into the record.

[MLK exhibit F-637 follows:]

4-24-67 PD

CONVICT SOUGHT AFTER HIS THIRD EFFORT TO ESCAPE

Special to the Post-Dispatch

JEFFERSON CITY, April 24 — James Earl Ray, St. Louis, has made his third attempt to escape from the state penitentiary here, but it still was not clear this morning whether he had finally succeeded.

He has been missing since 5 p.m. yesterday when inmates returned to their cells after the evening meal. 8137

"Frankly we don't know whether he is outside the walls or inside," Warden Harold R. Swenson said. "He is a hide-out guy. Last year, he hid out inside the prison and it took us more than a day to find him."

In that attempt, Ray was found hiding in a ventilation shaft. He tried to excape in 1961, but was discovered hiding in the dry cleaning plant after a makeshift ladder he had built to scale the walls apparently collapsed under his weight.

Ray entered the penitentiary in March 1960 to serve 20 years on a charge of armed robbery in St. Louis. He is 30 years old.

MLK EXHIBIT F-637

Mr. SPEISER. The caption of this news article is "Convict sought after his third effort to escape."

Did you have the occasion to read this article at the time it appeared in the St. Louis Post Dispatch?

Mr. RAY. I can't say whether I was in St. Louis or not at a certain date. I have no, I have never read this paper myself, I have never read this article showing this date here, April 24, to my knowledge, or I would probably remember. But, I am not sure I was in St. Louis April 24. I'm out of town quite a bit.

Mr. SPEISER. It's your testimony you have no recollection of reading this article?

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Mr. RAY. No.

Mr. SPEISER. Do you have, did anybody—presumably one of your neighbors—ever bring to your attention the fact that in the newspapers or on the radio there was a report that your brother, James Earl Ray, had escaped?

Mr. RAY. Well, I don't associate with neighbors too much, so even where I live at now, so they wouldn't actually—I didn't actually—they wouldn't have no reason to know that this was my brother anyway, because I don't, you know, advertise my past life to the neighbors or anybody else.

Mr. SPEISER. Do you deny that anybody ever told you that your brother, James, had escaped from the Missouri State Prison?

Mr. RAY. I don't deny it, but I can't recall anybody ever making such a statement.

Mr. SPEISER. Are you aware that your brother, Jerry, testified here yesterday?

Mr. RAY. I heard he did.

Mr. SPEISER. Let me remind you——

Mr. LESAR. Excuse me, let me clarify that response.

He heard that he testified, not that he heard the testimony.

Mr. SPEISER. I understand. Your brother, Jerry, testified yesterday, and his testimony in part confirmed a statement he made in executive session, and that is that he felt very sure that he had told you that James had escaped, and that he had met with James on at least two occasions.

Now, having had this statement brought to your attention, again, I ask you, did anyone advise you that James had escaped prior to the announcement on April 19, 1968, that he was the suspected assassin of Dr. King?

Mr. LESAR. Counsel, could we be provided with a copy of the transcript of that testimony?

Mr. SPEISER. Well, I don't have available a copy of the transcript of his testimony yesterday.

Mr. LESAR. Well, the counsel is put in the position of testifying. You are testifying as to something, and I think that is highly improper. It's elementary.

Chairman STOKES. Objection is sustained.

Mr. LESAR. For the record, it's our recollection that Jerry Ray's testimony was other than counsel has represented it. We do not think that he said that he felt very sure, and that there were other qualifiers put there. But we, too, cannot be sure unless we have a transcript.

Chairman STOKES. Objection has been sustained.

Counsel will proceed to another question.

Mr. SPEISER. One more series of questions in this area, Mr. Ray.

Do you know Walter Rife?

Mr. RAY. Yes.

Mr. SPEISER. How do you know Mr. Rife?

Mr. RAY. Oh, association, from prison association.

Mr. SPEISER. Did you serve any time in prison with him?

Mr. RAY. Yes.

Mr. SPEISER. At this time, Mr. Chairman, I would choose to have marked into the record MLK exhibit F-640, and that a copy be furnished by the clerk to Mr. Ray.

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This exhibit is a two-page report of an interview with Walter Rife. I would like to direct your attention to page 2, second to the last paragraph on that page.

Chairman STOKES. Without objection, it may be entered and made a part of the record at this point.

[MLK exhibit F-640 follows:]

MLK EXHIBIT F-640

[illegible] INTERVIEWED: 2/2/78 TIME INTERVIEWED: 12 Noon

[illegible] INTERVIEWED: Residence RR1 Farmington, Ill. SC

NAME: RIFE, Walter

DATE OF BIRTH: _____ SOCIAL SECURITY NUMBER: _____

HOME ADDRESS: RR1 Farmington, Ill.

BUSINESS ADDRESS: _____

HOME TELEPHONE: 309-245-2616 BUSINESS TELEPHONE: _____

ASSOCIATES: JER, John Ray, Jerry Ray

MLK INVESTIGATION CONNECTION: Prior contact with John, Jerry and James Earl Ray

INTERVIEW STATEMENT:

RIFE was interviewed at his place of residence near Farmington Illinois by Staff Investigator Baetz. RIFE stated that he was acquainted with JER through both childhood contact and adult activities.

RIFE stated that he knew JER "off and on" until 1955.

RIFE stated that JER didnot exhibit racial prejudice during his childhood and that in RIFE's estimation, JER's philosophy towards blacks was one of "the least he had to do with them, the better off he would be" however RIFE states that JER never made statements which would indicate that he had "anything personal against negroes".

(FE stated that following his imprisonment in USP Leavenworth with JER following their arrest and conviction for theft of postal money orders, he did not have contact with JER until about two weeks before the assassination of MLK. At that time, RIFE states that JER came

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to where RIFE was living in Quincy, Illinois , at 318 32ND St.,
a wanted RIFE to travel to New Orleans with him. RIFE states that
JER told him that he (JER) "had a deal down there about some stuff
to go into Cuba". RIFE states that he advised JER that he did not want
to get involved in anything like that.

RIFE stated that he had been in touch with Jerry Ray prior to that
incident and he assumes that Jerry Ray furnished his address in Quincy to

When asked whether RIFE had positive knowledge of any criminal
activities that JER may have engaged in during 1967-1968, RIFE replied
that "he knewthat JER had hit some places", however when pressed on
it RIFE advised that he could not or owuld not name specific robberies.

RIFE advise d that he had personal knowledge of who assisted JER in
the escape from Jefferson City and when pressed, advised that John
Ray had assisted by picking him up on a highway near Jefferson City
following the escape. RIFE was asked how he knew this and he advised
that he had been incarcerated with John at Leavenworth after the
King assassination and that during the course of conversation with John
Ray, Ray had volunteered this information to RIFE.

RIFE disclaims any other contact with JER during the escape period
and with the exception of the conversation with John Ray about the
escape of JER, RIFE could furnish no other information of value.

Signed: Date:

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Mr. SPEISER. Let me read out loud to you, Mr. Ray, the relevant portion, and let me ask you a question on that.

Mr. LESAR. Counsel, I would like to raise an objection to this document on the grounds that it is unsworn hearsay and, second, it is a report by Conrad Baetz, who himself was under investigation by this committee for improper activities, and I think it's highly improper that it be admitted.

Chairman STOKES. Objection is overruled.

Proceed.

Mr. SPEISER. Thank you, Mr. Stokes.

The paragraph I am concerned with reads as follows:

Rife advised that he had personal knowledge of who assisted James Earl Ray in the escape from the Missouri State Prison, Jefferson City, and when pressed advised that John Ray had assisted James Earl Ray by picking him up on a highway near Jefferson City following the escape. Rife was asked how he knew this and he advised that he had been incarcerated with John at the U.S. Penitentiary at Leavenworth after the King assassination and that during the course of conversation with John Ray, Ray had volunteered this information to Rife.

Is this statement accurate?

Mr. RAY. No. I was—it's inaccurate, and I might add that Rife is noted throughout all prison systems as being a more or less a certified liar. He is well known for fabrications and stuff like that.

Mr. LESAR. Counsel, information has been provided to me that a Federal charge against Mr. Rife was dropped.

Do you have any information on that?

Chairman STOKES. The inquiry is out of order.

Proceed, counsel.

Mr. SPEISER. Did you help your brother escape?

Mr. RAY. No.

Mr. SPEISER. Mr. Chairman, at this time I would request that MLK exhibit F-644, previously introduced into the record, be furnished Mr. Ray. This is a letter to John Ray dated July 15, 1968.[1]

Mr. LESAR. Excuse me, may we have the exhibit, please?

Mr. SPEISER. Yes; I have requested the clerk to furnish you a copy.

If you will hold on she will provide it to you shortly.

Chairman STOKES. Mr. Lesar, weren't you furnished last night with copies of all of these documents? Has there been any document we have questioned the witness from this morning that you were not furnished last night?

Mr. LESAR. On that I am not certain. I think there is one that I was furnished this morning. But I think it's more pertinent simply to say that I would have—It would—it would occupy a great deal more of the committee's time if I had to search through the mass of documents that was given me to obtain a copy. So I think——

Chairman STOKES. The question is you were furnished with copies?

Mr. LESAR. Oh, yes, I was, after working hours last night.

Now, Mr. Counsel, could you tell me the source of this letter? How was this letter obtained?

Chairman STOKES. Counsel, do you have a question before the witness here?

[1] See text, supra, at 7.

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Mr. SPEISER. Yes. I was in the middle of posing a question, Mr. Chairman, and if I can begin again.

Mr. LESAR. I am trying to establish whether or not this was illegally obtained.

Mr. SPEISER. Mr. Chairman?

Chairman STOKES. Would counsel please restate his question and, again, Mr. Lesar, I am going to ask you to refrain from trying the Chair.

Mr. LESAR. Well now, every American citizen has a constitutional right not to have his mail intercepted.

Chairman STOKES. Counsel, you are out of order.

Proceed, Mr. Speiser.

Mr. SPEISER. Thank you, Mr. Chairman.

This is a two-page letter that is addressed to John Ray and it's dated July 15, 1968, and it is signed by Lord Rolf Sneyd, one of the aliases that your brother James Earl Ray utilized.

Before you are three pages. The Xerox copy of the letter was two pages. The last paragraph of that page was crossed out. This paragraph was deciphered by the Federal Bureau of Investigation and the three sentences that are crossed out in the last paragraph are restated in type on the third page of the three pages that are before you.

I would like to read that statement at this time. This again is a letter from Lord Rolf Sneyd, who has been identified to this committee as your brother, James Earl Ray, to you.

Don't discuss any part of this case with anyone until I get back especially the libel part. I think pity will have a good thing. If you see Fu Manchu or the Tongue tell them am OK. Take it easy.

My question to you initially, Mr. Ray, is who is Fu Manchu?

Mr. RAY. I don't—I have no recall on who. A movie character, I guess. I heard that name before but I don't know who he is.

Mr. SPEISER. Do you know who the "Tongue" is?

Mr. RAY. No.

Mr. SPEISER. When you received this letter from James did you ever inquire of him who he was alluding to if you did not know who these people were?

Mr. RAY. Well, it was all crossed out. I didn't have no decifer way, because—so, I wouldn't actually know what it said.

Mr. SPEISER. Let me ask you this: Did you cross out that last paragraph?

Mr. RAY. No, not to my knowledge. Not—why would I cross it out?

Mr. SPEISER. I am asking you did you cross that last paragraph out?

Mr. RAY. I don't actually remember this letter. I don't remember all the correspondence I get from certain individuals. I am just guessing. It's my name on it, it's mine.

Mr. SPEISER. I don't believe I received a response from you. Is your answer no? You did not cross out this last paragraph?

Mr. RAY. I can't say I did not cross it out because I don't know. Where did the letter come from? Was it sent to me?

Mr. SPEISER. Yes, Mr. Ray, this letter, in fact, was turned over by you to Mr. McMillan. I am asking you did you cross out this last paragraph?

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Mr. RAY. I can't recall crossing this out. I wouldn't see no reason to cross it out myself.

Mr. SPEISER. Let me ask you one more question based on this letter, Mr. Ray. The first sentence says: "Don't discuss any part of this case with anyone until I get back, especially the libel part."

Did you have any information about the assassination of Dr. Martin Luther King as of the date of this letter that your brother did not want you to convey to the press or to any law enforcement authorities?

What did he mean by that statement?

Mr. RAY. Well, I was trying to figure out the date on here.

What was your question?

Mr. SPEISER. Again, I ask you, focusing upon this first sentence of this letter, "Don't discuss any part of this case with anyone until I get back, especially the libel part", did you have any information about the assassination of Dr. Martin Luther King as of the date of this letter, July 15, 1968, which your brother did not want you to tell anyone about?

Mr. RAY. Well, no. I guess this is the libel part he is talking about. You see, a lot of newspapers and stuff was writing up, like magazines especially——

Mr. SPEISER. I don't want to quibble over words, but I think it says, "especially the libel part", which means there are other portions of the case which your brother did not want you to discuss with anybody.

I am asking you did you have any knowledge about the assassination of Dr. King as of the date of this letter which your brother did not want you to discuss with anybody?

Mr. RAY. Well, no.

Mr. SPEISER. What part of the case did your brother not want you to discuss with anybody?

Mr. RAY. The libel part, I guess. He said, "especially the libel part." I guess that's the part.

Mr. LESAR. May I make a clarification——

Chairman STOKES. The witness has answered the question.

Counsel, move on.

Mr. LESAR. Just for the record, I would point out I think there is a distortion being built into the record due to the fact that this witness does not recall some things that are pertinent to the question.

James Earl Ray was extremely distressed over articles in Life Magazine.

Chairman STOKES. There is no testimony before this committee to that effect.

You are out of order.

Mr. LESAR. You mean you——

Chairman STOKES. There is no testimony to that effect, and you are out of order.

Mr. LESAR. You didn't ask James Earl Ray about this?

Chairman STOKES. You are out of order.

Do you understand that?

Mr. SPEISER. Mr. Ray, let's shift gears and change to another area of concern.

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Do you know how your brother, James, funded himself, financed his travels between the period that he escaped from the Missouri State Prison and the date that he was arrested, June 8, 1968, in London?

Mr. RAY. I have no idea.

Mr. SPEISER. Did you ever furnish your brother James with any money during that period of time? Stop and think about it.

Mr. RAY. You mean a period of time——

Mr. SPEISER. During the period of time between April 23, 1967, and June 8, 1968, a period of 1 year, while your brother was a fugitive? Did you fund him with any money?

Mr. RAY. I did not.

Mr. SPEISER. Are you familiar with the Alton Bank in Alton, Ill.?

Mr. RAY. I read about it, yes.

Mr. SPEISER. Did you rob that bank?

Mr. RAY. No; I did not rob it.

Mr. LESAR. I have a point of information.

On November 2 I wrote the counsel and director of this committee a letter in which I requested certain information pertinent to the Alton, Ill., bank robbery, and I explained that this information was necessary in order that we could properly prepare John Ray's testimony on this matter.

I would——

Mr. SPEISER. Mr. Chairman, may I proceed? I think Mr. Lesar's remarks would be appropriate for closing.

Mr. LESAR. No, I don't believe they would be appropriate for closing. There is an FBI document which I have which concerns two people who were considered suspects in the Alton, Ill. bank robbery, and I would request that before there is any further questioning along this line that we be provided with their identities so we can assist the committee in providing full and complete and truthful testimony.

In his previous executive session testimony Mr. Ray proved very helpful to this committee because he testified that a person had committed perjury and in effect framed an innocent man in the Laddonia Missouri Bank robbery.

That, I understand, has now been established. My client's testimony on that point was corroborated, an innocent man spent 7 years in jail because a man named Clarence Haynes who is also now testifying against my client, framed that man.

Recently the committee——

Chairman STOKES. Mr. Lesar, I will extend to you 5 minutes at the end of your client's testimony here. You may state whatever you please within that 5 minutes relative to his testimony. If you have an objection, state your objection.

Mr. LESAR. Your Honor——

Chairman STOKES. Without a speech. I don't need a speech from you.

Mr. LESAR. All right, let me state my objection.

My objection is that this committee has repeatedly postured that it wants the truth, that it wants the assistance——

Chairman STOKES. You obviously don't have an objection. You are out of order.

Mr. LESAR. You are now trying to entrap——

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Chairman STOKES. I gave you a chance to state your objection. You don't have one. You are out of order.

Proceed, Mr. Speiser.

Mr. SPEISER. Thank you, Mr. Chairman.

Your testimony, as I understand it then, is you did not partake in the robbery of the Bank of Alton?

Mr. RAY. That's right.

Mr. SPEISER. At this time, Mr. Chairman, I would choose that MLK exhibit F-646 [1] which has been introduced earlier be shown at this point.

This is a chart, a blowup of a map of Alton depicting certain specified locations in Alton that are of concern to this committee, namely, the location of the Bank of Alton, the residence of William Maher at the time of the robbery, William Maher being an uncle of the witness and, of course, James Earl Ray. I note that the distance between the Bank of Alton and the residence of William Maher is only 1.1 miles.

A third spot marked on that map is the location where the evidence was recovered; that is, the stocking masks and the weapons that were used in that robbery. This location where the evidence was recovered was a half a mile from the residence of the uncle of the witness.

Now, I want to ask you a question again, but before I do so I want to just bring certain facts out, Mr. Ray.

The Bank of Alton was robbed on July 13, 1967. We know that your brother, James, was in the Alton area, for he testified that prior to going to Canada he was going to the St. Louis area to visit relatives. St. Louis is only 20 miles from Alton.

As a matter of fact, the day after the bank was robbed, that being on July 14, your brother, James, bought a car for $210 in East St. Louis, Ill., which is only 20 miles from Alton and 20 miles from St. Louis, Mo.

Prior to the purchase of the car, James only had $450. The car was purchased for $210. Assuming there was no independent influx of funds, that meant that James Earl Ray, your brother, went to Canada, a foreign country, with only $240.

Mr. LESAR. Objection. Objection. Is counsel testifying?

Mr. SPEISER. No; I am making, laying a foundation for the question I am about to propound to your client.

Mr. LESAR. Then could we have the foundation, could we have the evidence upon which the representations are based?

Chairman STOKES. Counsel is permitted to lay the foundation for his question, the framework of the question he is posing at this time.

Mr. SPEISER. Thank you, Mr. Chairman.

If I may continue, on the day that the bank was robbed, Jerry had his day off. You testified in executive session that you were in the St. Louis area at the time this bank was robbed. Shortly after this bank was robbed, namely on July 23, 1967, 10 days after the robbery, you were observed in the San Francisco area.

Mr. LESAR. Excuse me. Excuse me. In the form of your question you have represented as a fact that that was Jerry Ray's day off.

[1] See text, supra, at 14.

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Now, did Jerry Ray testify to that, or did you have the work records which showed that?

Chairman STOKES. Counsel will state his full question.

After the full question has been stated, if you have an objection, the Chair will listen to you.

Mr. LESAR. I have an objection based upon the fact that the question——

Chairman STOKES. I have said to you the procedure here will be that the counsel will state his full question.

Mr. LESAR. All right, no objection.

Mr. SPEISER. As a matter of fact, you testified before this committee, Mr. Ray, that prior to your departure from California you had $2,500, and your testimony, upon your return, is that when you came back you deposited $2,500, $1,300, and $1,200 respectively in two different banks, meaning that unless you were employed during the period you were in California you didn't spend anything for gas, food, and other amenities.

Mr. LESAR. Objection.

Chairman STOKES. Just a moment.

Mr. LESAR. I thought he was finished. I apologize.

Mr. SPEISER. My question is, again, with all of these factors having been brought to your attention, do they serve to refresh your recollection as to whether or not you partook in the robbery of the Bank of Alton with your brother, James?

Mr. LESAR. Objection to the question, Mr. Chairman.

Chairman STOKES. What is your objection?

Mr. LESAR. The basis to the objection is that the question is based upon statements of fact which appear to be contrary to the evidence before the committee.

It is my recollection that Jerry Ray testified first that he sometimes worked 7 days a week, and that previous FBI records had corroborated his account of his days on and off work, and that those records have now been destroyed.

So, I would object to the question in the form that it was put, on the grounds that it is based upon information or representation of evidence which is simply not so.

Chairman STOKES. Counsel's objections are noted for the record. A simple question put to the witness is whether or not he participated. If the witness understands the question, he may answer it.

Mr. RAY. I did not participate in the Alton bank robbery.

Mr. SPEISER. Did you ever receive any of the proceeds that were obtained from that bank robbery?

Mr. RAY. I did not receive any proceeds, to my knowledge.

Mr. SPEISER. Did your brother James partake in the Bank of Alton bank robbery?

Mr. RAY. I do not know whether James does. I do not—I don't—I have no information whether he did or what.

Mr. SPEISER. At this time, Mr. Chairman, I would choose that MLK exhibit F-647,[1] which has already been introduced into the record, that exhibit being a chart depicting the modus operandi of the Bank of Alton robbery, be set up on the easel for the benefit of Mr. Ray.

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[1] See text, supra, at 11.

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I believe we also have Xerox copies in reduced form of tha chart, which I would request the clerk to furnish Mr. Ray at thi time.

Mr. LESAR. Mr. Chairman, I would like to move at this time fo the admission of an FBI document which is dated November 1 1968. I will read it just very briefly. It says: "To Director, FBI, Fil No. 44-38861," which is the headquarters MURKIN file.

From SAC Springfield, Subject MURKIN. Re Springfield Airtel dated 10/25/6 Informants, bank officials and police agencies advise no information has come t their attention in past week pertaining to bank robbery at the Bank of Alton, Jul 13, 1967, or with regard to James Earl Ray. Considerable speculation concerning th validity of upcoming Look magazine articles which have been publicized in loca newspapers in past week. Deleted and deleted arrested St. Louis County, Missouri on blank. Believed possible bank robbery suspects by officers Alton Police Depart ment. Separate communication being submitted to St. Louis by Springfield to hav suspects interviewed.

I would request that this be admitted in evidence. I would agair also request that we be provided the names of these persons ir order that we can assist this committee in its inquiry.

Chairman STOKES. Pursuant to counsel's request, the documen will be marked as exhibit F-665 and entered into the record at this point.

[MLK exhibit F-665 follows:]

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FBI

Date: 11/1/68

Transmit the following in _____ (Type in plaintext or code)

AIRTEL AIR MAIL (Priority)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, SPRINGFIELD (44-561) - P -

SUBJECT: MURKIN

Re Springfield airtel dated 10/25/68.

Informants, bank officials, and police agencies advise no information has come to their attention in past week pertaining to bank robbery at The Bank of Alton July 13, 1967, or with regard to JAMES EARL RAY.

Considerable speculation expressed concerning validity of up coming Look magazine articles which have been publicized in local newspapers in past week.

[redacted] and [redacted] arrested St. Louis County, Missouri, on [redacted] believed possible bank robbery suspects by officers Alton Police Department.

Separate communication being submitted St. Louis by Springfield to have suspects interviewed.

REC-95 1/1 5305

17 NOV 6 1968

(3) - Bureau (44-38861)(RM)
2 - Memphis (44-1987)(RM)
3 - Springfield (44-561)
(1: 91-3699)
RCH:skr
(8)

Sent _____ M Per _____

Special Agent in Charge

MLK Exhibit F-665

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Chairman STOKES. In addition thereto, the Chair will order that all FBI memoranda or documents relating to the Alton bank robbery now in the possession of this committee, exhibits F-670 and F-671, be entered into the record at this point.

MLK EXHIBIT F-670

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

130049

	SA JEROLD W. DONALDSON July 20, 1972	Office:	Springfield
Field Office File #:	SI 91-3699	Bureau File #:	91-27494
Title:	UNKNOWN SUBJECTS (2); The Bank of Alton Alton, Illinois July 13, 1967		
Character:	BANK ROBBERY		

Synopsis: Contact with pertinent law enforcement agencies fails to develop any additional information concerning possible identity of captioned bank robbers. Possible suspect RALPH ROBERT PAGE, currently confined Gallatin County, Illinois Sheriff's Office Jail, on first degree murder charge, interviewed and denied any knowledge of or participation in captioned bank robbery. UNKNOWN SUBJECTS SHOULD BE CONSIDERED ARMED AND DANGEROUS.

- C -

DETAILS:

Continuing contact with law enforcement officials fails to develop any information of pertinent value concerning the possible identity of the individuals who robbed captioned bank.

On June 10 and again on June 20, 1972, contact was made with Detective HAROLD "BUD" GALLOWAY. Detective GALLOWAY of the Alton, Illinois Police Department, advised that RALPH ROBERT PAGE was currently confined in Gallatin County, Illinois Sheriff's Office, after being charged with the murder of his uncle in that county. Detective GALLOWAY advised that PAGE had been apprehended by officers of the South Bend, Indiana, Police Department, and was currently facing extradition charges to the State of Illinois from Indiana to face first degree murder charges in Gallatin County.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

91-27494-32

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:I 91-3699

On June 17, 1972, Detective Sergeant JULES LUBER, Illinois State Police, District 11, Detachment 25, Maryville, Illinois, advised his office could furnish no additional information nor suspects in the robbery of the captioned bank.

Attempts on May 4, 1972, by Special Agents FRANCIS DANIEL BOYD and JEROLD W. DONALDSON to locate and interview RALPH ROBERT PAGE in the McClure, Illinois area were unsuccessful. Information had been developed that PAGE was possibly working in a tavern in that locale.

Contact with DARLENE HIGGS, owner, The Body Shop, a tavern in McClure, Illinois, where PAGE was formerly employed, reflects that she had not seen PAGE in approximately one and one-half months and had no idea of the location of PAGE or PAGE's common law wife.

Also on May 4, 1972, CHARLENE BOSS, Admitting Clerk, St. Francis Hospital, Cape Girardeau, Missouri, advised that RALPH PAGE, formerly employed as a bartender at The Body Shop tavern, McClure, Illinois, was confined at that hospital suffering from sclerosis of the liver for a period of January 9, 1972, to January 14, 1972. Miss BOSS stated however that she had no information concerning the possible whereabouts of PAGE.

On July 3, 1972, and subsequent dates to July 17, 1972, contact was maintained with Chief Deputy HERMAN WATTERS, Gallatin County Sheriff's Office, Shawneetown, Illinois, regarding the extradition proceedings concerning RALPH ROBERT PAGE. During these contacts, Chief Deputy WATTERS advised that PAGE was being extradited from South Bend, Indiana, to Gallatin County, Illinois, to stand charges for a first degree murder of PAGE's uncle of the Shawneetown, Illinois area.

On July 17, 1972, Chief Deputy WATTERS advised that PAGE was currently incarcerated at the Gallatin County Sheriff's Office and that PAGE had retained an attorney from the East Alton, Illinois area named DAVID SWAN.

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On July 17, 1972, Special Agents J. FRED DAVIS, JR. and JEROLD W. DONALDSON proceeded to Shawneetown, Illinois, to interview suspect PAGE. Upon arrival at the Gallatin County Sheriff's Office, Agents DONALDSON and DAVIS spoke with attorney for PAGE, Mr. DAVID SWAN, who advised that his client had requested a bond be set on first degree murder charges and that a hearing regarding this bond proposal was to be held before Judge FORESTER of Gallatin County on the afternoon of July 17, 1972.

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FD 302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

1 Date of transcription 7/20/72

RALPH ROBERT PAGE, inmate, Gallatin County Sheriff's Office Jail, Shawneetown, was interviewed. Prior to interview PAGE was furnished a Waiver of Rights form, which he read, stated he understood, but declined to sign on the advice of his attorney, DAVID SWAN. PAGE furnished the following information:

PAGE stated that he had no knowledge of who would have robbed The Bank of Alton, Alton, Illinois, on July 13, 1967. PAGE stated that he had no knowledge of any bank robberies in the Alton, Illinois area, including the robbery of the First National Bank of Bunker Hill; The Godfrey State Bank, Godfrey, Illinois; the First National Bank of Brighton; nor the Citizens Bank of Shipman.

PAGE stated that he was not incarcerated in 1967 at the time of the robbery of The Bank of Alton, however, he was probably in the State of California working for JACK SHANE, a septic tank cleaning service located near San Francisco, California. PAGE continued that he had done gardening work in Las Vegas, Nevada, upon leaving the San Francisco, California area and did not return to the Alton area until sometime in 1968.

PAGE emphatically denied any knowledge of or participation in the bank robbery of The Bank of Alton which occurred on July 13, 1967, and added that he did not feel that any local residents from the Alton, Illinois area would be responsible for this robbery inasmuch as he possibly would have heard of it. PAGE continued that he did not feel also that CHARLES WILLIAM BAZE nor JOE SPARROWK, currently confined at the Ohio State Penitentiary on a lengthy sentence, were involved in the perpetration of this bank robbery.

The following descriptive data was obtained through observation and interview:

Name:	RALPH ROBERT PAGE
Sex:	Male
Race:	White
Date of Birth:	April 21, 1945

Interviewed on 7/17/72 at Shawneetown, Illinois File # SI 91-3699

by SA J. FRED DAVIS, JR. SA JEROLD W. DONALDSON JWD/jab Date dictated 7/17/72

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SI 91-3699
2

Place of Birth:	Shawneetown, Illinois
Height:	6 feet
Weight:	210 pounds
Hair:	Brown
Eyes:	Blue
Marital Status:	Single
Military Service:	United States Air Force, 3 years, honorable discharge, last served at McCord Air Force Base, Washington
Usual Occupation:	Construction worker
Education:	High School equivalency diploma obtained while in United States Air Force
Prior Arrests:	Admits extensive arrest record dating from 1965 to current, with charges including first degree robbery, aggravated battery, aggravated assault, burglary, armed robbery, and a current incarceration on a first degree murder charge at Shawneetown, Illinois.
Federal Bureau of Investigation Number:	244 590 F

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FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of:	SA JEROLD W. DONALDSON	Office:	SPRINGFIELD
Date:	APRIL 21, 1972		
Field Office File #:	SI 91-3699	Bureau File #:	91-27494

Title: UNKNOWN SUBJECTS (2);
The Bank of Alton
Alton, Illinois
July 13, 1967

Character: BANK ROBBERY

Synopsis: Inmate RONALD LEE OGDEN, Illinois State Penitentiary, Menard, interviewed and denied any knowledge of bank robbery. Suspect GARY DALE VANDERGRIFF, Bethaldo, Illinois, interviewed and admitted knowing suspects RALPH PAGE and JOE SPARROWK, but stated he knew of no information concerning captioned bank robbery nor participation by these suspects in this robbery. Continued contact with Detective Division, Alton, Illinois PD fails to develop any additional information concerning suspects. UNSUBS ARMED AND DANGEROUS.

-P-

DETAILS:

On March 3, 1972, March 22, 1972, and April 17, 1972, contact was made with Detective Division, Alton, Illinois Police Department, who advised that they had heard no additional information concerning possible suspects in captioned bank robbery.

On March 13, 1972, and March 29, 1972, attempts were made to interview GARY DALE VANDERGRIFF, Bethaldo, Illinois, with negative success.

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91-27494-31

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D-302 (REV. 3-17-69)

FEDERAL BUREAU OF INVESTIGATION

Date 4/17/72

1

RONALD LEE OGDEN, Inmate #35697, Illinois State Penitentiary, Menard, Illinois, was interviewed. Prior to interview, OGDEN was furnished a Waiver of Rights form which he read, stated he understood, but declined to sign. OGDEN furnished the following information:

OGDEN advised that at one time he had lived in a commonlaw relationship with PATRICIA SOTO and by this relationship has a young daughter. OGDEN stated that at no time during his relationship with SOTO did she mention the Bank of Alton bank robbery which occurred on July 13, 1967, nor was he aware of any possible suspects. OGDEN stated that he, OGDEN, was incarcerated at Menard (ISP) on an escape and theft charge at the time of the robbery and therefore, had no participation in the bank robbery.

OGDEN continued that RALPH PAGE and JOE SPARROWK were known to him and that he had met SPARROWK in the Madison County Jail in Edwardsville, Illinois, in early March, 1967, but had been transferred to Menard shortly thereafter and has had no contact with SPARROWK. OGDEN continued that SPARROWK was currently serving a long sentence in the Ohio State Penitentiary which he believes was of a fifty year duration.

OGDEN stated that he was familiar with petty hoodlums in the Alton - Bethaldo - Cottage Hills, Illinois area such as HOMER "The Painter" GRAY and ART PAULE and DON HAZEL, but that he had not heard any of them mention their knowledge of or participation in the robbery of the Bank of Alton or any other banks in the Alton, Illinois area.

The following descriptive data was obtained regarding OGDEN:

Name	RONALD LEE OGDEN
Sex	Male
Race	White
Date of birth	January 14, 1943

On 4/5/72 at Menard, Illinois File # SI 91-3699

SA JEROLD W. DONALDSON /jac Date dictated 4/11/72

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SI 91-3699

Place of birth	Peoria, Illinois
Height	5'9"
Weight	150 pounds
Hair	Brown
Eyes	Blue
Occupation	Roofer

Interview with OGDEN, who emphatically denied any knowledge of or participation in the bank robbery of the Bank of Alton, was then terminated.

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SI 91-3699

The following investigation was conducted by SA JEROLD W. DONALDSON on April 5, 1972:

FRANKIE DECKER, warden's secretary, Illinois State Penitentiary, Menard, Illinois, made available the registry folder on inmate RONALD LEE OGDEN which reflected the following:

The file reflected that OGDEN was received from Madison County, Illinois, March, 1969, on a three to eight year charge for burglary. OGDEN described as:

Race	White
Sex	Male
Date of birth	January 14, 1943
Place of birth	Peoria, Illinois
Height	5'9"
Weight	150 pounds
Hair	Brown
Eyes	Blue
Occupation	Roofer
Military service	Army serial number 5427350 Discharged under honorable conditions (unfitness)
FBI Number	414925D

The file reflected the following correspondents:

Aunt	Mrs. BETTY KESSINGER 345 Van Preter Wood River, Illinois
Friend	PEARL EVELYN STAMM Rural Route 2, Airport Road Godfrey, Illinois
Friend	EILENE MARIE DAVIS Hardy Arkansas
Friend	PATRICIA ANN SOTO 1529 Miller Drive Elkhart, Indiana or 210 Cherry Street Alton, Illinois

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SI 91-3699

Friend	ESTEFANA DAVAILA ALVARADO 20 South Taylor St. Louis, Missouri
Cousin	JAMES EARL KNIBBS 1152 Walton St. Louis, Missouri

The following psychiatric classification was for OGDEN and was noted in his file:

"Group III, without need for mental treatment and not retarded. Doubtfully improvable offender. Remaining emotional immaturity indifference, instability, and irresponsibility. With increasing sociopathic orientation. Average intellectual functioning, AGCT 112."

This examination was signed by LARRY PHILLIPS, Sociologist, on March 17, 1969.

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FD-302 (REV. 3-17-69)

FEDERAL BUREAU OF INVESTIGATION

Date 4/21/72

1

GARY DALE VANDERGRIFF, 517 Bartmer, was interviewed. Prior to interview, VANDERGRIFF was furnished a Waiver of Rights form which he read, stated he understood, and declined to sign. VANDERGRIFF furnished the following information:

VANDERGRIFF advised that he knew RALPH PAGE and JOE SPARROWK but that he had no association with either individual. He stated that his mother had worked at the Sun Ray Restaurant in Cottage Hills, Illinois, and during her employment there, had worked with JOE SPARROWK's sister, but that he had never had any association with the SPARROWK family. VANDERGRIFF stated that he had no knowledge of or participation in the bank robbery of the Bank of Alton which occurred on July 13, 1967.

The following descriptive data was obtained through observation and interview:

Name	GARY DALE VANDERGRIFF
Sex	Male
Race	White
Date of birth	May 6, 1941
Place of birth	Greenville, Illinois
Height	6'1"
Weight	200 pounds
Hair	Brown
Eyes	Brown
Employment	Service manager for Contractors Service and Hard Facing Company, Hazelwood, Missouri

VANDERGRIFF stated that he has had little contact with his brothers, HARRY J. and ROBERT C. VANDERGRIFF, who are currently residing in Thornton, Colorado, and does not know of their knowledge of or association with either RALPH PAGE or JOE SPARROWK.

On 4/17/72 at Bethaldo, Illinois File # SI 91-3699

SA FRANCIS D. BOYD

by SA JEROLD W. DONALDSON JWD/jac Date dictated 4/19/72

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SI 91-3699

On March 29, 1972, Chief of Police LOUIS DREATH, Bethaldo, Illinois, was contacted and advised that he had no derogatory information concerning GARY DALE VANDERGRIFF and that he had heard of no association of VANDERGRIFF with any of the hoodlum element in the Alton - Bethaldo, Illinois area. Chief DREATH continued regarding the bank robbery that RALPH PAGE and JOE SPARROWK were certainly capable of committing bank robberies and added, however, that SPARROWK was currently confined for a lengthy sentence at the Ohio State Penitentiary. DREATH stated that he had no other suspects in mind who might have robbed the Bank of Alton.

ARMED AND DANGEROUS.

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FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: SA JEROLD W. DONALDSON
Date: February 25, 1972

Office: SPRINGFIELD

Field Office File #: SI 91-3699

Bureau File #: 91-27494

Title: UNKNOWN SUBJECTS (2);
The Bank of Alton
Alton, Illinois
July 13, 1967

Character: BANK ROBBERY

I 11

Synopsis:

Efforts by St. Louis Division, Federal Bureau of Investigation, to locate and interview ROBERT RALPH PAGE, possible suspect, unsuccessful to date. Possible suspects ROBERT CRAIGE VANDERGRIFF and brother HARRY J. VANDERGRIFF interviewed Thornton, Colorado and denied any knowledge of or participation in bank-robbery. Contact with law enforcement officers, Alton, Illinois PD fails to develop any new suspects. UNSUBS SHOULD BE CONSIDERED ARMED AND DANGEROUS.

-P-

DETAILS:

At St. Louis, Missouri:

Mr. ROBERT TINKHAM, Prosecuting Attorney's Office, St. Louis County, Clayton, Missouri, telephone 889-2597, on January 19, 1972, advised that ROBERT RALPH PAGE has not to date appeared in Court. TINKHAM advised that no definite date has been set but he will attempt to determine as soon as possible a definite court date.

TINKHAM advised the information previously furnished was incorrect regarding PAGE's incarceration. He stated PAGE is not incarcerated and his current whereabouts are unknown. TINKHAM believed that he could determine PAGE's whereabouts in the near future, and would make this information available.

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91-27494-30

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FEDERAL BUREAU OF INVESTIGATION

1.

Date of transcription 2/15/72

ROBERT CRAIG VANDERGRIFF, brother of HARRY J. VANDERGRIFF, was contacted at his brother's residence, 8561 Franklin Street, Thornton, Colorado. He was advised of the identity of the interviewing Agents and the purpose of the interview. He was immediately thereafter advised of his rights as reflected on Form FD-395, "Interrogation; Advice of Rights," which he stated he understood and executed the same.

VANDERGRIFF stated that he came to Thornton, Colorado, approximately three months ago and is unemployed at the present time, noting he was an insurance agent in Cottage Hills, Illinois, but because of an injury received in an auto accident and the subsequent settlement with the insurance company, he is now relaxing and does not intend to return to Illinois.

He stated that he went to high school with FRANK PAGE and knows JO SPARROWK from the bars in the Cottage Hills area. He recalled that PAGE was always in petty trouble and considers him to be a house burglar. He noted that SPARROWK is the same type adding that he has not seen him in several years. He noted that he saw PAGE approximately three months ago, just prior to coming to Colorado. He also stated that he does not recall PAGE and SPARROWK "running around" together, although they were both in trouble at one time in Cottage Hills and went to Shawneetown, Illinois to work, returning several months later. He also noted that he recalls PAGE fleeing the Cottage Hills area because of a local "want" and coming to the Denver area for awhile where he managed a motel, prior to returning to Illinois.

VANDERGRIFF stated he does not recall a bank robbery in Alton, Illinois, in July, 1957, or does he have any information as to who robbed the bank. He also emphatically denied being involved in the bank robbery.

2/11/72 at Thornton, Colorado

SA GARY W. RAYBURN
SA FRANK E. PICKENS CUP:mfn Date

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DI 91-4336
2.

The following description was obtained through interview and observation:

Name	ROBERT CRAIG VANDERGRIFF
Race	White
Date of Birth	June 1, 1944
Place of Birth	Carrollton, Illinois
Height	Five feet, eleven inches
Weight	230 pounds
Hair	Black
Eyes	Hazel
Marital Status	Single
Characteristics	Fu-Man-Chu

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FEDERAL BUREAU OF INVESTIGATION

1. Date of transcription 2/10/72

HARRY J. VANDERGRIFF, 8561 Franklin Street, Thornton, Colorado, was advised of the identity of the interviewing Agents and the purpose of the interview. He was immediately thereafter advised of his rights as reflected on Form FD-395, "Interrogation; Advice of Rights", which he stated he understood and executed the same.

VANDERGRIFF stated that he has resided in Thornton, Colorado, since January, 1971, having moved here from the Cottage Hills, Illinois, area, where he grew up and operated a service station. He stated that he is acquainted with RALPH PAGE and vaguely recalls JO SPARROWK, but that his brother, ROBERT VANDERGRIFF, who is visiting him, knows them much better, inasmuch as he went to high school with PAGE. He added he has not seen PAGE since late 1970.

He added that he never associated with PAGE or SPARROWK, but knew them from the "bars" back home. He stated that PAGE was a house burglar and SPARROWK wrote bad checks, but he does not recall them ever "running" together.

VANDERGRIFF stated that most of the time he would see PAGE was in the Hi-Hat Bar. He stated that several years ago, PAGE was involved in a supermarket robbery in St. Louis, Missouri, and fled the Cottage Hills area with his girl friend, NANCY (Last Name Unknown), and came to the Denver area where he managed a small unknown motel for about six months prior to returning to Cottage Hills.

He added that he also recalls PAGE "jumping bond" and leaving the Cottage Hills area for awhile, three or four years ago. He stated that he knows very little about SPARROWK and cannot recall his description.

VANDERGRIFF stated that he does not recall a bank robbery in Alton, Illinois, in July, 1967, and emphatically denied being involved in any way with any bank robbery.

On 1/11/72 at Thornton, Colorado

SA GARY W. PAYBURN and
SA FRANK E. PICKENS (CHP; mfr) Date

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DI 91-4338
2.

The following description of VANDERGRIFF was obtained through interview and observation:

Name	HARRY JOE VANDERGRIFF
Race	White
Date of Birth	December 13, 1934
Place of Birth	Jacksonville, Illinois
Height	Six feet, one inch
Weight	350 pounds
Hair	Brown; balding
Eyes	Brown
Social Security Account Number	331-28-8292
Employer	Lookout Mountain School for Boys, Golden, Colorado; Guard
Wife	CORA ELIZABETH EASTHAM VANDERGRIFF
Place of Birth	Decatur, Illinois
Employer	Brown - Zellerbach Company Denver
Children	None
Arrests	None, other than traffic violations

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SI 91-3699

At Denver, Colorado:

On January 10, 1972, the records of the following police agencies were caused to be checked by SA GARY W. RAYBURN, with negative results regarding HARRY J. VANDERGRIFF:

Adams County Sheriff's Office

Thornton, Colorado Police Department

Denver, Colorado Police Department

At Alton, Illinois:

Contacts with Lt. DONALD SANDIDGE on January 14, 1972, and February 10, 1972, failed to develop any new information concerning possible suspects by the Alton, Illinois Police Department in captioned bank robbery.

UNKNOWN SUBJECTS SHOULD BE CONSIDERED ARMED AND DANGEROUS

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FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of:	SA JOSEPH P. BENSON	Office:	SPRINGFIELD
Date:	12/20/71		
Field Office File #:	SI 91-3699	Bureau File #:	91-27494

Title: UNKNOWN SUBJECTS (2);
The Bank of Alton
Alton, Illinois
July 13, 1967

Character: BANK ROBBERY

Synopsis: PATRICIA SOTO interviewed advised she is acquainted with various suspects and stated her former husband was closely associated with them. She advised, however, she had no knowledge regarding bank robbery. UNSUBS SHOULD BE CONSIDERED ARMED AND DANGEROUS.

-P-

DETAILS:

At Alton, Illinois

91-27494-29

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FEDERAL BUREAU OF INVESTIGATION

Date 11/3/71

Miss PATRICIA SOTO, 2006 Hayes, Charleston, Illinois, telephone number 345-8821, appeared at the Alton Resident Agency of the Federal Bureau of Investigation (FBI) on October 21, 1971, and stated that she understood through her mother, ESTHER SOTO, that the FBI was seeking to interview her.

The nature of the investigation concerning the robbery of the Bank of Alton, together with her knowledge of certain individuals who were patrons of the Pioneer Tavern in Alton, Illinois, was explained to Miss SOTO.

Miss SOTO stated that she was employed as a waitress at the Pioneer Tavern on Broadway in Alton at the time of the robbery of the Bank of Alton. She stated that many unsavory characters hung out at the Pioneer Tavern and particularly recalled RALPH PAGE, HAROLD RICHARD COVINGTON, JOHN MC CLINTOCK, CHUCK BAZE, and her ex-husband, RONALD LEE OGDEN.

She stated that while she felt that any of the above named persons could have been involved in the robbery of the Bank of Alton, she does not specifically recall any statements or rumors being circulated at the Pioneer Tavern which would involve any of these individuals. She did say, however, that her ex-husband, RONALD LEE OGDEN, who is currently incarcerated at the Illinois State Penitentiary, Menard Branch, Chester, Illinois, was closely associated with these individuals and could very well be privy to information they had available to him.

Miss SOTO further advised that she felt that RONALD LEE OGDEN at this time might be willing to discuss information available to him which would be of benefit in this matter.

On 10/21/71 at Alton, Illinois File # SI 91-3699

SA ROBERT DALE SCHULER

by SA ROBERT C. HAINES /s/ RCH/jab Date dictated 10/28/71

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SI 91-3699
RCH:ral
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The following investigation was conducted by SA ROBERT C. HAINES:

Detective Sergeant DONALD SANDIDGE, Alton Police Department, Alton, Illinois, has been contacted on a regular basis concerning captioned matter. On his most recent contact on October 18, 1971, he advised that no current or additional information has come to the attentionof the Alton Police Department concerning unknown subjects in this matter. SANDIDGE advised that should any positive information be received, this would promptly be referred to the FBI.

At Cottage Hills, Illinois

A review of current directories failed to disclose any information concerning ROBERT or BOB VANDERGRIFF.

GENE ZIMMERMAN, Manager, Credit Bureau of Alton, advised on October 13, 1971, that the last known address for ROBERT W. VANDERGRIFF was 327 Bowman in East Alton, Illinois, however, inquiry has disclosed that he has moved from this address and his current whereabouts is unknown.

ZIMMERMAN also advised that ROBERT W. VANDERGRIFF has three brothers, HARRY J. VANDERGRIFF, ROGER, who was deceased in a plane crash in June, 1962, and GARY VANDERGRIFF. He stated that HARRY J. VANDERGRIFF, in June, 1971, resided at 8561 Franklin, Thornton, Colorado, and that GARY VANDERGRIFF resided at 517 Dartmer, Bethalto, Illinois.

On 10/14/71, Deputy Sheriff DAVID RENO, Madison County Sheriff's Office, advised that he felt that the VANDERGRIFF who could have allegedly been involved in the robbery of the Bank of Alton, would be HARRY J. VANDERGRIFF whom sources have characterized as "being good for anything". RENO stated that he had attempted to determine the current location of HARRY J. VANDERGRIFF but had been unsuccessful in doing so.

It is to be noted that records of the Credit Bureau of Alton disclosed that HARRY J. VANDERGRIFF, as of June, 1971, resided at 8561 Franklin in Thornton, Colorado.

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SI 91-3699

Detective KEN SCHERRER, Fugitive Bureau, St. Louis County Police Department, has advised that ROBERT RALPH PAGE is probably identical to the individual named RALPH PAGE mentioned in referenced letter. According to SCHERRER, PAGE is either currently in the St. Louis County Jail in Clayton, Missouri, or at the County Jail in Gumbo, Missouri.

On November 16, 1971, ROBERT TINKHAM, Prosecuting Attorney's Office, St. Louis County, Clayton, Missouri, 889-2597, advised that PAGE is scheduled to appear in court during the week of November 29, 1971, on a charge of armed robbery. This robbery is in connection with the holdup of the Bettendorf-Rapp Supermarket at Clayton and Hanley Roads, Clayton, Missouri. According to TINKHAM an effort is being made to have PAGE enter a guilty plea and he would appreciate not contacting PAGE until after disposition of this case.

On November 30, 1971, TINKHAM advised PAGE's case is number one on the docket and it is anticipated the case will be disposed of within the next several days. He indicated that PAGE apparently is going to enter a guilty plea to the robbery charge and he will advise when the case is completed.

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FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of:	SA JOSEPH P. BENSON	Office:	SPRINGFIELD
Date:	OCTOBER 27, 1971		
Field Office File #:	SI 91-3699	Bureau File #:	91-27494
Title:	UNKNOWN SUBJECTS (2); The Bank of Alton Alton, Illinois July 13, 1967		
Character:	BANK ROBBERY		

Synopsis: JOE MACK SPARROWK interviewed as possible suspect on 10/4/71, denied knowledge regarding captioned bank robbery. Possible suspect RALPH PAGE released from Illinois State Penal Farm, Vandalia, Illinois, 7/31/71, and taken into custody by St. Louis County authorities.

UNSUBS SHOULD BE CONSIDERED ARMED AND DANGEROUS.

-P-

DETAILS:

On July 29, 1971, Los Angeles Division advised that inquiries at the Municipal Court, Traffic Division, Van Nuys, California, determined that in order to ascertain if JOHN MC CLINTOCK was in that court on July 13, 1967, it would be necessary to have specific information relating to his appearance which would include the ticket number and the disposition of the case.

A check with the California Department of Motor Vehicles failed to reflect information in this regard.

On September 23, 1971, E. E. HICKS, Illinois State Penal Farm, Vandalia, Illinois, advised that RALPH PAGE had been released from the State Farm July 31, 1971, and was taken into custody by St. Louis County authorities, Clayton, Missouri, on a charge of robbery, first degree.

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91-27494-28

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At Elkhart, Indiana

On August 4, 1971, a check was made of the Elkhart, Indiana 1971 City Directory and area maps of the City of Elkhart, and both failed to reflect a street named Murle Drive. A Merl Street was found, but a physical check of the street failed to reflect any address as high as 1120.

On September 13, 1971, ALEX PEREZ, Detective, Elkhart Police Department, advised he has never heard of a Murle Street in Elkhart, Indiana. He further stated that the name PAT SOTO was not familiar to him.

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FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/13/71

1

After being advised of his rights, JOE MACK SPARROWK stated that he understood his rights, but would not sign anything. SPARROWK was interviewed by Special Agents THOMAS B. DECKER and ROBERT J. KIRKLAND, JR. at the Ohio Penitentiary on captioned date and furnished the following information:

SPARROWK advised that he is presently serving a prison sentence at the Ohio Penitentiary under Ohio Penitentiary number 129-713 for armed robbery. He stated that he was sentenced in December of 1969 to the Ohio Penitentiary for 32 to 115 years for an armed robbery in Toledo, Ohio where a shooting took place.

SPARROWK advised that he was unable to furnish any information regarding the bank robbery of the Bank of Alton, Alton, Illinois on July 13, 1967. He advised that during the summer of 1967, he frequented the Hi-Hat Tavern in Cottage Hills, Illinois. He advised that he was unable to furnish any information regarding CHUCK BLAZE, RALPH PAGE or BOB VANDERGRIFF, inasmuch as he was unfamiliar with these individuals. He stated that he believes he might possibly have been in California at the time of the above mentioned bank robbery. He stated that he went to California sometime during the end of the summer of 1967, and stayed in California until around September of 1968. While in California, he worked as an iron workers apprentice, out of a Local Iron Workers Union in Los Angeles, California. He advised he lived in Van Nuys and North Hollywood, California during his stay in California.

SPARROWK stated that he was unable to furnish any information regarding the above mentioned bank robbery and he wished the interview to be terminated.

The following description was obtained of JOE MACK SPARROWK through observation and interview:

Interviewed on 10/4/71 at Columbus, Ohio File # 91-7166

by SAS ROBERT J. KIRKLAND, JR. and THOMAS B. DECKER TBD/kyl Date dictated 10/8/71

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CI 91-7166
2

Race:	White
Sex:	Male
Age:	33
Date of birth:	June 22, 1938
Place of birth:	Gibeon, Missouri
Height:	5'8"
Weight:	160 pounds
Hair:	Brown
Eyes:	Blue
Scar:	Over left temple
Parents:	EVERETT and LILLIAN SPARROWK
	475 Sheridan
	Bethlo, Illinois
Ohio Penitentiary #:	129-713
Arrests:	Arrested at age 16 for burglary, placed on probation; arrested in 1962 for burglary, served six years Missouri Penitentiary (released in February or March of 1966); arrested December, 1968, Madison County, Illinois on two counts of forgery, two counts of shooting and one burglary charge. (escaped July 18, 1969, and was again arrested July 22, 1969, in Toledo, Ohio on above mentioned armed robbery charge, which resulted in incarceration at Ohio Penitentiary, Columbus, Ohio)

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SI 91-3699

Contacts with Lieutenant DON SANDIDGE and Detective HAROLD "BUD" GALLOWAY, Alton, Illinois Police Department, have developed no pertinent information regarding this case. Both were last contacted on October 14, 1971.

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of:	SA JOSEPH P. BENSON	Office:	Springfield
Date:	7/24/71		
Field Office File #:	SI 91-3699	Bureau File #:	91-27494
Title:	UNKNOWN SUBJECTS (2); The Bank of Alton, Alton, Illinois, July 13, 1967		
Character:	BANK ROBBERY		

Synopsis:

Acquaintance of CHUCK BAZE and RALPH PAGE who have been suspects advised she believed that they and an individual named JO SPARROWK may have been involved in robbery of captioned bank. UNSUBS SHOULD BE CONSIDERED ARMED AND DANGEROUS.

- P -

DETAILS:

On June 1, 1971, JO ANN JOHNSON nee WILSON, 322 Court Street, Alton, Illinois, advised Special Agent JOSEPH P. BENSON and Special Agent ROBERT C. HAINES that her step-father and her mother have owned the Pioneer Tavern in Alton, Illinois, from about April, 1967, to June, 1967. She stated the tavern to the best of her recollection was closed at the time of the robbery of the Bank of Alton on July 13, 1967. She stated that she would have been working in St. Louis, Missouri, at the time of the bank robbery and had no information as to who may have been responsible for the bank robbery although she is acquainted with HAROLD RICHARD COVINGTON and JOHN KENNETH MC CLINTOCK who have been considered suspects in this bank robbery.

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91-27494-27

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SI 91-3699

On May 27, 1971, ESTHER SOTO, 511 State Street, Alton, Illinois, the mother of PAT SOTO, advised that PAT SOTO is not living or working in the Alton, Illinois area to the best of her knowledge.

Mrs. SOTO stated that the last she knew, her daughter, PAT SOTO, was living at 1120 Murle Drive, Elkhart, Indiana.

Mrs. SOTO further advised that she does not approve of the manner in which her daughter, PAT, has treated her children, nor does she approve of the manner in which she conducts herself. She said therefore that she will not allow PAT SOTO to live with her at 511 State Street, although she will allow her to visit occasionally. Mrs. SOTO stated that she has not seen her daughter, PAT, since approximately Easter, 1971, when PAT visited her briefly while in Alton, Illinois, from Elkhart, Indiana.

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

1 Date June 10, 1971

HILDA (Mrs. MELVIN) SHAW, 3407 Agnes, advised that at the time the Bank of Alton, Alton, Illinois, was robbed in 1967, she was working as a cocktail waitress on weekends at the Hi-hat Tavern, Cottage Hills, Illinois. She said that at that time her name was HILDA RHOADES. Mrs. SHAW stated that among habitues of the Hi-hat Tavern were JO SPARROWK, CHUCK BAZE, and RALPH PAGE. She said that PAGE regularly carried a .32 caliber revolver at the Hi-hat Tavern and from the way the above named individuals acted, she suspected that they could have been involved in the robbery of the Bank of Alton, and that in particular RALPH PAGE and JO SPARROWK could have been the ones who entered the bank. She further advised that the rumor at the Hi-hat Tavern that whoever robbed the bank must have lived very close to it and did not use a getaway car. She stated that one of the three mentioned suspects has living quarters relatively close to the bank and that PAGE and SPARROWK could have walked from the bank to these quarters and hidden out until "the heat was off".

Mrs. SHAW further stated that immediately after the bank robbery, RALPH PAGE and JO SPARROWK left the area and did not return for quite some time. She further informed that it was her understanding that the person who set up the bank robbery and other crimes in the greater Alton, Illinois area was one (first name unknown) VANDERGRIFF who is the brother of BOB VANDERGRIFF, an insurance agent in the Cottage Hills, Illinois area.

Mrs. SHAW concluded by stating that while she can not say specifically that RALPH PAGE and JO SPARROWK were involved in the bank robbery in collusion with CHUCK BAZE, and (first name unknown) VANDERGRIFF, she feels that they are definite suspects in this crime based upon their reaction to the crime; their leaving the area immediately thereafter and their propensity for violence.

On 6/2/71 at Alton, Illinois File # SI 91-3699

by SA ROBERT C. HAINES /mjl Date dictated 6/4/71

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F-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date June 18, 1971

1

VINCENT MYRON RUYLE, inmate, Madison County Jail, was interviewed regarding his possible knowledge of or participation in bank robberies which have occurred in the Madison area in the preceding five years. Prior to interview RUYLE was furnished a Waiver of Rights form which he read, stated he understood and then signed. RUYLE was interviewed as a result of rumors to the effect that he may have knowledge of the bank robbery of the State Bank of Godfrey, Godfrey, Illinois, which occurred in January, 1968.

RUYLE stated that at no time did he participate in nor did he have any knowledge of the robberies of the following institutions:

The First National Bank of Brighton
Brighton, Illinois
March 19, 1971

The Bank of Alton
Alton, Illinois
August, 1967

The First National Bank of Bunker Hill
Bunker Hill, Illinois
September 20, 1967

The Godfrey State Bank
Godfrey, Illinois
January 26, 1968

The Citizens State Bank of Shipman
Shipman, Illinois
August 6, 1970

RUYLE advised that he had no knowledge of these bank robberies other than information that he had received through news media concerning these bank robberies. RUYLE continued that he had lived in the Alton-Wood River,

On 6/14/71 at Edwardsville, Illinois File # SI 91-5238

SA ROBERT DALE SCHULER

by SA ARNOLD E. DONALDSON JED/cs Date dictated 6/16/71

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Illinois area, all of his life. RUYLE advised that he sometimes hustles pool for money in various taverns and has frequented a tavern on Delmar Street in Alton, as well as a pool hall near Brighton, Illinois. RUYLE advised that he is currently driving a 1971 Ford and a 1969 Lincoln Mark III automobile which had been financed in his father's name. RUYLE stated that he does not have steady employment but receives money from his wife, LYNN, who has a sizeable trust fund as a result of an automobile accident which claimed the life of her former husband.

RUYLE stated that he has not associated with nor does he know any of the local hoodlum element in the Alton, Illinois area and has associated only with local citizens whom he went to high school with.

RUYLE continued that he plans to go to work in the near future as a market director with International Supply, 2200 Sunshine Street, Springfield, Missouri. RUYLE stated another source of income for himself is the buying of automobiles, repairing them at nominal cost and the reselling them at a higher amount, thus making a small profit. RUYLE stated that he estimates he has sold approximately 25 cars in a six month period.

The following descriptive data of RUYLE was obtained through observation and interview:

Name	VINCENT LYRON RUYLE
Date of Birth	January 9, 1943
Place of Birth	Alton, Illinois
Height	6'
Weight	200 pounds
Eyes	Blue
Hair	Brown
Education	Wood River, Illinois High School, receiving GED certificate while in United States Army
Military	United States Army Serial No. RA 17561085, honorably discharged 1963

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SI 91-5238
3

Marital Status	Married
Wife	LYNN GOMER RUYLE
Children	Four
Occupation	Unemployed
Former Employment	McDonnell-Douglas Aircraft St. Louis, Missouri
Prior Arrest	None admitted
Current Incarceration	Driving while intoxicated
Address	166A Rue Chateau de Fluer Bethalto, Illinois
Former Residence	Lake Village Route 1 St. Charles, Missouri

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SI 91-3699

Detective RAYMOND GALLOWAY, Alton Police Department, advised that JO SPARROWK is currently confined in the Ohio State Penitentiary at Columbus, Ohio, and that RALPH PAGE is currently confined at the Illinois State Farm, Vandalia, Illinois.

Contacts with area law enforcement agencies have developed no further information regarding captioned matter.

On July 19, 1971, Detective Sergeant DONALD SANDIDGE, Alton Police Department, was contacted by Special Agent JEROLD W. DONALDSON at which time he advised he had developed no information of value pertaining to this case.

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FD-204 (Rev. 3-3-54)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: SA JOSEPH P. BENSON
Date: May 18, 1971

Office: SPRINGFIELD

Field Office File #: SI 91-3699

Bureau File #: 91-27494

Title: UNKNOWN SUBJECTS (2);
The Bank of Alton,
Alton, Illinois
July 13, 1967

Character:
BANK ROBBERY

Synopsis:

Suspects CHARLES WILLIAM BAZE, HAROLD RICHARD COVINGTON, LOUIS EUGENE CARTER and JOHN KENNETH MC CLINTOCK interviewed 3/30/71. Denied involvement in captioned bank robbery. UNSUBS SHOULD BE CONSIDERED ARMED AND DANGEROUS.

-P-

DETAILS:

AT ALTON, ILLINOIS

CHARLES WILLIAM BAZE, HAROLD RICHARD COVINGTON, LOUIS EUGENE CARTER and JOHN KENNETH MC CLINTOCK have been considered possible suspects in this matter based on information developed shortly after captioned bank robbery indicating that they may have been involved in the bank robbery.

91-27454-26

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FEDERAL BUREAU OF INVESTIGATION

1

Date April 12, 1971

CHARLES WILLIAM BAZE, residing Rural Route, South Roxana, Illinois, voluntarily appeared at the Alton, Illinois, FBI Resident Agency. Mr. BAZE was informed that interviewing Agents wished to interview him regarding bank robberies which had occurred in the Alton, Illinois, area in the past. Prior to interview, BAZE was furnished a waiver of rights form and was shown a Voluntary Appearance - Advice of Rights form, which he read, stated he understood but declined to sign both forms.

BAZE stated that he had no knowledge of any bank robberies which had occurred in the Alton, Illinois, area. BAZE was specifically asked as to his whereabouts on July 13, 1967, at the time the robbery occurred at the Bank of Alton, Alton, Illinois. BAZE stated that he had left the Alton area approximately three years ago to live in California. BAZE continued that while in California, he had resided in San Bernardino, California, at 214 East Gray Street and was employed with W. F. Maxwell Construction Company, Fontana, California. BAZE related that he was employed as a construction worker and had worked out of Local 97, Fontana, California.

BAZE continued that his eldest son was accidentally killed in the spring of 1970 and that he, BAZE, had returned to the White Hall, Illinois, area where he resided approximately five months. He stated that his former wife and son, who is deceased, resided in Rupert, Idaho, and that the son had been brought back to White Hall, Illinois, for the funeral. BAZE stated that he has been back from the State of California for approximately three months, having left White Hall, Illinois, in September, 1970.

BAZE also advised that he had absolutely no knowledge of nor did he participate in the bank robbery of the Citizen's State Bank of Shipman, Shipman, Illinois, which occurred on August 10, 1970.

The following description was obtained from observation and interview:

SI 91-3699

On 3/30/71 at Alton, Illinois File # ~~SI 91-5019~~

by SA JOSEPH P. BENSON
~~SA JEROLD W. DONALDSON JWD:jad~~ Date dictated ~~4/6/71~~

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SI 91-3699
SI 91-5012
2

Name	CHARLES WILLIAM BAZE
Race	White
Sex	Male
Date of birth	May 30, 1930
Place of birth	Pittsfield, Illinois
Height	6'11"
Weight	200
Build	Heavy
Eyes	Brown
Hair	Gray
Complexion	Ruddy
Marital status	Married
Wife	PATRICIA BASHAM BAZE, employed Shell Bar, South Roxana, Illinois
Employed	Construction Workers Local 97, Fontana, California

At the conclusion of the interview, BAZE voluntarily agreed to be photographed at which time black and white photographs were taken by SA JEROLD W. DONALDSON.

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FEDERAL BUREAU OF INVESTIGATION

1

Date April 5, 1971

HAROLD RICHARD COVINGTON, Rural Route 1, Alton, Illinois, was interviewed at the Detective Bureau, Alton, Illinois, Police Department. Prior to interview, COVINGTON was furnished a waiver of rights form, which he read, stated he understood and signed.

COVINGTON stated he had absolutely no knowledge of who may have been involved in the robbery of the Bank of Alton, Illinois, which occurred on July 13, 1967. COVINGTON stated that he had not partidpated in this robbery nor had he participated in the robbery of the Bank of Bunker Hill, Bunker Hill, Illinois, which occurred on September 20, 1967. COVINGTON stated that due to the length of time that had transpired since the bank robbery of the Bank of Alton, he could not recall specifically where he was employed but believed he might have been tending bar at the Pioneer Club, Alton, at this time.

The following descriptive data of HAROLD RICHARD COVINGTON was obtained through observation and interview:

Name	HAROLD RICHARD COVINGTON
Race	White
Sex	Male
Date of birth	July 22, 1937
Place of birth	Alton, Illinois
Height	5'8"
Weight	170
Hair	Brown
Eyes	Hazel
Education	Graduated Alton, Illinois, Senior High School
Military Service	U. S. Army, 1957 (6 months reserve)
Service No.	ER16524366
Occupation	Laborer, Construction Workers Local 218, Alton, Illinois
Marital status	Divorced
Former wife	PATRICIA COVINGTON
Children	Two, ages 11 and 9
Prior arrest record	No felony convictions admitted

On 3/24/71 at Alton, Illinois File # SI 91-3699

by SA JOSEPH P. BENSON
SA JEROLD W. DONALDSON JWD:jad Date dictated 3/30/71

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At the conclusion of the interview, COVINGTON voluntarily agreed to be photographed, at which time black and white photographs were taken by an Alton, Illinois, Police Department technician.

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FEDERAL BUREAU OF INVESTIGATION

1

Date April 5, 1971

LOUIS EUGENE CARTER, 786 State Street, Wood River, Illinois, was interviewed at the Detective Bureau, Alton, Illinois, Police Department. Prior to interview, CARTER was furnished a waiver of rights form, which he read and then signed. CARTER furnished the following information:

CARTER advised that he had no knowledge of who perpetrated the bank robbery of the Bank of Alton, Alton, Illinois, which occurred on July 13, 1967. CARTER stated that he recalled reading about this bank robbery and also recalls that he, CARTER, was working for General Services Administration (GSA) as an Assistant General Mechanic at the Federal Building, East St. Louis, Illinois, under the supervision of EUGENE HARDER. CARTER continued that as a mechanic that he was responsible for the upkeep of the air-conditioning and heating units in the building and was so employed in this capacity from January 2, 1967, until September 19, 1969. CARTER continued that he does know DELMAR GRINSTAFF but does not associate with him. CARTER continued that during this period of time in mid 1967 that he was working on weekends as a bartender at the Pioneer Club for ROGER ALLEN in Alton, Illinois.

The following descriptive data regarding CARTER was taken from observation and interview:

Name	LOUIS EUGENE CARTER
Race	White
Sex	Male
Date of birth	April 7, 1931
Place of birth	Carrollton, Illinois
Height	6'1"
Weight	200 pounds
Eyes	Blue
Hair	Brown
Education	8th grade with a GED certificate obtained at Granite City, Illinois
Military service	U. S. Army, Honorable Discharge, served April, 1948, through May, 1950
Army Serial No.	RA17235944
Marital status	Married

On 3/24/71 at Alton, Illinois File # SI 91-3699

by SA JOSEPH P. BENSON
SA JEROLD W. DONALDSON JWD:jad Date dictated 3/30/71

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Wife	RITA BRAMLETT CARTER
Employed (Wife)	Police Dispatcher, Wood River, Illinois, Police Department
Occupation	Construction worker, Construction Workers Local 218, Alton, Illinois
Children	Three children, ages 15, 14, and 5
Prior arrest record	Admits minor traffic violations, no felony convictions

At the conclusion of the interview, CARTER voluntarily agreed to be photographed, at which time black and white photographs were taken by an Alton, Illinois, Police Department technician.

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FEDERAL BUREAU OF INVESTIGATION

1

Date April 5, 1971

JOHN KENNETH MC CLINTOCK, residing on Yaeger Street, Alton, Illinois, was interviewed at the Detective Bureau, Alton, Illinois, Police Department. Prior to interview, MC CLINTOCK signed a waiver of rights form. MC CLINTOCK furnished the following information:

MC CLINTOCK stated that he had no knowledge nor did he participate in the robbery of the Bank of Alton, Alton, Illinois, which occurred on July 13, 1967. MC CLINTOCK related that at that time he had left three days before the bank robbery in the company of his wife, PAM, and one GERALD SMITH, and had gone to the Los Angeles, California, area. MC CLINTOCK continued that he believed that on the day of the bank robbery that he had appeared in Los Angeles County Traffic Court, Van Nuys, California, on a speeding violation. He stated that while residing in California that he had lived at 6403 Gentry in North Hollywood, California. The following description of MC CLINTOCK was taken through observation and interview:

Name	JOHN KENNETH MC CLINTOCK
Race	White
Sex	Male
Date of birth	April 29, 1944
Place of birth	Alton, Illinois
Height	5'9½"
Weight	160 pounds
Hair	Brown (long sideburns)
Eyes	Brown
Complexion	Medium
Marital status	Married
Wife	PAMELA WEBB MC CLINTOCK
Children	JOHN KENNETH MC CLINTOCK, JR., age 6
Parents	HELEN GRABLE (mother), residing with MC CLINTOCK; LARRY MC CLINTOCK (father) Jefferson Avenue, Alton, Illinois
Prior arrest record	Admitted two years incarceration Wayside, California, approximately 3 years ago on first degree burglary

On 3/24/71 at Alton, Illinois File # SI 91-3899

by SA JOSEPH P. BENSON Date dictated 3/30/71

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2

	convicted, charge later reduced to second degree burglary, served two years.
Tattoos	"USMC" left upper outer forearm, bird on lower outer left forearm, two entwining hearts with word "Love" on upper outer right arm.

After interview, MC CLINTOCK consented to have photographs taken which were down by Alton, Illinois, Police Department technician.

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SI 91-3699

On May 6, 1971, Detective Sgt. DONALD SANDIDGE, Alton, Illinois Police Department, was contacted by SAS JEROLD W. DONALDSON and JOSEPH P. BENSON, at which time he advised that he had developed no information of value pertaining to this case.

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FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of:	SA JOSEPH P. BENSON	Office:	SPRINGFIELD
Date:	MARCH 22, 1971		
Field Office File #:	SI 91-3699	Bureau File #:	91-27494
Title:	UNKNOWN SUBJECTS (2); The Bank of Alton, Alton, Illinois July 13, 1967		
Character:	BANK ROBBERY		

Synopsis: Interview with individuals familiar with criminal activities in Alton, Illinois, area developed no pertinent information regarding a bank robbery.
UNSUB SHOULD BE CONSIDERED ARMED AND DANGEROUS.

-P-

DETAILS:

At Alton, Illinois

On January 11, 1971, JOHN BARRY MARTIN, White Hall, Illinois, who is an ex-convict and associate of various hoodlums in the Alton, Illinois, area, advised SA JEROLD W. DONALDSON and SA JOSEPH P. BENSON that he was familiar with the details of the robbery of the Bank of Alton on July 13, 1967, but has no specific information as to who may have been involved in this robbery. He advised that CHARLES WILLIAM BAZE, who has been considered as a possible suspect in this robbery, had been in the White Hall, Illinois, area during the summer of 1970 and had left the area about August, 1970, to go to California. He stated that BAZE was working for the W. F. MAXWELL Construction Company in Holtsville, California.

On January 28, 1971, JOHN SIDNEY CANADAY, inmate of the Illinois State Penitentiary, Menard Branch, Chester, Illinois, who was serving a sentence for burglary and who is acquainted with various members of the hoodlum element in the Alton, Illinois area, advised he had no information regarding the robbery of the Bank of Alton in July, 1967.

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91-27494-25

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SI 91-3699

On February 9, 1971, JAMES POE, an inmate of the Illinois State Penitentiary, Menard Branch, Chester, Illinois, who is from the area of Granite City, Illinois, and who has been associated with the hoodlum element in the Granite City area and the Alton area, advised that he had no information concerning the robbery of the Bank of Alton in July, 1967.

On February 26, 1971, MICHAEL WYAN COOL, also known as TOMMY SUMMERS, 654 North 6th Street, Wood River, Illinois, who has been convicted of being in possession of counterfeit money and who was awaiting sentence, advised that he has no information concerning the robbery of the Bank of Alton in July, 1967. COOL is closely associated with the hoodlum elements in the St. Louis, Missouri, area.

On February 25, 1971, DIANE POE, 2815 Myrtle Avenue, Granite City, Illinois, advised SA JEROLD W. DONALDSON and SA JOSEPH P. BENSON that she had no information regarding the robbery of the Bank of Alton in July, 1967. DIANE POE, who is presently on probation for burglary and who has recently been charged with forging prescriptions to obtain drugs, is closely associated with the hoodlum elements in the Granite City area and is also acquainted with the hoodlum element in St. Louis, Missouri, and the Alton, Illinois area.

On February 24, 1971, Detective Sergeant DON SANDIDGE, Alton Police Department, Alton, Illinois, was contacted by SA JEROLD W. DONALDSON and SA JOSEPH P. BENSON to determine if he had received any information regarding the whereabouts of PAT SOTO, JO ANN JOHNSON, or HILDA RHOADES who allegedly have knowledge regarding the robbery of the Bank of Alton. He advised that he had no information regarding the whereabouts of JO ANN JOHNSON or HILDA RHOADES other than the fact that he heard JOHNSON was working as a go-go dancer in St. Louis, Missouri. He stated that PAT SOTO was supposed to have returned to the Alton area and to be living with her mother, ESTHER SOTO, at 511 State Street in Alton.

AT St. Louis, Missouri

On February 23, 1971, JOE MESSINA, Owner, Trolly Lounge, 3100 Pine, St. Louis, Missouri, advised that a white female by the name of JO ANN JOHNSON had worked for him as a go-go dancer for three or four days. She worked

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SI 91-3699

for MESSANA approximately three months ago. MESSANA had an address for JOHNSON of 714 Elfgen, Granite City, Illinois. Her Social Security Number is 333-38-0766. MESSANA was unable to furnish any additional information concerning JOHNSON or her whereabouts. He has not seen her since she quit working for him.

Contact was made with Granite City Police Department and the Granite City Post Office, and it was determined there is no Elfgen in the Granite City area.

An attempt was made to locate SOTO at that address on February 24, 1971, with negative results.

The following investigation was conducted by SA ROBERT C. HAINES:

At Alton, Illinois

Detective Sergeant DONALD SANDIDGE and Detective RAYMOND GALLOWAY, Alton Police Department, were contacted on January 22, 1971, concerning the whereabouts of PAT SOTO and HILDA RHOADES. Information was developed that HILDA RHOADES was believed to be working as a go-go dancer or waitress at the Red Garter Lounge on Broadway in Alton. Alton Police Department information indicated further that PAT SOTO had left the Alton area but that her current whereabouts were unknown. Inquiry at the Red Garter Lounge, East Broadway, Alton, Illinois, on January 22, 1971, disclosed that HILDA RHOADES had worked there as a waitress, however, had terminated her employment about two weeks prior to interview.

Subsequent contacts at the Red Garter Lounge and through interview of police officers mentioned above at the Alton Police Department disclosed that HILDA RHOADES has moved from Alton and that investigation has failed to disclose that she left any indication of her current whereabouts or activities.

On March 16, 1971, Detective GALLOWAY, mentioned above, advised that he had learned that PAT SOTO was currently residing at 1124 Merle Drive, Elkhart, Indiana.

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FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of:	SA JOSEPH P. BENSON	Office:	SPRINGFIELD
Date:	November 4, 1970		
Field Office File #:	SI 91-3699	Bureau File #:	91-27494
Title:	UNKNOWN SUBJECTS (2); The Bank of Alton, Alton, Illinois July 13, 1967		
Character:	BANK ROBBERY		

Synopsis: Information received from Alton PD that JO ANN JOHNSON, barmaid, Alton, Illinois, reportedly made statements to the effect that JOHN MC CLINTOCK and LOUIS CARTER robbed the Bank of Alton in 1967. CARTER'S wife interviewed, denied any knowledge regarding bank robbery. UNSUBS SHOULD BE CONSIDERED ARMED AND DANGEROUS.

-P-

DETAILS:

On October 2, 1970, Detective Sergeant DONALD SANDIDGE, Alton, Illinois Police Department, advised Special Agent ROBERT C. HAINES he had received information that JO ANN JOHNSON, maiden name Wilson, a barmaid at the Red Garter Tavern in Alton, had made remarks to the effect that LOUIS CARTER and JOHN MC CLINTOCK were involved in the robbery of the Bank of Alton in 1967. SANDIDGE was recontacted by Special Agent HAINES and Special Agent JOSEPH P. BENSON on November 2, 1970, at which time he stated he had obtained no further information in this regard. SANDIDGE had previously been contacted by Special Agent HAINES on August 11, 1970, and on other occasions during August and September without any information of value being obtained.

On November 2, 1970, efforts were made to locate JO ANN JOHNSON at the Red Garter Tavern and at 500 Porter Street in Alton, Illinois, where it was determined she had resided. Information was obtained that she no longer was employed at the Red Garter and no longer resides at 500 Porter.

91-27494-24

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On November 2, 1970, RITA CARTER, 786 State Street, Wood River, Illinois, a dispatcher for the Wood River Police Department, advised Special Agents BENSON and HAINES that she had been employed by the Bank of Alton prior to the time when it was robbed in 1967. She stated she has no knowledge regarding the individuals who may have robbed the bank and advised that she did not believe that her husband, LOUIS CARTER, was involved in the robbery. She stated that if he were involved in the robbery, she certainly has not seen any of the proceeds. She advised that her husband is a close friend of JOHN MC CLINTOCK, HAROLD RICHARD COVINGTON, and other individuals who have been involved in burglaries. She stated that she does not believe that her husband, MC CLINTOCK, or COVINGTON would have nerve enough to be involved in an armed robbery.

Mrs. CARTER advised that her husband, MC CLINTOCK, and COVINGTON are presently employed in construction work and obtain their employment through the laborers local in Alton, Illinois.

On November 2, 1970, PHIL STASSI, 854 Lewis, Wood River, Illinois, owner of Phil's Tavern, advised that he is acquainted with JOHN MC CLINTOCK, LOUIS CARTER, and HAROLD RICHARD COVINGTON. He advised that they have been customers in his tavern in the past, although none of them are particularly welcome at the present time. He stated, however, that he has never heard any discussion indicating that any of these individuals may have been involved in the robbery of the Bank of Alton in July, 1967.

On November 2, 1970, the following information was obtained from records of the Alton Police Department pertaining to JOHN KENNETH MC CLINTOCK:

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DEPARTMENT OF POLICE

SI 91-3699

City of Alton, Illinois

Name John Kenneth McClintock I. D. No. 10094

Alias Date 2-26-69 Date of Arrest 2-26-69

Address 2500 A. E.Broadway Alton,Illinois

Age 24 Date of Birth 4-29-44 Birthplace Alton,Illinois

Height 6½ Weight 160 Build med. Complexion med.

Eyes brn. Hair brn. Teeth good Social Condition married

Color white Sex male Parentage American Occupation Roofer

(Wife Husband) Pamela Jane Mc Clintock

Mother Helen Grable Address Altanita , Ga.

Father Larry Mc Clintock Address 411 Jefferson, Alton,Illinois

Sisters Susan Mc Clintock in the State of Washington

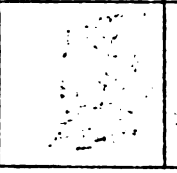
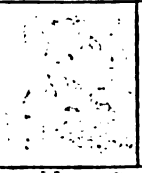
Brothers none

Daughters-Sons John Kenneth McClintock age 4

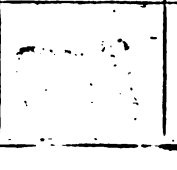
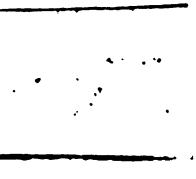
Scars two scarts with One on shoulder., Left arm USMC with a Eagle-Bird inside a ring with the word Love.All tatooed... Scars on back right

Charges Disposition Officer

FINGER PRINTS
RIGHT HAND

Thumb	Index	Middle	Ring	Little
				

LEFT HAND

Thumb	Index	Middle	Ring	Little
				

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DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON 25, D. C.

4-17-69

J. Edgar Hoover
Director

The following FBI record, NUMBER 337 716 E, is furnished FOR OFFICIAL USE ONLY

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
Marine	John Kenneth McClintock #1964394	5-1-61		
PD San Diego Calif	John Kenneth McClintock #211599	2-18-63	burg	2-20-63 re 849 (b) (1 detention not an arr
US Naval Disciplinary Comm Portsmouth NH	John Kenneth McClintock #59500	4-25-63	Viol UCMJ Art 86: UA fm 12 Sep 62 to 28 Feb 63.	SPCM: CHL $55 X 6; EC
PD Los Angeles Calif	John Kenneth McClintock #LA 830 146-M	1-13-68	459 PC burg	
County Jail Edwardsville Ill	John Kenneth McClintock #768	2-13-68	burg(2 counts)	
PD Collinsville Ill	John Kenneth McClintock	3-8-68	unlawful use of weapons poss two sawed off shot guns double barrel 13"	
Co Jail Edwardsville Ill	John Kenneth McClintock #768	3-27-69	burg (Governors Warr State of Calif)	
PD Alton Ill	John Kenneth McClintock #10004	3-26-69	extradition for bury	rel to SO Madison Co I

Information shown on this Identification Record represents data furnished FBI by fingerprint contributors. Whether additional action is being taken on these charges is not shown. For further explanation of charge as desired, communicate with the agency which submitted the fingerprints to the FBI. Many arrests are not reported to the FBI. Some of the dispositions listed in FBI files but are listed only as they have been received.

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FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: SA JEROLD W. DONALDSON
Date: July 23, 1970

Office: SPRINGFIELD

Field Office File #: SI 91-3699

Bureau File #: 91-27494

Title: UNKNOWN SUBJECTS (2);
The Bank of Alton,
Alton, Illinois
7/13/67

Character: BANK ROBBERY

Synopsis:

Contact maintained with law enforcement officials and bank officials, Alton, Illinois area, who advised no new information concerning captioned robbery. CLINTON ALLEN BRAMLET considered possible bank robbery suspect who resides Cottage Hills, Illinois interviewed and denies any knowledge of or participation in robbery of bank.

UNSUBS ARMED AND DANGEROUS

-P-

DETAILS:

On April 20, May 8, May 26, June 22, and July 1, 1970, contact was made with Detectives WILLIAM GALLOWAY and DONALD SANDIDGE, Alton, Illinois Police Department, who advised that they had no new information to relate, or possible suspects in captioned bank robbery.

On June 22, 1970, Detective Sergeant JULIUS LUBER, Division 25, Illinois State Police, Maryville, Illinois advised that he could furnish no new information concerning possible suspects in bank robbery.

On May 26, 1970 WILLIAM BEARDSMORE, President, Bank of Alton, 1520 Washington Avenue, Alton, Illinois advised that he had developed no additional new information, nor had he heard anything concerning the robbery which occurred on July 13, 1967.

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FEDERAL BUREAU OF INVESTIGATION

Date July 10, 1970

CLINTON ALLEN BRAMLET, 13 South Stanley Road, Cottage Hills, Illinois was interviewed concerning his possible involvement in burglaries which occurred in the Alton, Illinois area. Prior to interview, BRAMLET was furnished a waiver of rights form which he read, stated he understood, and then signed.

BRAMLET stated that he had worked for McDonnell-Douglas Aircraft for approximately 11 years as a sheet metal worker, and that he had worked on the first shift, that is the day shift during this period. He advised that in the Fall of 1969, that he, in the company of ROBERT LEE COURTOISE and GEORGE ROTHWEILER, both former employees of McDonnell-Douglas, had gone to Tallahassee, Florida area on a restaurant venture and had attempted to open a restaurant known as the Fountains Restaurant. BRAMLET stated that he had contributed $1500 of his money for this restaurant, and that he believed ROTHWEILER had contribued a substantial amount of money from ROTHWEILER's retirement money which he obtained from retirement at McDonnell-Douglas. BRAMLET stated that although he had known COURTOISE for approximately 15 years, that he had only known ROTHWEILER approximately six months prior to going to Florida. BRAMLET stated that inasmuch as the restaurant venture was unsuccessful, that he had returned to the Cottage Hills, Illinois area and has been engaged in the construction of private homes since his return.

BRAMLET stated that he had lived in the Alton, Illinois area for most of his life, and that he was familiar with the area of Bunker Hill, Illinois as well as the Alton, Illinois area, but he denied any knowledge of or participation in the robberies of the First National Bank of Bunker Hill, Illinois, the Bank of Alton, Alton, Illinois, nor of the robbery of the Godfrey State Bank, Godfrey, Illinois.

BRAMLET advised that he had been arrested only once, and that was in the company of ROBERT COURTOISE, when both had stolen a farm tractor in 1965 in the Bethalto, Illinois area, but served no time for this theft.

BRAMLET advised that he had borrowed $13,000 to build his house at 13 South Stanley Drive, and that he was attempting to build another house in the Cottage Hills area

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7/6/70 Cottage Hills, Illinois 91-3922

On ____ at _____ File #

SA JEROLD W. DONALDSON /vh 7/8/70

Date dictated

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and then offer it for sale.

The following description of CLINTON ALLEN BRAMLET was obtained through observation and interview:

Name:	CLINTON ALLEN BRAMLET
Race:	White
Sex:	Male
DOB:	11/16/37
POB:	Alton, Illinois
Ht:	5'8"
Wt:	125
Build:	Slender
Eyes:	Brown
Hair:	Brown
Scars:	No scars, marks or tattoos
Education:	Graduated 1959, Bethalto High School Bethalto, Illinois
Military Service:	None
Marital status:	Married; wife, BARBARA PRESTON BRAMLET, children; son, MARK, age 12.

BRAMLET advised that neither he nor COURTOISE had any association with armed robbers, nor criminal associates.

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: SA H. MAX LOUDERMAN
Date: APRIL 24, 1970

Office: SPRINGFIELD

Field Office File #: SI 91-3699

Bureau File #: 91-27494

Title: UNKNOWN SUBJECTS (2);
The Bank of Alton,
Alton, Illinois
July 13, 1967

Character: BANK ROBBERY

Synopsis: DONALD LEE SMITH and ROBER ELMO PHELPS, Cahokia, Illinois, interviewed, but denied knowledge of bank burglaries in Illinois. UNSUBS ARMED AND DANGEROUS.

- P -

DETAILS:

The following investigation was conducted by SA JOSEPH P. BENSON:

On March 6, 1970, DONALD LEE SMITH was interviewed at 1752 Park Lane Drive, Cahokia, Illinois, the present residence of his step-daughter, STEPHANIE STEPHAN in connection with the burglary of the Bonne Terre Federal Savings and Loan Association, Bonne Terre, Missouri, February 27, 1970. At this time SMITH stated that he had never pulled any burglaries in the State of Illinois and was reluctant to discuss any specific burglaries.

It was determined that SMITH currently drives a 1960 black Corvair, 1970 Missouri license V6G 643, which license is registered to SMITH for a 1964 Pontiac.

ROGER ELMO PHELPS, 1099 St. Michael Drive, Cahokia, Illinois, was interviewed on the same date at his residence concerning the burglary of the Bonne Terre Federal Savings and Loan Association, Bonne Terre, Missouri, February 27, 1970. PHELPS stated at this

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time that his wife is in close contact with DONALD LEE SMITH's wife but that he is currently trying to avoid SMITH because he has been warned by his probation officer that his parole could be revoked if he were to continue association with him. PHELPS denied knowledge of any bank burglaries in the State of Illinois.

Contact with Captain JOHN LIGHT and Lieutenant ROBERT CHURCHICH, Alton, Illinois, Police Department on March 26, 1970, failed to disclose any further helpful information regarding this matter.

WILLIAM BEARDSMORE, President, Bank of Alton, LEE MAAS, Vice President, Bank of Alton, and JO ANN GRAVES, Secretary, Bank of Alton, were also contacted regarding this matter on March 26, 1970, but could furnish no additional information.

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: SA ROBERT C. HAINES
Date: FEBRUARY 27, 1970

Office: SPRINGFIELD

Field Office File #: SI 91-3699

Bureau File #: 91-27494

Title: UNKNOWN SUBJECTS (2)
The Bank of Alton,
Alton, Illinois
July 13, 1967

Character: BANK ROBBERY

Synopsis: Contact with bank officials and law enforcement agencies has failed to develop any current or additional information concerning possible suspects in this matter. UNSUBS ARMED AND DANGEROUS.

- P -

DETAILS:

On February 3, 1970, and February 18, 1970, the following listed bank officials and law enforcement personnel were contacted at which time they advised they had been unable to develop any current or additional information concerning possible suspects in this matter;

WILLIAM BEARDSMORE, President
The Bank of Alton

Mrs. JO ANN GRAVES, Secretary
The Bank of Alton

LEE MAAS, Vice-President
The Bank of Alton

Lieutenant ROBERT CHURCHICH
Alton Police Department

Captain JOHN LIGHT
Alton Police Department

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Detective Sergeant DONALD SANDIDGE
Alton Police Department

Agent JULIUS LUBER, Illinois State Police
Maryville, Illinois

UNKNOWN SUBJECTS SHOULD BE CONSIDERED ARMED AND DANGEROUS.

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FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of:	SA ROBERT C. HAINES	Office:	SPRINGFIELD
Date:	DECEMBER 30, 1969		
Field Office File #:	SI 91-3699	Bureau File #:	91-27494

Title: UNKNOWN SUBJECTS (2)
The Bank of Alton,
Alton, Illinois
July 13, 1967

Character: BANK ROBBERY

Synopsis: Lieutenant ROBERT CHURCHICH, Alton, Illinois, Police Department, stated he could provide no information concerning the possible identity of (FNU) CRAIN although he recalls seeing this individual at the Bank of Alton some time ago. Contact with law agencies and bank officials unproductive with regard to current or additional information. Unknown subjects ARMED AND DANGEROUS.

— P —

DETAILS:

On November 10, 1969, Lieutenant ROBERT CHURCHICH, Alton Police Department, Alton, Illinois, advised that he recalls seeing (first name unknown) CRAIN at the Bank of Alton on one or two occasions some time ago at which time he aroused the suspicions of secretary, JO ANN GRAVES. He said that while CRAIN is familiar to him, he can recall no specific information concerning him and could not further identify him at this time. CHURCHICH stated that should he recall specific information concerning CRAIN, he would report this information promptly.

The following listed law enforcement agencies and bank officials were contacted between November 10 and December 17, 1969, and advised that no current or additional information had come to their attention which they feld could be of value in this matter:

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WILLIAM BEARDSMORE, President,
The Bank of Alton

Mrs. JO ANN GRAVES, Secretary,
The Bank of Alton

LEE MAAS, Vice President,
The Bank of Alton

Detective Sergeant DONALD SANDIDGE,
Alton Police Department

Captain JOHN LIGHT,
Alton Police Department

Deputy Sheriff CLYDE TISDEL,
Madison County Sheriff's Office,
Edwardsville, Illinois

Unknown subjects should be considered ARMED AND DANGEROUS.

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of:	SA ROBERT C. HAINES	Office:	Springfield
Date:	10/31/69		
Field Office File #:	SI 91-3699	Bureau File #:	91-27494
Title:	UNKNOWN SUBJECTS (2) THE BANK OF ALTON ALTON, Illinois July 13, 1967		
Character:	BANK ROBBERY		

Synopsis:

Contact with law enforcement agencies and bank officials failed to produce any information concerning identity of unknown subjects. UNKNOWN SUBJECTS ARMED AND DANGEROUS.

- P -

DETAILS:

AT CHICAGO, ILLINOIS:

On August 27, 1969, after numerous efforts were made to locate him, EDWARD BREEN, President of the National Dry Cleaners Association, who conducts his business at Breen's Cleaners, LaGrange, Illinois, advised that he could not establish the origin of laundry mark "3107-3".

AT ALTON, ILLINOIS:

The following listed law enforcement agencies and bank officials were contacted during September and October 1969 and could provide no current or additional information of value concerning unknown subjects in this matter:

Mr. WILLIAM BEARDSMORE, President, The Bank of Alton.
Mrs. JO ANN GRAVES, Secretary, The Bank of Alton.
Detective Sergeant DONALD SANDIDGE, Alton Police Department.

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Captain JOHN LIGHT, Alton Police Department.
Deputy Sheriff DEMOS NICHOLAS, Madison County
Sheriff's Office, Edwardsville, Illinois.
Sergeant JULIUS LUBER, Illinois State Police Crime
Section, Maryville, Illinois
Agent WILLIAM MARCUZZO, Illinois State Police Crime
Section, Maryville, Illinois

UNKNOWN SUBJECTS SHOULD BE CONSIDERED ARMED AND DANGEROUS.

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Form 24 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of:	SA ROBERT C. HAINES	Office:	SPRINGFIELD
Date:	August 29, 1969		
Field Office File #:	SI 91-3699	Bureau File #:	91-27494
Title:	UNKNOWN SUBJECTS (2) THE BANK OF ALTON ALTON, ILLINOIS July 13, 1967		
Character:	BANK ROBBERY		

Synopsis:

Investigation at Chicago, Illinois, in reference to laundry mark "3107-3" set forth. Secretary JO ANN GRAVES, The Bank of Alton, furnished information about suspect (FIRST NAME UNKNOWN) CRAIN. Contact with law enforcement agencies and bank officials otherwise unproductive. UNKNOWN SUBJECTS ARMED AND DANGEROUS.

- P -

DETAILS:

CHICAGO DIVISION

The following investigation was conducted at Chicago, Illinois:

On June 12, 1969, RALPH YONKE, American Institute of Laundering, South Chicago Street, Joliet, Illinois, was interviewed concerning a laundry mark notation "3107-3". Mr. YONKE stated that the assignment of laundry marks by trade groups or organizations was discontinued years ago. Concerning the mark "3107-3", YONKE advised as follows:

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1. The number could refer to a laundry ticket number and the 3107 portion would be the ticket number. The numeral 3 at the end of the number could refer to a store number or a route number.

2. The number could refer to a combination laundry and dry cleaning or with 3107 referring to the ticket number and the number 3 referring to the number of pieces brought in by the customer.

3. The numbers 3107 could refer to a street address, which would be the address of a branch store and the numeral 3 could refer to the store branch number or route number, originating from that store.

Mr. YONKE further advised that most stores today use coded tickets. These tickets are purchased from several manufacturers in the United States. It is his opinion that the manufacturer would recognize the numeral 3107-3 as being one that he was responsible for. Mr. YONKE advised that there are monthly publications that are distributed to all associated dealers in the United States which publish this number and might possibly get to a customer who might recognize this number as being his. He stated a Mr. BEN ROSENFIELD, an attorney, who is the executive director of the Chicago Dry Cleaners Association, would be the person to contact regarding the publication of the number for national distribution and identification.

On June 12, 1969, HERBERT SIEGERDT, Representative, Big Ben Chemicals and Solvents, 624 South Michigan Avenue, Chicago, Illinois, advised that ED BREN, Owner and Operator of BREN's Cleaners, La Grange, Illinois, is presently president of the National Dry Cleaners Association. It was Mr. SIEGERDT's opinion that Mr. BREN very possibly might be able to identify the laundry mark "3107-3".

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RE: SUSPECT (FIRST NAME UNKNOWN) CRAIN

Information concerning suspect CRAIN furnished by Mrs. JO ANN GRAVES as follows:

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FD-302 (Rev. 4-15-69)

FEDERAL BUREAU OF INVESTIGATION

Date August 29, 1969

1

Mrs. JO ANN GRAVES, Secretary, The Bank of Alton, Alton, Illinois, furnished information concerning a suspect whom she only knew as Mr. CRAIN as follows:

Recently at about 1:30 in the afternoon a Mr. CRAIN came into The Bank of Alton and asked to see the president. Mrs. GRAVES informed Mr. CRAIN that Mr. BEARDSMORE had a customer in his office and that it would be a few minutes before he could see him and asked if he wanted to wait or if someone else could help him. He said he would wait for the president and sat down.

Mr. CRAIN was very upset and angry because he had to sit and wait for Mr. BEARDSMORE. Mrs. GRAVES was afraid he would cause a scene and called Mr. BEARDSMORE on the phone and notified him that Mr. CRAIN was upset and "hot around the collar". He said it would be a few more minutes.

Mr. CRAIN began to relax and talked to Mrs. GRAVES. He asked if Mrs. GRAVES was working when The Bank of Alton was robbed, and was she sitting at the same desk as she was at now. He also asked if she was scared and did she think the bank would ever be robbed again. Before Mrs. GRAVES could answer any questions, Mr. CRAIN informed her that they probably would be robbed again, and that maybe someone would be hurt this time. He asked how much the robbers had gotten and if anyone saw them come in or leave the bank.

Mr. CRAIN then began to ask questions about Mr. BEARDSMORE such as: "Is Mr. Beardsmore a nice man? Is he kind and understanding to work for?" Then he asked how much longer he would have to wait. About this time Mr. TUNGETT left Mr. BEARDSMORE's office, and Mr. CRAIN went in.

Later on after Mr. CRAIN had left the bank, Mrs. GRAVES asked Mr. BEARDSMORE if he was able to help Mr. CRAIN, and he told her that Mr. CRAIN had asked to borrow

On 8/22/69 at Alton, Illinois File # SI 91-3699

by SA ROBERT C. HAINES /mpb Date dictated 8/26/69

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SI 91-3699
2

$200 to buy groceries for his family. Mr. CRAIN is a construction worker and without work. He, Mr. CRAIN, offerred to repay Mr. BEARDSMORE by working around the bank grounds or at his home. Mr. BEARDSMORE said Mr. CRAIN told him he would probably end up robbing someone in order to feed his children.

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MISCELLANEOUS

The following listed law enforcement agencies and bank officials were contacted during July and August, 1969, and could provide no current or additional information of pertinent value concerning this investigation:

Mr. WILLIAM BEARDSMORE
President, The Bank of Alton

LEE MAAS, Loan Officer,
The Bank of Alton

Detective Sergeant DONALD SANDIDGE
Alton Police Department

Captain JOHN LIGHT
Alton Police Department

Chief Deputy Sheriff FRANK SCHMIDT
Madison County Sheriff's Office
Edwardsville, Illinois

Sergeant JULIUS LUBER
Illinois State Police
Crime Section
Maryville, Illinois.

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: SA ROBERT C. HAINES
Date: June 20, 1969

Office: SPRINGFIELD

Field Office File #: 91-3699

Bureau File #: 91-27494

Title: UNSUBS: (2);
THE BANK OF ALTON,
ALTON, ILLINOIS
7/13/67

Character: BANK ROBBERY

Synopsis:

Bank officials and law enforcement agencies can provide no current or additional information concerning suspects in this matter. Unsubs armed and dangerous.

- P -

DETAILS:

Between May 5, 1969 and June 13, 1969 the following listed law enforcement agencies and bank officials were contacted and advised that they could provide no current or additional information concerning this matter, nor has any information come to their attention concerning possible new suspects in this matter:

WILLIAM BEARDSMORE, President, The Bank of Alton, Alton, Illinois.

JOANN GRAVES, Secretary, The Bank of Alton, Alton, Illinois.

Captain JOHN LIGHT, Alton Police Department, Alton, Illinois.

Sergeant Det. DONALD SANDIDGE, Alton Police Department, Alton, Illinois.

Deputy Sheriff CLYDE TISDEL, Madison County Sheriff's Office, Edwardsville, Illinois.

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Unknown subjects armed and dangerous.

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FD-[illegible] 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of:	SA ROBERT C. HAINES	Office:	SPRINGFIELD
Date:	April 24, 1969		
Field Office File #:	SI 91-3699	Bureau File #:	91-27494
Title:	UNKNOWN SUBJECTS (TWO); THE BANK OF ALTON ALTON, ILLINOIS July 13, 1967		
Character:	BANK ROBBERY		

Synopsis:

Inquiry at Excelsior-Leader Laundry, St. Louis, Missouri, concerning laundry marks in shirt and trouser pocket recovered in this matter unproductive. Contact with bank officials and law enforcement agencies could provide no current or additional information concerning this matter. UNKNOWN SUBJECTS ARMED AND DANGEROUS.

- P -

DETAILS:

The following investigation was conducted at St. Louis, Missouri:

On February 24, 1969, SA GEORGE M. PEET contacted AMY GUNN, Claims Department, Excelsior-Leader Laundry, 2315 Texas, concerning the laundry marks in a shirt and trouser pocket recovered in this matter. GUNN stated that the laundry marks were not familiar to her, that Excelsior-Leader usually writes the name of the customer on trouser pockets and the laundry mark on shirts is placed on a cloth tape which is glued to the shirt rather than having the laundry mark stamped directly on the shirt. From her experience in the laundry business and observing laundry marks, she concluded that the numbers on the trouser pocket were most likely from a small cleaner inasmuch as they appear to be handwritten in ink and that most large laundries using number designations, use stamps of one kind or another.

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GUNN stated it might be helpful to contact the American Institute of Laundrying in Joliet, Illinois, for further assistance in identifying these laundry marks.

The following investigation was conducted by SA ROBERT C. HAINES:

Between March 28, 1969, and April 18, 1969, the following listed persons were contacted concerning captioned matter and could provide no current or additional information of value:

WILLIAM BEARDSMORE, President, The Bank of Alton, Alton, Illinois;

LEE MAAS, Loan Officer, The Bank of Alton, Alton, Illinois;

JOANN GRAVES, The Bank of Alton, Alton, Illinois;

Captain JOHN LIGHT, Alton Police Department, Alton, Illinois;

Deputy Sheriff CLYDE TISDEL, Madison County Sheriff's Office, Edwardsville, Illinois.

UNKNOWN SUBJECTS SHOULD BE CONSIDERED ARMED AND DANGEROUS.

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FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of:	SA ROBERT C. HAINES	Office:	SPRINGFIELD
Date:	2/27/69		
Field Office File #:	SI 91-3699	Bureau File #:	91-27494
Title:	UNSUBS (2); The Bank of Alton, Alton, Illinois, 7/13/67		
Character:	BANK ROBBERY		

Synopsis:

Investigation regarding suspect JERALD SWETLAND set forth. Bank officials and police agencies report no current or additional information concerning instant bank robbery. UNSUBS ARMED AND DANGEROUS.

- P -

DETAILS:

Suspect JERALD SWETLAND

SWETLAND was developed as a suspect based upon information furnished by Agent WILLIAM MARCUZZO, Illinois State Police, Crime Section, who indicated he had received information SWETLAND was located in the Granite City, Illinois, area, and had been identified as one of two persons casing banks in Indiana.

Detective JOSEPH NEMETH, Granite City Police Department, Granite City, Illinois, advised on January 15, 1969, that records of the Granite City Police Department contained no reference to SWETLAND. He further advised that SWETLAND is unknown to him or to any other of the Detective Bureau at the Granite City Police Department.

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SI 91-3699

On February 24, 1969, NEMETH was recontacted by the reporting agent and stated that he had been unable to develop any information concerning SWETLAND and for that reason could not assist in identifying his girlfriend.

On February 24, 1969, MARION VANFOSSEN, State Parole and Probation Officer, Alton, Illinois, advised that SWETLAND is not currently paroled or probated to him. He advised that he will review state records at his next opportunity and develop all background information concerning SWETLAND at which time he will furnish this information to the FBI.

MISCELLANEOUS

Between January 15 and February 24, 1969, the following listed individuals were contacted concerning current or additional information regarding the robbery of The Bank of Alton, on July 13, 1967. All reported that they have received no current or additional information since they were last contacted on this matter:

WILLIAM BEARDSMORE, President,
The Bank of Alton;

JOANN GRAVES,
Secretary,
The Bank of Alton;

Chief WILLIAM H. PETERSEN, MA,
Alton Police Department;

Detective DONALD SANDIDGE,
Alton Police Department;

Deputy Sheriff DEMOS NICHOLAS,
Madison County Sheriff's Office,
Edwardsville, Illinois.

Deputy Sheriff CLYDE TISDELL,
Madison County Sheriff's Office,
Edwardsville, Illinois.

UNSUBS ARMED AND DANGEROUS.

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FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of:	SA ROBERT C. HAINES	Office:	SPRINGFIELD
Date:	December 31, 1968		
Field Office File #:	SI 91-3699	Bureau File #:	91-27494

Title:

UNSUBS (2); The Bank of Alton,
Alton, Illinois, 7/13/67

Character:

BANK ROBBERY

Synopsis:

Circulation of laundry and dry cleaning establishments Chicago, Illinois, area unproductive. Contact at Cahokia Cleaners, Cahokia, Illinois, negative. Agent WILLIAM MARCUZZO, ISP, suggested suspect JERALD SWETLAND. UNSUBS ARMED AND DANGEROUS.

- P -

DETAILS:

On October 30, 1968, the Chicago Division advised that no positive information had been received by the Chicago Office as a result of circulars sent out regarding laundry and dry cleaning marks obtained in connection with instant bank robbery.

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On October 17, 1968, the following investigation was conducted by SA LARRY W. GREEN at Cahokia, Illinois:

GEORGE KREKARIAN, Owner, Cahokia Cleaners, 313 Jerome Lane, advised that the laundry mark appearing in the men's long sleeve white shirt exhibited to him was not the mark of his cleaners, which mark is a code supplied by Esther's Home Laundry, 5545 Manchester Avenue, St. Louis, Missouri. KREKARIAN advised that the code appears to be JCH-U, rather than JCH-6, to him.

KREKARIAN stated that Excelsior-Leader Launderers and Cleaners, St. Louis, Missouri, is the largest commercial-type cleaners in Southern Illinois and Missouri, and that this would be the logical firm to contact in an attempt to identify cleaners whose code mark appears in the exhibited garment. He advised that the person to be contacted there, should such contact be made, is the claims clerk whom he knows only as AMY (LNU).

KREKARIAN advised that he subscribes to both the Dry Cleaning World, a monthly publication by the United Business News Publishers, 200 Madison, New York, New York, and the American Dry Cleaner, a monthly publication by the American Trade Magazine, 300 North Dearborn Street, Chicago, Illinois, and that in both publications regularly appears a picture of a laundry mark similar in type to the one on the referenced shirt. KREKARIAN stated that these publications are Launderers' and cleaners' "Bible"; and that, in his opinion, if such code mark were to appear in one of these publications, it would be recognized. He advised that in his opinion, the numbers written on the pocket of the pair of men's trousers, 3107-3, would be more easily recognized by a dry cleaners or laundry, than the laundry mark in the white shirt.

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SI 91-3699

Suspect JERALD SWETLAND

On December 3, 1968, Agent WILLIAM MARCUZZO, ISP, Crime Section, advised that consideration should be given to JERALD SWETLAND as a possible suspect in the robbery of The Bank of Alton. He stated that his reasons therefor are that SWETLAND went to the Illinois State Penitentiary, Menard, Illinois, from Murphysboro, Illinois, however, his parole was transferred to Granite City, Illinois. He said that sources of his inform that SWETLAND is around the Granite City, Illinois, area and has a girlfriend, identity unknown, living in Granite City. He said that in addition, a source has seen SWETLAND in Indiana with another individual and, according to the source, the two of them appeared to be cashing two different banks in Indiana.

Between November 15 and December 18, 1968, the following listed individuals were contacted concerning the robbery of The Bank of Alton and could provide no current or additional information concerning suspect:

WILLIAM BEARDSMORE, President,
The Bank of Alton;

Chief WILLIAM H. PETERSEN, NA,
Alton Police Department;

Captain JOHN LIGHT,
Alton Police Department;

Deputy Sheriff DEMON NICHOLAS,
Madison County Sheriff's Office,
Edwardsville, Illinois.

UNSUBS ARMED AND DANGEROUS.

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FD-424 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: SA ROBERT C. HAINES — Office: SPRINGFIELD
Date: November 4, 1968

Field Office File #: SI 91-3699 — Bureau File #: 91-27494

Title: UNSUBS (2); The Bank of Alton, Alton, Illinois, 7/13/67

Character: BANK ROBBERY

Synopsis: RAYMOND KEHM, Esther's Home Laundry, St. Louis, Mo., advised the laundry mark on the shirt appeared to be one of theirs. He stated the mark is apparently one that is assigned to the Cahokia Cleaners in Cahokia, Illinois. Contact with law enforcement agencies and bank officials have developed no new information concerning possible suspects in this matter. UNSUBS ARMED AND DANGEROUS.

- P -

DETAILS:

On September 17, 1968 RAYMOND KEHM, Esther's Home Landry, 5645 Manchester Avenue, St. Louis, Missouri, telephone MI 7-9330, contacted the St. Louis Office and advised that the laundry mark on the shirt appearing in Bulet to all laundries and dry cleaning establishments, dated August 12, 1968, may be theirs.

On September 23, 1968 WILLIAM COVA, Manager and RAYMOND KEHM, Esther's Home Laundry, advised SA MARVIN R. DORAN that the laundry mark appearing on the shirt appears to be "JOH-6". COVA stated his company marks laundry in a similar manner and that code 6 is assigned to Cahokia Cleans, Cahokia, Illinois, which is a small account. COVA related that his firm usually prints the full name of the customer, however, "JOH" may be the abbreviation for a long name. He suggested that Cahokia Cleaners be contacted for further information.

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SI 91-3699

The following investigation was conducted by SA ROBERT C. HAINES:

AT ALTON, ILLINOIS

Between August 24 and October 24, 1968 the following listed bank officials and police agencies were contacted on numerous occasions and were unable to provide any new information concerning possible suspects in this matter:

WILLIAM BEARDSMORE, President, The Bank of Alton;

JOANN GRAVES, Secretary, The Bank of Alton;

LEE MAAS, Vice President, The Bank of Alton;

Chief WILLIAM H. PETERSEN, NA, Alton Police Department;

Captain JOHN LIGHT, Alton Police Department;

Deputy Sheriff DEMOS NICHOLAS, Madison County Sheriff's Office, Edwardsville, Illinois;

WILLIAM MARCUZZO, Illinois State Police, Maryville, Illinois.

UNSUBS ARMED AND DANGEROUS.

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FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: SA ROBERT C. HAINES
Date: AUGUST 26, 1968

Office: SPRINGFIELD

Field Office File #: SI 91-3699

Bureau File #: 91-27494

Title: UNKNOWN SUBJECTS (Two)
The Bank of Alton,
Alton, Illinois
July 13, 1967

Character: BANK ROBBERY

Synopsis: Interviews with wives of suspects in this matter set forth. Information received at East Alton Police Department, disclosed that that department in receipt of information instant bank robbery committed by ROBERT L. STANTON and JACKIE LEE CRIDER. Efforts to interview STANTON unproductive. Unknown subjects ARMED AND DANGEROUS.

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SI 91-3699

DETAILS:

Re suspects WILLIE LEE, HAROLD RICHARD COVINGTON, and JOHN MC CLINTOCK.

LEE, COVINGTON, and MC CLINTOCK were developed as suspects based upon information received by the Alton Resident Agency of the FBI, indicating they had planned to rob a bank and subsequently that they fled to the State of California, a few days after the bank was robbed.

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SI 91-3699
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The following investigation was conducted by SA FRANK E. CORN, SR:

CAROLYN LEE, 327 E. 8th Street, Alton, Illinois, advised on July 9, 1968, that she was the former wife of WILLIE LEE who is an associate of DICK COVINGTON. She advised that she had met HAROLD RICHARD COVINGTON through her former husband, WILLIE LEE. She said they had associated together on different occasions and COVINGTON had visited with them at different times.

She advised that during July and August, 1967, she believed COVINGTON was living with his mother in East Alton, Illinois. She said she did not know the correct address of his mother in East Alton and that she had never seen COVINGTON wearing coveralls of any kind.

LEE advised that in her opinion COVINGTON was no good and was a known burglar in this area. She said she had never seen her husband or COVINGTON with a lot of money at any one time. She advised that she had never heard COVINGTON speak of carrying a weapon and to the best of her knowledge he does not own a gun.

She said she knew that WILLIE LEE, RICHARD COVINGTON, and JOHN MC CLINTOCK were burglars; however, she did not think that they had the guts to pull a big job such as a bank robbery in which firearms would be used. She said she had never known any of these three individuals to have very much money in their possession at one time.

PAMELA JANE SCHNEIDER, 306 Dorris Street, Alton, Illinois, advised on July 11, 1968, she was the former wife of JOHN MC CLINTOCK. She said that when her and MC CLINTOCK were first married she was not aware of the fact that he was a house burglar. She said that she had heard that he was a house burglar in the area and had told him that if he ever brought any stolen goods to her home that she would leave him. She said he did not confide any information of his known associates with her because of this reason.

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SCHNEIDER said that in July of 1967, she and MC CLINTOCK went to California to live. She said her mother was on vacation the first two weeks in July and that they left immediately after her mother returned from vacation. She advised that while living in Los Angeles, California, they resided with a man known as JOE GREENWELL, and MC CLINTOCK had worked as a house painter while in California.

She said she returned to the Alton, Illinois, area, in November and that MC CLINTOCK came back shortly thereafter. She said MC CLINTOCK did not return to the Alton area during this time unless however he returned on a weekend in which he had stated he was going on a fishing trip. She said that he went on approximately three fishing trips while in Los Angeles, California, which would take anywhere from Friday night until Sunday night. She said it was possible that he might have taken a plane to Alton on a weekend and returned but she would have no way of knowing whether he did this or not.

SCHNEIDER said that to the best of her knowledge MC CLINTOCK never had a lot of money; however, he always managed to pay the rent and buy food.

She said she would ask him where he got the money when she knew he was not working and he always told her not to worry about it.

She said she knew COVINGTON; however, MC CLINTOCK knew how she felt about the things they were doing and MC CLINTOCK did not bring COVINGTON around very often. She said she did not know of either of them to ever have carried a gun nor wear coveralls at any time.

She advised that during July, and August of 1967, she believed that COVINGTON was living with WILLIE LEE on East Fourth Street in Alton, Illinois. She advised that if she was not mistaken this was in the Eleven Hundred block of East Fourth Street.

She said she believes that the JOE GREENWELL who they had lived with in Los Angeles, California, had since

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moved from California and was now living in the Brighton,' Illinois, area.

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The following investigation was conducted by SA ROBERT C. HAINES:

On August 1, 1968, Captain EBERT GRIMES, East Alton, Illinois, Police Department, advised that he had received information from an informant whom he characterized as reliable, that JAMES EARL RAY was definitely not involved in the bank robbery at The Bank of Alton. He stated that the informant disclosed to him that the bank robbery was committed by ROBERT L. STANTON and JACKIE LEE CRIDER. According to the informant of GRIMES, STANTON killed CRIDER in a dispute over the spending of the loot from the bank robbery, and STANTON is currently incarcerated in the Madison County Jail, Edwardsville, Illinois, in lieu of bond in the shooting.

Efforts to interview ROBERT LOUIS STANTON at the Madison County Jail were unproductive. STANTON refused to discuss his activities, however, when confronted with the allegation that he was involved in the bank robbery at The Bank of Alton, he vehemently denied any complicity in the bank robbery.

When re-contacted on August 19, 1968, Captain GRIMES stated that his informant had been unable to develop any further information concerning the information he furnished to Captain GRIMES.

IN VIEW OF THE FACT UNKNOWN SUBJECTS USED FIREARMS IN PERPATRATION OF THIS ROBBERY, THEY SHOULD BE CONSIDERED ARMED AND DANGEROUS.

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: SA ROBERT C. HAINES
Date: June 26, 1968

Office: Springfield

Field Office File #: SI 91-3699

Bureau File #: 91-27494

Title:

UNKNOWN SUBJECTS (2);
THE BANK OF ALTON,
ALTON, ILLINOIS
JULY 13, 1967

Character:

BANK ROBBERY

Synopsis:

Investigation regarding JOHN MC CLINTOCK at North Hollywood, California, set forth. Inquiry at Missouri State Penitentiary, Jefferson City, Missouri, indicates clothing recovered after bank robbery not prison issued. Photos of JAMES EARL RAY and known associates displayed to witnesses at Bank of Alton with negative results. UNKNOWN SUBJECTS ARMED AND DANGEROUS.

- P -

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SI 91-3699

DETAILS:

RE: SUSPECT JOHN MC CLINTOCK

MC CLINTOCK was developed as a suspect in this matter based on information furnished to the FBI implicating MC CLINTOCK and three other individuals.

The following investigation was conducted by SA MYRON M. HITCH:

During the month of March, 1968, numerous attempts were made to contact the occupants of the residence at 6403 Gentry Avenue, North Hollywood, California, with negative results.

On April 26, 1968, Mrs. KENNETH FRENCH, 6403 Gentry Avenue, North Hollywood, California, telephone number 985-7048, advised that she and her husband moved into the residence at that address in March, 1968. Mrs. FRENCH advised that she does not know who the previous occupants were, but she has received numerous inquiries for a JOSEPH GREENWELL and also has received mail for JOSEPH GREENWELL. Mrs. FRENCH stated that at the present time she is still receiving mail at that address for JOSEPH GREENWELL. Mrs. FRENCH stated she had no idea where JOSEPH GREENWELL moved to, and has never met the man. Mrs. FRENCH stated the residence at that address is owned by a man who owns a Volkswagen Dealership in the neighborhood, and a man named TONY (LNU) collects the rent.

On April 26, 1968, TONY CANNATA, Service Department, Europa Motors, 6919 Laurel Canyon Boulevard, North Hollywood, California, advised that he collects the rent for the residence at 6403 Gentry Avenue, North Hollywood, California. TONY CANNATA stated that the residence is owned by MANNY POST who is also the owner of Europa Motors. TONY CANNATA stated that JOSEPH GREENWELL was a former tenant at the above address, but he moved in October of 1967 and left no forwarding address. TONY CANNATA stated he had no idea where JOSEPH GREENWELL moved

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to or presently resides. TONY CANNATA did state that he has received numerous inquiries from people looking for JOSEPH GREENWELL, and he understands GREENWELL has a number of bad debts.

On April 26, 1968, ELY WEISBERG, Apartment 9, 12013 Albers Street, North Hollywood, California, Owner and Manager of the apartments at that address, advised that JOHN MC CLINTOCK moved from Apartment 18 over three months ago and left no forwarding address. ELY WEISBERG stated that JOHN MC CLINTOCK's wife left him at that time and went to Alton, Illinois. ELY WEISBERG stated that he felt JOHN MC CLINTOCK could be located through relatives he has in the Alton, Illinois area.

INVESTIGATION REGARDING CLOTHING

The following investigation was conducted by SA THOMAS H. WEAVER:

At Jefferson City, Missouri

On June 4, 1968, Captain DONALD WYRICK, Administrative Assistant to the Warden, Missouri State Penitentiary, advised that inmates on discharge from the Missouri State Penitentiary (MSP) are given new clothing to wear. He said this clothing includes an elastic, stretch-type belt, and the new clothing would bear no laundry marks. He stated that inmate clothing is laundered in the prison laundry, but this clothing is prison garb not taken out by the inmates on discharge from the MSP. He stated that clothing and laundry markings such as described are not familiar to him and based on description of the clothing given would not be for clothing from the MSP.

Photographs of JAMES EARL RAY and known associates of RAY together with other selected photographs were displayed to LEE HAAS, GERALDINE COMAN, WILLIAM BEARDSMORE, JO ANN GRAVES, and LUCILLE LEWIS, all employees of The Bank of Alton on June 3, 1968, and they advised after viewing these photographs that none was familiar to them. They stated that because of the stocking-masks utilized by the UNKNOWN SUBJECTS in this matter, they were uncertain as to whether they could make a positive identification.

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IN VIEW OF THE FACT UNKNOWN SUBJECTS USED FIREARMS IN PERPETRATION OF THIS ROBBERY, THEY SHOULD BE CONSIDERED ARMED AND DANGEROUS.

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FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Springfield

Report of: SA ROBERT C. HAINES
Date: April 24, 1968

Office: SPRINGFIELD

Field Office File #: SI 91-3699

Bureau File #: 91-27494

Title: UNKNOWN SUBJECTS (2)
The Bank of Alton
Alton, Illinois
July 13, 1967

Character: BANK ROBBERY

Synopsis: Investigation to locate JOE GREENWOOD, North Hollywood, California, unproductive. Interview of EDWARD RICHARD CESARZ at Decatur, Illinois, set forth. Investigation to identify clothing through laundry marks and dry cleaning marks in the Greater Alton, Illinois, area set forth. UNKNOWN SUBJECTS ARMED AND DANGEROUS.

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SUSPECT
RE: JOHN MC CLINTOCK

MC CLINTOCK was originally developed as a suspect since he was named as one of four persons who allegedly planned to rob a bank in Alton at about the time of the robbery of The Bank of Alton.

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DETAILS:

The following investigation was conducted by SA MYRON M. HITCH:

During the month of January, 1968, numerous attempts were made to contact the occupants of the residence at 6403 Gentry Avenue, North Hollywood, California, with negative results.

On February 9, 1968, an attempt was again made to contact the occupants of the residence at 6403 Gentry Avenue, North Hollywood, California, with negative results.

On February 9, 1968, JAN MILLER, 6400 Gentry Avenue, North Hollywood, California, advised that he has resided across the street from the residence at 6403 Gentry Avenue, for approximately one month, and during that period the residence has been empty. JAN MILLER stated that he does not know who the owner of the residence is.

On February 9, 1968, SOL GOLDMAN, Supervisor, U. S. Post Office, 6514 Lankershim Blvd., North Hollywood, California, advised that he could find no change of address for JOE GREENWOOD at 6403 Gentry Avenue, North Hollywood, California. GOLDMAN did advise that the Post Office was holding mail for the individual at that address but the name on file was JOE GREENWELL. GOLDMAN also advised that by coincidence he resides at 6432 Gentry Avenue, North Hollywood, California, which is only a few houses from the residence at 6403 Gentry Avenue. GOLDMAN stated that the residence is presently unoccupied and has been so for over a month. GOLDMAN stated that the residence is occupied by a different tenant practically every month. GOLDMAN further advised that he does not know who owns the residence but he would attempt to find out.

On February 19, 1968, GOLDMAN was recontacted and advised that he has made inquiry in the vicinity of 6403 Gentry Avenue, North Hollywood, California, and has been unable to ascertain the owner of the residence at that address.

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SUSPECT
RE: EDWARD RICHARD CESARZ

CESARZ was considered a suspect in this matter due to the fact he has a propensity for violence and because he was allegedly in the Alton area at about the time of instant bank robbery.

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FEDERAL BUREAU OF INVESTIGATION

Date February 20, 1968

EDWARD RICHARD CESARZ, inmate, Macon County Jail, Decatur, Illinois, was advised of the identities of JOSEPH F. GIGLIO and RAYMOND F. BERNEKING as being Special Agents of the FBI, after which he was advised of his rights and waived them as shown on an executed waiver and rights form. He then furnished the following information:

CESARZ was questioned concerning his presence in Alton, Illinois, approximately July 13, 1967, and CESARZ advised that he was visiting his girlfriend SUSAN (Last Name Unknown) in Alton about that time. He stated that he stayed at the Highwayman Motel in Alton and he made long distance telephone calls to LOIS DONNER, 1924 Elizabeth Street, Bloomington, Illinois, and JANET WOODRUM, Route 1, either Bloomington or Carlock, Illinois.

CESARZ advised that he left Alton and drove to Bloomington arriving there on Friday, where he checked into the Holiday Inn under his true name. He advised that he had a date with LOIS DONNER to eat lunch that afternoon, and he was subsequently arrested for the murder of RUTH EVELYN ROSS, Lincoln, Illinois. He continued to relate that the names JOHN Mc Clintock and LARRY AUGUST KAHLE are unknown to him.

The following description was obtained through observation and interview:

Name	EDWARD RICHARD CESARZ
Date of birth	September 12, 1941
Place of birth	Detroit, Michigan
Height	5'11½"
Weight	185-210
Hair	Brown
Eyes	Blue
Build	Stocky
Characteristics	Long side burns, mustache
Complexion	Light
Scars and marks	End of left index finger cut off.

On 2/16/68 at Decatur, Illinois File # SI 91-3699

SA JOSEPH F. GIGLIO

by SA RAYMOND F. BERNEKING /mpb Date dictated 2/21/68

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Occupation	Journalist, laborer
Father	ANDREW EDWARD CESARZ 7000 Kingsbury Dearborn Heights, Michigan
Mother	MARY L. CESARZ Same address as father
Sister	DELORES TRARDZICKI Dearborn Heights, Michigan
Arrest record	One aggravated battery check, 1962, sentence one to five years, Pontiac, Illinois; murder, armed robbery, assault, July 22, 1967, Lincoln, Illinois.

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The following investigation was conducted by SA FRANK E. CORN, Sr., at Alton, Illinois:

On February 12, 1968, the following individuals and laundry companies in the Alton area were contacted and could furnish no information concerning the laundry markings on the specimens marked Q-3 and Q-6:

The Alton Laundry	CHARLES EARB, Manager 1808 East Broadway Alton, Illinois
Temple Cleaners and Shirt Laundry	JAMES DANIELS, Manager 1300 Broadway Alton, Illinois
Burks Laundry	ALICE ROSE, Manager 2517 College Avenue Alton, Illinois
Starks Cleaners and Launderers	WILLIAM STARK, Manager 1655 Washington Street Alton, Illinois
College Dry Cleaners	MARIE REYNOLDS, Manager 2598 College Street Alton, Illinois
Millers Dry Cleaners	A. M. MILLER, Owner 946 Tonsor Road Alton, Illinois
Milton Cleaners	CHARLES L. MERCURIO, Manager and Owner 1625 Washington Street Alton, Illinois
U. S. Shop Cleaners	SYLVESTER WOODFORK, Manager 28 West Broadway Alton, Illinois
Dry-Finer Cleaners	C. BOGELSANG, Manager 2501 State Street Alton, Illinois

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FEDERAL BUREAU OF INVESTIGATION

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Date February 28, 1968

OPAL PITTMAN, Manager, Turner Cleaners and Laundry, 17 Whitelaw, Wood River, Illinois, furnished the following information:

Miss PITTMAN examined a man's white shirt, Van Heusen, Van-Guard, bearing laundry marks "NU" or "NO", "JOH-U" or "JOH-O" stamped inside the collar. She advised that the Turner Cleaners and Laundry utilizes laundry markings similar to the "JOH-O."

Miss PITTMAN said that Turner Cleaners and Laundry services other cleaners which do not launder shirts for their customers. She said that when shirts are received from another cleaners, they are identified by stamping the first three or four initials of the customer's last name, followed by a symbol letter which designates the cleaner, inside the collar. She said that the symbol letter "O" is used by Turner Cleaners and Laundry to designate the Modern Cleaners, Staunton, Illinois.

Miss PITTMAN advised that the laundry marks used by Turner Cleaners and Laundry are arbitrary and that Turner Cleaners and Laundry does not have an exclusive right to their use. She said, however, that she has never seen, nor is she aware of, any other cleaner and/or laundry in the area which utilizes the same or similar laundry marks. She also said that Turner Cleaners and Laundry has never designated any cleaner, other than the Modern Cleaners, Staunton, Illinois, by using the symbol letter "O".

Miss PITTMAN said that any invoices or tickets accompanying laundry from Modern Cleaners are returned with the laundry, and only weekly records of the amount of laundry done for Modern Cleaners are maintained. She said that no customer list is maintained by Turners for the Modern Cleaners.

Miss PITTMAN advised that the other laundry mark, "NU" or "NO", is unknown to her. She further stated that Turner Cleaners and Laundry does not utilize the symbol letter "U", thus, "JOH-U" would not have been imprinted in the shirt collar by Turner Cleaners and Laundry.

On 2/16/68 at Wood River, Illinois File # SI 91-3699

by SA FRANK J. HARRINGTON /cgs Date dictated 2/22/68

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Miss PITTMAN was also exhibited a partially burned pair of tan, pleated pants containing visible laundry markings "44 " and "3107-3" on the right front pocket and "T6276" and "U7733" on the right rear pocket. All of the laundry marks present were handwritten on the pockets. Miss PITTMAN advised that Turner Cleaners and Laundry does not utilize the above marking system and said that such a system, by any cleaner in the area, was unknown to her.

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FEDERAL BUREAU OF INVESTIGATION

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Date March 6, 1968

JIM HARMER, Owner, Modern Cleaners, 116 South Henrietta, Staunton, Illinois, furnished the following information:

Mr. HARMER advised that he is the owner of the above business, which engages in the drycleaning of wearing apparel. He said that he does not launder any wearing apparel at his business; however, he does have several customers who bring their laundry to his cleaners. Whenever he receives any articles of clothing to be laundered, he takes them to the Turner Cleaners and Laundry, Wood River, Illinois.

HARMER advised that he has been sending all of his customers' laundry to Turner Cleaners and Laundry since approximately March or April, 1966. He was asked by the interviewing Agent if he accepted any laundry for any customer whose last name began with the letters "JOH." He said that he could not recall accepting any laundry for a customer whose last name began with the above letters.

HARMER made available his records to the interviewing Agent.

A review of the laundry tickets from the Modern Cleaners, 116 South Henrietta, Staunton, Illinois, for the period from January 1, 1966, through August 10, 1967, reflected the following:

Numerous cleaning tickets were located for customers whose last names began with the letters "JOH", i.e. JOHNSON, JOHNSTON, etc. However, none of the tickets, with the exception of one, indicated that any laundry was included with the orders.

Located from the cleaning tickets for the week ending May 21, 1966, was Ticket #6378, which reflected that one shirt was accepted by Modern Cleaners for a customer by the name of "JOHNSON." There was no first name or address of the customer indicated on the cleaning ticket. HARMER examined Ticket #6378 and advised that it was in the handwriting of one of his former

On 2/26/68 at Staunton, Illinois File # SI 91-3699

SA FRANK J. HARRIGAN /cas Date dictated 3/1/68

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employees, Mrs. PAT SMITH, R. R. #2, Staunton, Illinois. He stated that he did not know the customer for whom the shirt was laundered; however, judging from the serial number of the ticket, it was accepted from a customer who would reside on his route from Staunton, Illinois, to Wood River, Illinois. He suggested contact should be made with Mrs. SMITH to determine the address of the customer and furnished Cleaning Ticket #6378 to the interviewing Agent.

HARMER was exhibited a partially burned pair of tan pleated pants containing visible laundry markings "44 " and "3107-3" on the right front pocket and "T6273" and "U7703" on the right rear pocket. All of the laundry marks present were handwritten on the pockets; HARMER advised, however, that he did not utilize the above marking system at Modern Cleaners and that this particular system was unknown to him.

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FD 302 (Rev. 4-23-64)

FEDERAL BUREAU OF INVESTIGATION

Date March 21, 1968

1

PAT SMITH, R. R. #2, Box 16, Staunton, Illinois, was interviewed and furnished the following information:

Mrs. SMITH advised that she was a former employee of Modern Cleaners, 116 South Henrietta, Staunton, Illinois. Mrs. SMITH also advised that during her employment, any laundry accepted by Modern Cleaners was laundered by Turner Cleaners and Laundry, Wood River, Illinois, and she was aware that Turner Cleaners and Laundry used the symbol "O" to designate any laundry laundered for Modern Cleaners.

Mrs. SMITH was exhibited several invoice tickets containing the name of "JOHNSON" and "JOHNSTON," obtained from Modern Cleaners, and she identified them as follows:

1. HERMAN JOHNSON
   Worden, Illinois

2. HILDA JOHNSTON
   Bethmore Trailer Park
   Bethalto, Illinois

3. RONNIE JOHNSON
   709 Hamm Street
   Bethalto, Illinois

4. DARRELL E. JOHNSON
   355 Locust Street
   Rosewood Heights, Illinois

5. H. DALE JOHNSON
   538 California
   Rosewood Heights, Illinois

Mrs. SMITH advised that all of the above names represented customers residing on Modern Cleaners' route from Staunton, Illinois, to Wood River, Illinois.

Mrs. SMITH was then exhibited the following invoice tickets in numerical order that were in her handwriting:

On 3/11/68 at Staunton, Illinois File # SI 91-3699

by SA FRANK J. HABERSHAW /css Date dictated 3/15/68

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TICKET NUMBER	NAME	ORDER
6376	RICKERSON	1 Trouser "char" 1 Overcoat 1 Sport Coat
6377	JOHNSON Homa	1 Trouser "Blk"
6378	JOHNSON	1 Shirt "starch C&C hang."
6379	BARB	1 Shirt "starch C&C hang"
6380	JOHNSON Calif	3 Trouser "Br gr Blk"
6381	[illegible] P T	1 Trouser "Navy Dress" 2 Overcoat "Blk Boys Check"

Mrs. SMITH was requested to identify the customer listed as "JOHNSON" on Invoice #6378. After reflecting on the above invoices, she advised that she believed the "JOHNSON" on Invoice #6378 to be the same "JOHNSON" on the preceding invoice #6377. This would be RONNIE JOHNSON, 709 Homa Street, Bethalto, Illinois.

Mrs. SMITH advised that when she drove the route from Staunton, Illinois, to Wood River, Illinois, for Modern Cleaners, her normal direction of travel was as follows: south from Staunton through Worden, Illinois, to Hamel, Illinois; west on Route 140 through Bethalto, Illinois, to Route 111; south on Route 111 to Wood River, Illinois. When leaving Wood River, Illinois, she would travel north through Rosewood Heights, Illinois, and back to Staunton, Illinois.

Mrs. SMITH said that the customer indicated on Invoice #6379 as "BARB" was a girl by the name of "BARBARA" who worked at the Airport Restaurant, located on Route 111. She said that HILDA JOHNSTON, Bethmore Trailer Park, Bethalto, Illinois, would be a stop on the route prior to RONNIE JOHNSON; and DANIEL E. JOHNSON, 355 Locust Street, Rosewood Heights, Illinois, and M. LEE JOHNSON, 528 California, Rosewood Heights, Illinois, would be stops on the route following "BARBARA" at the Airport Restaurant on Route 111. She could not [illegible] any other customer by the name of JOHNSON or Johnston residing on the route between RONNIE JOHNSON, 709 Homa Street, Bethalto, Illinois, and Route 111.

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Mrs. SMITH advised that if a customer gave her an order that included both drycleaning and laundry, she would put the laundry on a separate invoice for two reasons: first, Modern Cleaners could deliver drycleaning faster than laundry, and, second, a copy of the laundry invoice would be left with Turner Cleaners and Laundry for identification purposes. Since invoice #6377 represented a drycleaning order for RONNIE JOHNSON, 709 Homm Street, Bethalto, Illinois, and invoice #6378 represented a laundry order for "JOHNSON," Mrs. SMITH advised that she was fairly certain that the "JOHNSON" on invoice #6378 was also RONNIE JOHNSON.

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On April 18, 1968, Captain JOHN LIGHT, Alton Police Department and WILLIAM BEARDSHORE, The Bank of Alton, advised they have received no pertinent information concerning instant bank robbery since they were last contacted by the reporting Agent.

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FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, SPRINGFIELD, ILLINOIS

Report of: SA ROBERT C. HAINES — Office: SPRINGFIELD
Date: 2/19/68

Field Office File #: SI 91-3699 — Bureau File #: 91-27494

Title: UNKNOWN SUBJECTS (2);
The Bank of Alton,
Alton, Illinois
July 13, 1967

Character: BANK ROBBERY

Synopsis: Investigation in State of California regarding suspects PAGE and BAZE set forth. Suspect EDWARD RICHARD CESARZ transferred from Springfield to Logan County Jail, Lincoln, Illinois. Display of clothing and gun recovered at Alton failed to effect any identification to date. Recontact of laundry and dry cleaning establishments in Alton area to effectidentification of clothing unproductive. Suspect JOHN MC CLINTOCK reinterviewed;denied taking part in bank robbery but failed to account for whereabouts on 7/13/67. UNSUBS ARMED AND DANGEROUS.

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SI 91-3699

DETAILS:

SUSPECT CHARLES BAZE

CHARLES BAZE was developed as a suspect basedupon information furnished to the Springfield Division indicating that he together with RALPH PAGE were believed to be the persons who perpetrated the robbery of the Bank of Alton.

The following investigation was conducted by SA SAMUEL A. MILLER:

AT CASTRO VALLEY, CALIFORNIA

On October 26, 1967, attempt to locate RUTH ANN TUCKER, 3312 East Castro Valley Boulevard, met with negative results.

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The following investigation was conducted by SA PAUL M. CARPER, Jr.:

AT CASTRO VALLEY, CALIFORNIA

On 11/8/67, Mrs. BETTY GRAY, Manager, Star Lite Motel, 3312 East Castro Valley Boulevard, advised that one RUTH ANN BAZE her husband CHARLES BAZE, NANCY HARPER and her husband, name unknown, arrived at this motel on 7/22/67, accompanied by an eleven year old boy named BILLY, who was the son of RUTH BAZE. She stated that these four individuals stayed at this motel in apartment 0 for approximately two months when HARPER and her husband left. She stated that Mr. and Mrs. BAZE remained at this motel until approximately September when CHARLES left. She stated that at that time RUTH informed her that her last name was TUCKER and the registration for that apartment was changed to that name. She stated that on 11/4/67, an elderly white man appeared at this motel and requested the whereabouts of RUTH TUCKER. She stated that this individual mentioned being a relative of RUTH TUCKERs and that in the early afternoon of 11/4/67, TUCKER informed her that she was leaving this man who was never identified and that she would make arrangements to pay her the two months rent which she owed her. She stated that TUCKER, her son BILLY, and this elderly man departed in a late model automobile aqua in color and she has not seen or heard from any of them since. She stated that TUCKER left her automobile in 1961 light blue Rambler Cross-Country Stationwagon bearing 1967 Illinois License JT-422 in the parking lot of this motel and has not corresponded with her, GRAY, regarding the desposition of this automobile.

Mrs. GRAY advised that she has cleaned up apartment 0 since TUCKER left and nothing was found in this apartment which she believed was the property of TUCKER or any of the other residents.

Mrs. GRAY pointed out TUCKER's automobile parked in the parking lot and by looking through the windows of this automobile a Denver, Colorado road map published by the Conoco Oil Company was observed lying on the front seat.

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AT HAYWARD, CALIFORNIA

On November 8, 1967, a review of the records of the Hayward, California Police Department, revealed that on October 2, 1967, one JACK SHANE, 25774 Franklin Avenue, Hayward, California, contacted the Hayward Police Department and advised that one CHARLES WILLIAM BAZE who possibly resides at 7th and Spring Street, Alton, Illinois, worked for him during the month of August 1967, and departed the Hayward area with approximately $750.00 that belonged to JACK SHANE Jr. SHANE stated that he contacted RUTH ANN TUCKER, a friend of BAZEs and was told by TUCKER that BAZE and one RALPH PAGE were responsible for two recent armed robberies in Denver, Colorado. An indident report on file reveals that on 10/2/67, TUCKER was interviewed by officers of the Hayward Police Department and she informed them that she met BAZE in Illinois in May of 1967, and that on July 16, 1967, she BAZE, PAGE and PAGE's girl friend NANCY HARPER left for California in TUCKER's 1961 blue Rambler Station-wagon. TUCKER stated that BAZE told her he had just gotten out of Leavenworth Federal Penitentiary in April 1967. She stated that they arrived in Denver, Colorado on July 18, and on that night BAZE and PAGE left the motel where they were staying and returned later stating they had held up a liquor store pistol whipped two women clerks. TUCKER stated she did not know the location of this liquor store. She stated they stayed in Denver until 7/21/67, and one night between the 18th and 21st they stopped at a liquor store on Colfax Avenue in Denver, Colorado, and PAGE and BAZE went into the store supposedly to buy some drinks. When they came out they told her they had held up the liquor store and pistol whipped an old man. TUCKER stated they got between $500.00 and $700.00 on both holdups. She stated that neither case did she or HARPER know that the men were going to rob the liquor store. She stated that she was afraid for her own safety and that of her 10 year old boy who was also along with them on this trip. She stated they arrived in California on July 23, 1967, and that they moved into the Star Lite Motel in Castro Valley, California. She stated that in mid August 1967, PAGE and HARPER left the motel and supposedly went to reside at 268 Harmon Street in Las Vegas, Nevada. She stated that BAZE departed the motel on August 28, 1967, supposedly to return to Alton, Illinois, to live with his wife.

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She stated that BAZE is in possession of a [redacted] caliber nickel plated automatic.

On 11/8/67, Lieutenant GEORGE KELLEY, Hayward Police Department, advised that the above information was furnished by teletype to the Denver, Colorado Police Department and a photograph of BAZE was forwarded to them, however no photographs have been located of PEGGY as there is no indication he has ever been arrested in the State of California. He stated that the Hayward Police Department holds a 1963 warrant for misdemeanor violation of dumping sewerage into a city sewer however this would not justify extradition. He also advised that the reported embezzling of $750.00 from JACK SHANE Jr., was very weak in the way of evidence and did not appear to be a prosecutable case. He stated that ident kit compositions made of the Subjects in the two Colorado robberies have been received from the Denver Colorado Police Department and one of the ident kit composite photographs appears to be similiar to the photograph of BAZE.

AT SAN LEANDRO, CALIFORNIA

On 11/8/67, Officer GORDON GRIMES, San Leandro Police Department, advised that his department is in possession of two misdemeanor warrants issued in 1963 for CHARLES WILLIAM BAZE who was at that time employed by JACK SHANE, 25774 Franklin Avenue, Hayward, California, and who had a former address of 2550 Ida Street, Alton, Illinois. He stated that on 2/1/63, BAZE was arrested by the San Leandro Police Department on a traffic warrant for which he posted $54.00 bail.

GRIMES furnished the following descriptive data pertaining to BAZE as obtained from San Leandro Police Department Record Number 18838.

Name	CHARLES WILLIAM BAZE aka William Baze
Sex	Male
Race	White
Decent	Indian-Dutch
Date of birth	5/30/33
Place of birth	Pittsview, Illinois
Height	6'
Weight	200 lbs.
Build	Medium
Eyes	Brown
Hair	Brown

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Complexion	Medium
Scars and Marks	Star with initial B on left thumb names CAROL Mom, CAROL in heart and Chuckle left forearm picture of Donald Duck on back of left forearm, heart and cross upper left arm, sword through a snake and the name ALICE right forearm, and scar on back of right forearm.
Social Security Number	341-26-3924
Military Serial Number	ER-16-378-174
Parents	Father - JOHN BEVERLY BAZE - 2550 Ida Street Alton, Illinois. Mother - HILRITH LUCILLE BAZE - same address

AT HAYWARD, CALIFORNIA

On 11/8/67, 11/9/67, 11/13/67, 11/20/67, and 11/27/67, attempts to locate JACK SHANE, 25774 Franklin Avenue, met with negative results.

On 11/27/67, Mrs. BETTY GRAY, Manager, Star Lite Motel, 3312 East Castro Valley Boulevard, telephonically advised that she had recently seen one JOYCE LA FORE, who formerly resided at this motel and was a friend of RUTH TUCKER who was then residing here. She stated that LA FORE informed her that TUCKER was now residing at 722 East Miami Street, Alton, Illinois, under the name of RUTH WILLIAMS. Mrs. GRAY stated she did not know where LA FORE was now residing and she did not know how LA FORE came about the above information.

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SUSPECT RICHARD CESARZ

CESARZ was developed as a suspect based upon information furnished by Mrs. ETHEL MAYS, currently residing at Centralia, Illinois, indicating that CESARZ was in the Alton area about the time of the robbery of the Bank of Alton and could be considered a suspect in this matter.

On January 30, 1968, Sheriff EDWARD RYAN, Sangamon County, Springfield, Illinois, advised that EDWARD RICHARD CESARZ had been transferred to the Logan County Jail, Lincoln, Illinois, from the Sangamon County Jail, apparently for trial in that county.

SUSPECT LARRY AUGUST KAHLE

KAHLE was developed as a suspect based upon information furnished by the St. Louis Division indicating that he had a sawed off shotgun hung by a string around his shoulder and under his coat at one time prior to September 1, 1967.

On February 5, 1968, SA's EDWARD A. CARPENTER and ROBERT C. HAINES displayed clothing and the sawed off shotgun recovered at Alton, Illinois, to the following listed persons none of whom could identify the clothing or the shotgun as having been observed in the possession of LARRY AUGUST KAHLE to their knowledge:

Mrs. RALPH BODE, Corner Tavern, Edwardsville, Illinois;

Mrs. EARL KAHLE, Rural Route #4, Edwardsville, Illinois;

WILLIAM AGLES, A&H Standard Service Station, Buchanan and Troy Roads, Route 159, Edwardsville, Illinois;

On February 12,1968, SA FRANK E. CORN, SR., contacted the following dry cleaning and laundry establishments in the Alton area in an effort to identify laundry and dry cleaning marks in the recovered clothing but none could furnish any positive information concerning the patron who might have brought the dry cleaning and laundry for service:

Alton Laundry Company, 909 E. Broadway;

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Alton One Hour Martinizing Cleaners, 329 State Street;

Burt's Launderers and Dry Cleaners, 2517 College Avenue;

Del-Mar Cleaners, 606 N. Delmar;

Easy-Way Dry Cleaners, 623 Henry Street;

Esquire Cleaners, 520 Bell Street;

Milton Cleaners, 1120 Milton Road;

Joe Stork Cleaners, 2705 Godfrey Road;

Temple Cleaners and Shirt Laundry, 1300 E. Broadway;

Try-Finer Cleaners, 2501 State Street;

Wardein Cleaners, 327 Ridge Street.

SUSPECT JOHN MC CLINTOCK

JOHN MC CLINTOCK was developed as a suspect by the Springfield Division after it was learned he left the Alton area within a few days after the robbery of the Bank of Alton for the State of California, and generally met the description of one of the two subjects in this matter.

HELEN GRABLE, 1616 Walker, Apartment #3, Alton, Illinois, advised on February 9, 1968, that she is the suspect's mother. She stated that she is not satisfied with his denial that he has any connection with the robbery of the Bank of Alton and, in fact, has had growing suspicions that he either was directly or indirectly involved in this matter. She stated that she had initiated and will continue to initiate inquiry among associates of her son and that should any information come to her attention which would be of value in this matter she would contact the FBI promptly.

On February 12, 1968, Mrs. GRABLE stated that her son, JOHN MC CLINTOCK, was arrested by the Alton Police Department at 3:30 AM on February 12, 1968, on her complaint of assault and battery on his wife, PAMELA.

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FEDERAL BUREAU OF INVESTIGATION

Date 2/19/68

JOHN K. MC CLINTOCK was interviewed at the Alton City Jail at which time he was advised of his rights and was furnished a rights and waiver form. MC CLINTOCK waived his rights as evidenced by an executed rights and waiver form.

MC CLINTOCK stated that when he was previously interviewed in connection with the robbery of the Bank of Alton, he stated that he had left the Alton area in June, 1967, for the State of California, and had been in California at the time of the bank robbery. He stated that he now understood that it is possible he was not in the State of California but rather in the City of Alton but he stated that he had nothing to do with the bank robbery, had heard nothing concerning it and could offer no suggestions with regard to possible subjects or suspects in this matter.

MC CLINTOCK stated that he had returned to the Alton area on a weekend, February 10, 1968, to see his family since he was under indictment in the State of California for burglary and expected to be sentenced to the State Penitentiary in that state.

He refused to discuss further his involvement in the robbery of the Bank of Alton or any other activities on his part.

The following description of JOHN K. MC CLINTOCK was obtained from observation and interrogation:

Race:	White
Sex:	Male
DOB:	4/29/40
Age:	27
POB:	Alton, Illinois
Nationality:	American
Height:	5'10"
Weight:	160 lbs.

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On 2/12/68 at Alton, Illinois File # SI 91-3609

by SA FRANK E. COHN, JR. & SA ROBERT C. HAINES:DM Date dictated 2/14/68

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Hair:	Brown
Eyes:	Brown
Scars and Marks:	Numerous tattoos on both arms.
Marital Status:	Married
Wife:	PAULA LC CLINTOCK 712 Ridge Street, Alton, Illinois
Relatives:	MOTHER: HELEN GRABLE 1616 Walker Street Alton, Illinois

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FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-USA, SDI, Springfield, Illinois

Report of: SA ROBERT C. HAINES Office: SPRINGFIELD
Date: DECEMBER 18, 1967

Field Office File #: SI 91-3699 Bureau File #: 91-27494

Title: UNKNOWN SUBJECTS (2);
The Bank of Alton,
Alton, Illinois,
7/13/67

Character: BANK ROBBERY

Synopsis: New suspect LARRY AUGUST KAHLE developed. Witnesses viewed KAHLE in line up at Madison County Jail, at Edwardsville, Illinois; stated his height, build, posture and coloring appeared identical to shot gun man in robbery in The Bank of Alton. RUTH ANN TUCKER states suspect CHARLES BAZE was with her on 7/15/67 and could not have participated in bank robbery. Suspect JOHN MC CLINTOCK claims he was in California when bank robbed. MC CLINTOCK'S mother refutes statement. Information regarding EDWARD RICHARD CESARZ and suspect BOBBY GENE ELLIOTT set forth. ARMED AND DANGEROUS.

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SI 91-3699

DETAILS:

Suspect LARRY AUGUST KAHLE

LARRY AUGUST KAHLE was developed as a suspect based upon information furnished by the St. Louis Division, indicating that he had a sawed off shot gun hung by a string around him under his coat at one time prior to September 1, 1967.

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FEDERAL BUREAU OF INVESTIGATION

1 Date 11/1/67

A line-up was held at the Madison County Jail, Edwardsville, Illinois, on October 23, 1967, which included LARRY AUGUST KAHLE. Prior to the line-up, KAHLE was afforded an opportunity to talk to Public Defender ROBERT TRONE. Mr. TRONE explained his rights to KAHLE and his necessity for appearing in the line-up. The line-up was composed of the following persons:

1. NORMAN P. PROVOW, Age 32, 5'10", 170 lbs., brown hair;

2. NORMAN STANHOPE, age 47, 5'10", 177 lbs., brown hair;

3. LARRY AUGUST KAHLE, age 34, 5'10", 185 lbs., brown hair;

4. GEORGE BENTZ, age 42, 5'10½", 160 lbs., brown hair;

The line-up commenced at 3:11 PM and was concluded at 3:33 PM.

On 10/23/67 at Edwardsville, Illinois File # SI-91-3699

by SA [illegible] C. [illegible]:lm Date dictated 10/26/67

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FEDERAL BUREAU OF INVESTIGATION

Date October 24, 1967

GERALDINE COWAN, Assistant Cashier, The Bank of Alton, Alton, Illinois furnished the following signed statement:

"Alton, Illinois
October 24, 1967

"I, Geraldine Cowan, do hereby furnish the following free and voluntary statement to Robert C. Haines, whom I know to be a Special Agent of the FBI.

"I am employed by The Bank of Alton, Alton, Illinois. I was so employed on July 13, 1967, at which time the bank was held up by two men wearing silk stocking masks.

"On October 23, 1967, I observed a line-up at the Madison County Jail, Edwardsville, Illinois, which consisted of four men, all approximately the same height and coloring.

"From my recollection of the two men that robbed The Bank of Alton, on July 13, 1967, the man in the number three position, whom I now know to be Larry August Kahle, most closely resembes the man who stood at the rear door of the bank and wielded a shotgun. While I can make no identification from facial characteristics, Kahle's build, posture and general mannerisms bear a close resemblance to those of the shotgun man.

"I have read the above statement and it is true and correct to the best of my knowledge.

"s/s Geraldine Cowan

"Witness:
Robert C. Haines
Sp. Agt., FBI"

On 10/24/67 at Alton, Illinois File # 91-3699

by SA Robert C. Haines/rh -4/- Date dictated 10/24/67

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FD-302 (Rev. 4-15-44)

FEDERAL BUREAU OF INVESTIGATION

Date October 24, 1967

LEE MAAS, Vice President, The Bank of Alton, furnished the following signed statement:

"Alton, Illinois
October 24, 1967

"I, Lee Maas, do hereby furnishethe following free and voluntary statement to Robert C. Haines, whom I know to be a Special Agent of the FBI.

"I am employed at The Bank of Alton, Alton, Illinois. I was on duty at The Bank of Alton on July 13, 1967, when the bank was held up by two armed men wearing silk stocking masks.

"On October 23, 1967, I bbserved a line-up at the Madison County Jail, Edwardsville, Illinois, consisting of four men who were of approximately the same height, and description.

"The individual who was number three from the left closeley resembled one of the men who held up The Bank of Alton. I have since learned that this man is Larry August Kahle. His height, build, posture and mannerisms are virtually identical to those of the man who stood at the rear door of the bank and covered the interior of the bank with a sawed-off shotgun.

"I have read the above statement and find it to be true and correct to the best of my knowledge.

"s/s Lee Maas

"Witness:
Robert C. Haines
Sp. Agt., FBI"

On 10/24/67 at Alton, Illinois File # 91-3699

by SA Robert C. Haines/rh Date dictated 10/24/67

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Efforts to interview LARRY AUGUST KAHLE by SA EDWARD A. CARPENTER and SA ROBERT C. HAINES at the Madison County Jail were unsuccessful. KAHLE refused to sign fingerprint cards, refused to discuss any of his activities and refused to answer any questions whatsoever.

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SI 91-3699

Suspect CHARLES BAZE

CHARLES BAZE was developed as a suspect based upon information furnished to the Springfield Division, indicating that he together with RALPH PAGE were believed to be the persons who perpretrated the robbery of the Bank of Alton.

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FEDERAL BUREAU OF INVESTIGATION

Date December 4, 1967

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RUTH ANN TUCKER, 525 Miami Street, advised that on July 16,1967, she traveled from Alton, Illinois with CHARLES BAZE, RALPH PAGE and NANCY HARPER in her 1961 Rambler station wagon, en route to California.

She stated the group first went to Denver, Colorado, arriving there on the Monday following July 16,1967. She said that on Wednesday, July 19,1967, PAGE and BAZE held up a liquor store in Denver which was located on Colfax Avenue, on Route 40, in which they bragged they had pistol whipped the owner.

Miss TUCKER said that she knows the group left on July 16, 1967, because she can fix the date July 15,1967, which was a Saturday, and she said that she got home at night from work at which time RALPH PAGE, CHARLES BAZE and NANCY HARPER were at her house at which time she resided at 198 Goulding, East Alton, Illinois. They advised her that they were going to Colorado, and possibly to California, and told her to pack up her things and go along with them.

She asked why they were leaving so suddenly, and they stated things were getting too hot for them, in the Alton area.

She said that she specifically asked them about the robbery of the Bank of Alton , but they laughed anddenied it.

With regard to the activities of CHARLES BAZE also known as CHUCK, she said that on Tuesday, July 11,1967, CHUCK had her Rambler station wagon and on Wednesday, while intoxicated he married PAT BASHAM.

On Thursday morning, July 13,1967, the day the Bank of Alton was robbed, JOHN BAZE, CHUCK's brother, came and got her at approximately 9:00 AM, and they went to the Glass House

On 11/21/67 at Alton, Illinois File # SI 91-3699

by SA ROBERT C. HAINES /drb Date dictated 11/27/67

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Tavern in Alton, and sat in the Glass House with CHUCK BAZE who was intoxicated.

She said that after sitting in the Glass House for an hour or two, she prevailed upon CHUCK BAZE to go with her and she took him to her house where he stayed until about 4:00PM.

Miss TUCKER said that in addition to CHUCK BAZE's brother, JOHN, ANN THATCHER was also in the Glass House Tavern on July 13, 1967 , and would recall her being in there with JOHN and CHUCK BAZE.

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SI 91-3699

Suspect JOHN MC CLINTOCK

JOHN MC CLINTOCK was developed as a suspect by the Springfield Division and it was indicated he left the Alton area within a few days after the robbery of The Bank of Alton and went to California.

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FEDERAL BUREAU OF INVESTIGATION

Date December 1, 1967

JOHN MC CLINTOCK, 12013 Albers, Apartment #18, North Hollywood, California, was interviewed at the Alton Resident Agency of the Federal Bureau of Investigation.

At the outset of the interview, MC CLINTOCK acknowledged the identity of Special Agent ROBERT C. HAINES, was offered a rights and waiver form, but refused to sign it.

MC CLINTOCK volunteered the following information:

He stated that he was not in Alton, Illinois, on July 13, 1967; that he went to California in late June where he resided with JOE GREENWOOD, 6403 Gentry, North Hollywood, California. He stated that GREENWOOD would know that he was in California on July 13, 1967.

MC CLINTOCK stated that he has no information concerning the robbery of The Bank of Alton and has no suspicions as to who might have perpetrated the robbery.

On 11/29/67 at Alton, Illinois File # SI 91-3699

by SA ROBERT C. HAINES /skt Date dictated 11/30/67

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HELEN GRABLE, 1616 Walker Street, Alton, Illinois, advised on 11/30/67 that her son, JOHN MC CLINTOCK, was not in California, but rather was in Alton, Illinois, on 7/13/67 and he did not leave Alton, Illinois, for California until approximately 7/15/67.

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SI 91-3699

RE: BOBBY GENE ELLIOTT

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SI 91-3699

On 10/23/67, Deputy Sheriff JOHN BLIVEN, McDonough County, Macomb, Illinois, advised that BOBBY GENE ELLIOTT and MARTHA STODONY CAREY no longer live in Macomb, Illinois. He advised that MARTHA STODONY CAREY, for a number of years, has been a character in Macomb, Illinois, and that she is very vindictive in nature.

Sheriff BLIVEN advised that his office had arrested MARTHA STODONY CAREY on 8/28/67 for being drunk and that she was highly incensed because her boyfriend, BOBBY GENE ELLIOTT, laughed at her concerning this arrest. He stated that he, personally, would not rely on anything that she told him and that she has at numerous times furnished false information concerning individuals to the Sheriff's Office in Macomb, Illinois. He advised that ELLIOTT has not been known to him to spend any large amounts of money while in Macomb, and he further advised that ELLIOTT had an old car, a 1954 Buick, Hardtop, and for this reason he did not believe that ELLIOTT had made any large hauls anytime during the recent past, inasmuch as ELLIOTT is the type that would immediately purchase a newer vehicle.

On 10/23/67, Officer GLENN BROWN, Macomb, Illinois, advised that BOBBY GENE ELLIOTT and his cousin, MARTHA STODONY CAREY, are no longer in Macomb, Illinois, but supposedly reside in Chicago. He advised that they moved to Chicago during the latter part of September of 1967. BROWN, on several occasions, had attempted to determine from his cousin, MARTHA STODONY CAREY, if ELLIOTT had been involved in any type of trouble in the recent past. He advised that she could not furnish any specific information. He also advised that even though she had claimed ELLIOTT carried a gun under the front seat of his car, he was stopped and ticketed for illegal registration on one occasion and that no gun was located at that time. He advised that he has no information concerning any Federal violations on the part of ELLIOTT and that his cousin was unable to furnish him any information. He advised that he had talked to her on numerous occasions in his own home and felt that if there were any known violations on ELLIOTT'S part, MARTHA STODONY CAREY would have told him.

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SI 91-3699

RE: EDWARD RICHARD CESARZ

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SI 91-3699

On 11/3/67, ETHEL MAYS, was located at Centralia, Illinois, and she advised that EDWARD RICHARD CESARZ, known to her as ED CESARZ is currently at the Sangamon County Jail, Springfield, Illinois. She stated she could provide no further information concerning CESARZ.

On 11/7/67, ROBERT W. HANKINS, Deputy Sheriff, Sangamon County, Springfield, Illinois, verified the fact that CESARZ is in custody and made available his identification record under FBI #347 828 E.

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON 25, D.C.

J. Edgar Hoover
Director

The following FBI record, NUMBER 347 828 E, is furnished FOR OFFICIAL USE ONLY.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
Cook Co Jail Chgo Ill	Edward Cesarz #305818	11-16-62	Agg Batt	1-5 yrs 2-6-63 sent to Pontiac
PD Michigan City Ind	Edward Richard Cesarz #3280	11-14-62	CCW (gun without permit) att mur (warrant from Chgo Ill PD)	no Affidavit filed rel to Chgo Ill PD
Chgo Ill	Edward Richard Cesarz #9719	11-15-62	Inv Att Murder	
Chgo Ill	Edward Cesarz #9719	11-14-62	aggr batt	
Joliet Ill	Edward Richard Cesarz #51096	2-27-63	agg batt	1-5 yrs
Pontiac Ill	Edward R. Cesarz #26123	3-22-63	agg batt	1-5 yrs
Detroit Mich	Edward Richard Cesarz #259245	2-17-66	parolee from Ill St Pen Pontiac Branch Ill their #26123	[illegible]
Lincoln Ill	Edward Richard Cesarz #321	7-24-67	mur & armed rob	
Springfield	Edward Richard Cesarz #ER1585	7-25-67	being held because of security reasons for Logan Co Lincoln Ill on chg of murder	

Information shown on this Identification Record represents data furnished FBI by fingerprint

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SI 91-3699

On 10/13/67, OCTAVIA MILLER, Clark County Sheriff's Office: and KAREN PADEN, Las Vegas Police Department, advised IC RAY I. TURNER they could find no record in their respective files for RALPH PAGE or NANCY HARPER.

On 10/23/67, Mrs. JUDITH STONEKING, Clerk, Churchill East Apartments, 4320 Koval, Las Vegas, Nevada, advised SA L. PATRICK MARKOVICH that a search through her records failed to reflect either PAGE or HARPER living there or having signed a rental agreement for an apartment at 268 Harmon. She further advised this apartment building is occupied by tenants who are highly transient, and it is very possible PAGE and HARPER had temporarily moved in with someone who had rented an apartment without her knowing and had left. She stated the description of PAGE was unfamiliar to her as anyone she had seen in the area of this building.

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FD-204 (Rev. 8-8-61)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Springfield

Report of: SA ROBERT C. HAINES
Date: October 10, 1967

Office: Springfield

Field Office File #: SI 91-3699

Bureau File #: 91-27494

Title: UNKNOWN SUBJECTS (2);
The Bank of Alton,
Alton, Illinois
July 13, 1967

Character: BANK ROBBERY

Synopsis: Man's clothing and sawed-off shotgun recovered in wooded area, Alton, Illinois, 8/10/67. Believed by witnesses to be clothing of one of bank robbers and shot gun to be one utilized. Neighborhood investigation vicinity of recovery site unproductive. Results of Laboratory examination set forth. Investigation regarding suspects BAZE and PAGE as well as miscellaneous suspects set forth. UNSUBS ARMED AND DANGEROUS.

- P -

91-27494-6

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SI 91-3699

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SI 91-3699

I. RECOVERY OF SHOTGUN AND CLOTHING

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FEDERAL BUREAU OF INVESTIGATION

Date August 22, 1967

Detective Corporal DONALD SANDIDGE, Alton Police Department, telephonically advised that the Alton Police Department had received information that a group of children had found some burned clothing and a sawed-off shotgun in a wooded area near the end of East 5th Street in Alton, Illinois.

SA JAMES H. YELVINGTON met with Detectives, Sergeant RAY PARTON and Corporal DONALD SANDIDGE in a wooded area located on the south end of the dead end of East 5th Street in Alton, Illinois, and the following items were located and held as possible value as evidence:

One single barrel .12 gauge shotgun with sawed-off barrel.

One stock from shotgun, which was sawed-off with blue whipcord nailed to the stock.

One man's white shirt Van Heusen, van-guard, with red stain on collar and right front shoulder and shirt tail.

One blue nylon jacket, light weight, containing four .12 gauge number four shot, shotgun shells.

One pair tan pleated trousers with marking on inside of right front pocket 444 with line drawn through the fours and directly below was the number 3107-3. Inside the right rear pocket was the figures T0278 and directly under these figures was U7703.

One belt Hickock Pioneer, size 32, black in color with the number 5121 on the inside of the belt.

One nylon ladies stocking with a knot tied in the foot portion of the stocking.

One brown cap with a fish emblem on the front of the cap.

~~One grey felt hat, Royal Deluxe Stetson, with markings~~

On 8/10/67 at Alton, Illinois File # SI 91-3309

by SA JAMES H. YELVINGTON/tlp Date dictated 8/16/67

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of Men's Style Shop, Seay and Wilson, Mayflower, Kentucky on the inside of the hat.

One partial package of Lucky Strike Cigarettes containing three cigarettes.

One red and yellow match pack bearing King Edward on the match cover.

The above described clothing, with the exception of the grey man's felt hat, was found in a pile laying on top of the sawed-off shotgun. The clothing was partially burned. The grey man's felt hat was found approximately twenty-five feet from the rest of the clothing, and also was partially burned.

No additional items were located in a search of the area.

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FEDERAL BUREAU OF INVESTIGATION

Date August 10, 1967

KIM BRUNS, 1015 East 5th Street, Telephone 462-6583, was interviewed at his residence and furnished the following information:

He is the ten year old son of CHARLES BRUNS, SR., and on Wednesday, August 9, 1967, he was playing with his brother, DENNIS, age 12, and a friend by the name of ERNEST PERSLEY. They were playing on the top of a bluff that is located adjacent to Hunter's Court, and the cemetery. While playing on top of this bluff, they observed a pile of clothing that was partially burned. Next to this clothing, they saw an old model shot gun. Both he and his brother DENNIS picked the shot gun up and looked at it. He said that he was of the opinion that the hammer was not fully cocked, but the weapon was rusted and the hammer was probably partially cocked. Among the items of clothing found were a burned pair of pants, a fishing cap, an old grey hat, a jacket, and a white shirt.

KIM said that the boys gave some consideration to taking the weapon home, but decided that they might be in violation of a law by possessing the shot gun. They did not mention this to their father until the evening of Thursday, August 10, 1967

Ca 8/11/67 at Alton, Illinois File # SI 91-3509

by SA [illegible] and SA [illegible] /clat Dictated 8/11/67

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FEDERAL BUREAU OF INVESTIGATION

Date August 16, 1967

DENNIS BRUNS, 1015 East 5th Street, Telephone 462-6583, was interviewed at the residence of his father, CHARLES BRUNS, SR., and furnished the following information:

On Wednesday afternoon, August 9, 1967, he was playing on a bluff near Hunter's Court with his brother KIM, age 10, and ERNEST PERSLEY, who lives at 1118 Hunter's Court. While they were playing they observed a stack of partially burned clothing. He said it did not appear that anyone had made an effort to conceal these items as they were in an open spot. Adjacent to the clothing was a shot gun. The gun appeared to be an old weapon and he and his brother KIM picked up the weapon and played with it. He said he did not recall his friend, ERNEST PERSLEY playing with the weapon. He said he recalled seeing a white shirt and a hat and a cap and other items of clothing that were partially burned there. He said that he did not look carefully at the clothes and does not remember exactly what was in the pile. He considered taking the shot gun home to show to his father, but decided that he might be picked up by the police if he were to be seen with this gun in his possession.

On 8/11/67 at Alton, Illinois File # SI 91-3699

by SA ROY F. WEAVER & CLABORN R. CHEATHAM /slt Date dictated 8/11/67

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The following investigation was conducted by SA EDWARD A. CARPENTER:

AT ALTON, ILLINOIS

On August 11, 1967, an area search as well as a turrain search was conducted in the vicinity of East 5th Street and Plum Street in Alton, Illinois, where items of clothing were recovered which were presumed to have been worn by the individuals who held up the Bank of Alton on July 13, 1967.

This search was conducted by SAs EDWARD A. CARPENTER and CLABORN R. CHEATHAM and LOY F. WEAVER.

The search failed to develop any additional information which would be of value to this investigation.

A neighborhood inquiry was made in the are and the following individuals were contacted who could furnish no information of value relative to the bank robbery or the disposal of the clothing.

Mrs. BETTY ANDRUS, 1420 East 4th Street

Miss TONIE EWING, 1422 East 4th Street

Mr. HAVERN SHELTON, 1504 East 4th Street, formerly residing at 1426 East 4th Street.

Mrs. MARY MALONE, 1412 East 4th Street

Mr. R. GEARING, Plumbing Contractor, who was doing work in the vicinity.

Mr. KENNETH R. ROSS, 1410 East 4th Street, Alton, Illinois, advised on August 11, 1967, that he could not identify any of the clothing recovered in the neighborhood, nor did he have any information to offer about the bank robbery. He did call attention to a rooming house located at 1506 East 4th

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Street where a number of questionable individuals hang out.

ROSS advised that he understands that on the previous evening there were reportedly a number of stolen television sets at this residence. He stated that one of the principle individuals who is of questionable reputation is an individual known to him by the name of FREDDIE DICKS.

ROSS advised that in the event he should develop any additional information of value that he would immediately notify the FBI.

On August 11, 1967, Mr. MIKE RUDONI, Manager, Columbia Hotel and Tavern, Alton, Illinois, advised that he could furnish no information as to the possible identity of any one responsible for robbing the Bank of Alton on July 13, 1967.

RUDONI was questioned concerning individuals that may have left the area who could possibly fit the description of either the two bank robbers and after checking his records identified an individual by the name of GORDON LAHEY, a white male, 40 - 45 years of age, 5'10", weighing 145 to 150 pounds, with dark brown to black hair, who resided at the Columbia Hotel and who left in early July, 1967, and according to his records left on July 7, 1967.

RUDONI stated that he realizes that this was a week before the bank robbery, but wanted to point out LAHEY was of questionable reputation and described him as a "carni", who cashed a $40.00 check at the hotel which was returned with the notation "account closed".

RUDONI advised that this check was drawn on the Base Line Branch of the Bank of America located at 439 Base Line in San Bernardino, California, and was dated July 4, 1967.

RUDONI advised that this individual supposedly left the area with his wife or exwife and that he last heard from this individual when he accepted a collect call from him from the DeKalb, Illinois.

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At this time the individual advised RUDONI that he was going to go to work at Chicago, Illinois.

RUDONI also advised that while staying at the hotel, this individual was employed by a car washer for Chuck Diering Motor Company, in Alton, Illinois.

On this same date, CHUCK DIERING was contacted at the Diering Motor Company and advised that an individual by the name of GORDON LAMEY worked for a short period of time washing and polishing used cars at Diering Motor.

DIERING advised that LAMEY left on July 7, 1967, in company with his wife and two children and advised that he had gotten a job in Chicago, Illinois, and this was his reason for leaving.

On August 15, 1967, Mr. MIKE RUDONI was recontacted by SA EDWARD A. CARPENTER and SA JAMES H. YELVINGTON at the Columbia Hotel and was shown the clothing that was recovered in the area and after viewing this clothing, he thinks the clothing, especially the cap, might have belonged to a former tenant at the Columbia Hotel who skipped out of the hotel approximately a month ago owing a sizeable amount of money.

RUDONI advised that this individual left prior to the 13th of July and left some clothing and several other items of personal property in his room. RUDONI identified the individual as BILL VAUGHN, who he described as a white male, 5'8", between the ages of 50 and 55. RUDONI stated he realizes that the age is different, but thinks that VAUGHN could be a good suspect. RUDONI advised that he understands that VAUGHN went to Springfield, Illinois, with a woman by the name of SAPP and were staying together at a motel which has the name of Lilly or Lally.

RUDONI advised that he would attempt to develop additional information concerning this individual which might be valuable for the FBI.

On August 14, 1967, the records of the Alton, Illinois, Police Department were checked relative to FREDDIE DICK and WERNER TRUSCH.

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According to the Alton Police Department, FREDDIE EUGENE DICK is described as a white male, born November 13, 1939, at Cottage Hill, Illinois, has FBI # 629999C, and there is no official record for TRUSCH in the Alton Police Department files other than a contact card when he was stopped and questioned by an officer of the Alton Police Department.

On this same date, the records of the Alton Credit Bureau were checked and no record was located for FREDDIE EUGENE DICK which would be of value. The files reflect that WERNER TRUSCH is known to the Credit Bureau and was last known to reside at 1506 East 4th Street, Alton, Illinois. He was formerly known to have resided at 1521 Waterman and 2253 Shenidoah, both in St. Louis, Missouri. He is known to the Commercial Credit Bureau in St. Louis since February, 1966, and appeared to be formerly employed with the Browning Carneval and also employed at the International Hat Company, St. Louis, Missouri.

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FEDERAL BUREAU OF INVESTIGATION

Date 8-18-67

Mr. RALPH COATS, Manager, Temple Cleaners, 1300 East Broadway, Alton, Illinois, furnished the following information:

Mr. COATS examined some items of clothing which were recovered and presumably worn in connection with the Bank of Alton bank robbery on July 13, 1967, and stated that none of the markings appearing on the clothing came from the Temple Cleaners.

COATS advised that after viewing the trousers and the markings on the trousers that he could not identify these markings as coming from any cleaners in Alton, Illinois. He stated that the markings on the shirt collar appear to have come from the Alton laundry.

On 8-15-67 at Alton, Illinois File # SI 91-3699

SA JAMES H. YELVINGTON
by SA EDWARD A. CARPENTER:bb Date dictated 8-16-67

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FD 302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 8-18-67

Mr. ELLIS GADDIS, Secretary-Treasurer, Alton Laundry Company, Alton, Illinois, furnished the following information:

Mr. GADDIS was given an opportunity to examine items of clothing that were recovered that appeared to have been worn by one or both of the bank robbers who held up the Bank of Alton on July 13, 1967.

Mr. GADDIS after examining the clothing said that he believed that the laundry markings appearing in the VanHeusen shirt that had been recovered had been laundered at his laundry. He stated that from examination of the marking in the collar that it appeared to be similar, if not identical to the laundry markings used at the laundry.

Mr. GADDIS advised that from his examination, he believes that the markings were either "JLH-D" or JUH-D" or "JUH-O", and that he would check old records to determine if the individual could be identified as a customer of the laundry.

GADDIS advised that after examination of the trousers that were recovered that these trousers had neither been laundered nor drycleaned at his laundry.

On August 15, 1967, during a recontact with Mr. GADDIS, he advised that he has been unable to locate any old records which would assist in the identification of the laundry mark on the shirt.

Mr. GADDIS requested some additional time and desired to be recontacted at a later date.

On 8-14-67 at Alton, Illinois File # SI 91-3699

SA JAMES H. YELVINGTON

by SA EDMUND A. C[illegible]b Date dictated 8-16-67

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FEDERAL BUREAU OF INVESTIGATION

Date August 23, 1967

1

LEE MASS, Vice-President, Bank of Alton, was shown the following items, which were found on August 10, 1967, in a wooded area, located near the dead end of East 5th Street in Alton, Illinois:

1 - Stevens-Savage, Model 94, 12 gauge shotgun, with the barrel and stock sawed off;

1 - pair of tan pleated pants, partially burned;

1 - blue jacket, partially burned;

1 - gray felt hat, Royal reluxe Stetson, partially burned;

1 - man's white shirt, Van Heusen, Vanguard, partially burned;

1 - brown cap, with a fish emblem on front, partially burned;

1 - belt, Hickock, size 32, black in color, with numbers 5121 on the inside of the belt, partially burned;

1 - nylon ladies stocking, knotted at one end.

MASS stated that the sawed off shotgun appeared to be the same shotgun as the one used by one of the bank robbers.

MASS advised that the man with the shotgun was wearing brown pants and that the pants which were located appeared to be the same color as the pants worn by the robber and could possibly be the same pants.

He stated that the blue jacket appeared to be the same color of the clothing worn by the other bank robber, but he could not identify the jacket as being worn by either of the men.

On 8/11/67 at Alton, Illinois File # SI 91-3699

by SA JAMES H. WELVINGTON:mph Date dictated 8/17/67

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He advised that the stocking appeared to be the same type of stocking as the ones worn by the bank robbers.

MASS stated that he could not identify or associate any of the other items as items worn by either of the bank robbers.

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FEDERAL BUREAU OF INVESTIGATION

Date August 23, 1967

1

LUCILLE LEWIS, Teller, Bank of Alton, was shown the following items, which were located on August 10, 1967, in a wooded area near the dead end of East 5th Street in Alton, Illinois:

1 - Stevens-Savage, Model 94, 12 gauge shotgun, with the barrel and stock sawed off;

1 - pair of tan pleated pants, partially burned;

1 - blue jacket, partially burned;

1 - gray felt hat, Royal reluxe Stetson, partially burned;

1 - brown cap, with a fish emblem on the front, partially burned;

1 - Belt, Hickock, size 32, black in color, with the number 5121 on the inside of the belt, partially burned;

1 - Man's white shirt, VanHeusen, Vanguard, partially burned;

1

1 - nylon stocking, knotted at one end.

LEWIS stated that the sawed off shotgun was the same size, shape and color as the shotgun used by one of the robbers, and that she believed it could be the same gun.

She stated that both men were wearing blue clothing, but that the clothing of the man with the shotgun was a darker blue, which was the same color of the blue jacket which was found. She stated that she could not identify the blue jacket as being worn by the man with the shotgun, however, she said that it was the same color.

She said that one of the men was wearing tan pants, but that she could not recall which one.

On 8/11/67 at Alton, Illinois File # SI 91-3000

by SA JAMES H. WELLINGTON:lpb Date dictated 8/17/67

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She advised that both men were wearing stocking masks which were the same type as the nylon stocking which was located.

LEWIS stated that she could not identify or associate any of the other items to items worn by the robbers.

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FEDERAL BUREAU OF INVESTIGATION

Date August 23, 1967

1

MARIE DEALEY, Teller, Bank of Alton, was shown the following items which were located on August 10, 1967, in a wooded area near the dead end of East 5th Street in Alton, Illinois:

1 - Stevens-Savage, Model 94, 12 gauge shotgun, with the barrel and stock sawed off;

1 - pair of tan pleated pants, partially burned;

1 - blue jacket, partially burned;

1 - gray felt hat, Royal reluxe Stetson, partially burned;

1 - man's white shirt, VanHeusen, Vanguard, partially burned;

1 - brown cap, with a fish emblem on the front, partially burned;

1 - belt, Hickock, size 32, black in color, with the numbers 5121 on the inside of the belt, partially burned;

1 - nylon ladies' stocking, knotted at one end.

DEALEY stated that the shotgun is the same size as the shotgun used by one of the robbers and that she believes that it could be the same gun.

She stated that she believes the brown cap could be the same cap as the one worn by the man who came behind the tellers' cage. However, she said she did not recall the fish emblem on the front of the cap.

DEALEY said that both men were wearing stocking masks, and the nylon stocking which was found could have been worn by one of the robbers.

On 8/11/67 at Alton, Illinois File # SI 91-3699

by [redacted] Date dictated 8/17/67

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DEALEY stated that she could not identify or associate any of the other items as items worn by either of the bank robbers.

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FEDERAL BUREAU OF INVESTIGATION

Date 8-23-67

WILLIAM PHILLIPS, Assistant Cashier, Bank of Alton, was shown the following items which were located on August 10, 1967, in a wooded area near the dead end of East 5th Street in Alton, Illinois:

1 Stevens-Savage, Model 94, 12 gauge shotgun, with the barrel and stock sawed off.

1 pair of tan, pleated pants, partially burned.

1 blue jacket, partially burned.

1 gray, felt hat, Royal Deluxe Stetson, partially burned.

1 man's white shirt, Van Heusen, Vanguard, partially burned.

1 brown cap, with a fish emblem on the front, partially burned.

1 belt, Hickock, size 32, black in color, with the numbers 5121 on the inside of the belt, partially burned.

1 nylon ladies' stocking, knotted at one end.

PHILLIPS stated that the shotgun is the same size and type of shotgun as was used by one of the robbers, and that it possibly could be the same gun.

He advised that he believed the gray hat and blue jacket was the same hat and jacket which was worn by the robber who carried the shotgun.

He stated that the robber, who went behind the tellers' cage, was wearing a brown cap, which was a darker tan

On 8-11-67 at Alton, Illinois File # SI 91-3609

by SA JAMES H. YELVINGTON:bb Date dictated 8-17-67

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color than his stocking mask, and he believed the tan cap which was found could be the same cap. He said that he did not recall seeing the fish emblem on the cap.

He stated that both men were wearing stocking masks, and that the stocking which was found, could be one which was worn by one of the robbers.

PHILLIPS said that he could not identify or associate any of the other items as items worn by either of the bank robbers.

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FEDERAL BUREAU OF INVESTIGATION

Date 8-23-67

GERALDINE COWAN, Assistant Cashier, Bank of Alton, was shown the following items, which were located on August 10, 1967, in a wooded area near the dead end of East 5th Street in Alton, Illinois:

1 Stevens-Savage, Model 94, 12 gauge shotgun, with the barrel and stock sawed off.

1 pair of tan, pleated pants, partially burned.

1 blue jacket, partially burned.

1 gray felt hat, Royal Deluxe Stetson, partially burned.

1 man's white shirt, VanHeusen, Vanguard, partially burned.

1 brown cap, with a fish emblem on the front, partially burned.

1 belt, Hickock, size 32, black in color, with the numbers 5121 on the inside of the belt, partially burned.

1 nylon ladies stocking, knotted at one end.

COWAN stated that the shotgun was the same size as the shotgun used by one of the robbers and could possibly be the same gun.

She advised that the man with the shotgun was wearing tan pants. She said that she could not positively identify the tan pants, which were located as being the same worn by the robber, however, she said the pants appeared to be the same in color.

COWAN advised that she could not identify the nylon stocking as being the one worn by either of the two men, however,

On 8-11-67 at Alton, Illinois File # SI 91-3699

By SA JAMES E. WELVINGTON:bb Date dictated 8-17-67

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she stated that both men were wearing stocking masks.

COWAN stated that she could not identify or associate any of the other items as items worn by either of the bank robbers.

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FEDERAL BUREAU OF INVESTIGATION

Date 8-23-67

JO ANN GRAVES, Secretary to Vice President, Bank of Alton, was shown the following items, which were located on August 10, 1967, in a wooded area near the dead end of East 5th Street, in Alton, Illinois:

1 Stevens-Savage, Model 94, 12 gauge shotgun, with the barrell and stock sawed off.

1 pair of tan, pleated, pants, partially burned.

1 blue jacket, partially burned.

1 man's white shirt, Van Heusen, Vanguard, partially burned.

1 gray, felt, hat, Royal Deluxe Stetson, partially burned.

1 brown cap, with a fish emblem on the front, partially burned.

1 Belt, Hickock, size 32, black in color, with the number 5121 on the inside of the belt, partially burned.

1 nylon ladies' stocking, knotted at one end.

GRAVES stated that she only saw the one man who went behind the tellers' cage, and did not see the man with the shotgun.

She advised that she could not identify or associate any of the items as items used or worn by either of the bank robbers.

On 8-11-67 at Alton, Illinois File # SI 91-3009

by SA JAMES R. KELVINGTON:bb Date dictated 8-17-67

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FEDERAL BUREAU OF INVESTIGATION

Date August 24, 1967

1

WERNER MARION KRUSCH, 1639 rear John Street, East St. Louis, Illinois, was interviewed at his residence in the presence ofhis wife, Mrs. WANDA KRUSCH, nee EVANS.

At the outset of the interview, KRUSCH executed a waiver of rights form, and stated that he would orally furnish information and answer any questions posed to him by Bureau Agents.

KRUSCH furnished the following information, after consenting to be photographed, and he was photographed by SA MC KINSTRAY:

He stated that he and his wife moved to their present address from Alton, Illinois, over the weekend of August 12,1967, when his rent was up at the apartment where he was living at 1506 East 4th Street in Alton, Illinois.

KRUSCH stated that he is not physically able to work, and that his wife is the sole supporter of himself and their small boy. He stated that his wife was employed as a waitress at Richey's Cafe, in Alton, Illinois, located on East Broadway, but that she was dissatisfied with her position and could not get along with the owners of the Cafe so they decided to return to East St. Louis, Illinois, which is their home.

KRUSCH advised that the parents of his wife reside at 517 North 43rd Street in East St. Louis, and will always know their whereabouts.

He stated that they contemplate moving to an apartment in the vicinity of 36th and State Street in East St. Louis.

KRUSCH advised that his wife has gained employment

On 8/17/67 at East St. Louis, Illinois File# SI 91-3699

SA JOSEPH L. MC KINSTRAY

SA [illegible] AND A. CANTRELL /drb Date dictated 8/18/67

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at Bob and Jerry's Cafe, located at Illinois Avenue and Collinsville Avenue in East St. Louis, Illinois.

KRUSCH denied having any knowledge of,and denied any connection with the bank robbery of the Bank of Alton in Alton, Illinois on July 13,1967, and commented that he was at hom babysitting on that particular day, and recalled the day because his wife made the comment about the bank robbery, and he also heard it on the radio.

KRUSCH stated that he has a logical explanation for the .22 caliber shells that he left in the apartment at 1506 East 4th Street, and the nylon stocking caps also left behind. He stated that the shells were purchased when he borrowed a .22 caliber rifle from an individual by the name of RICHARD NELSON who is a friend of his, residing in Alton, Illinois, during the recent racial activity in Alton. He stated that he borrowed this rifle for possible protection but the rifle has been returned.

KRUSCH advised that inso far as the nylon stocking caps are concerned, he utilized these caps for the processing of his hair, which he stated he has difficulty in keeping it trained down.

KRUSCH advised that he lived at 1506 East 4th Street in Alton for approximately two months, and on the day of the bank robbery, he noticed nothing unusual in the neighborhood.

He admitted knowing FREDDIE DICK, and that DICK used to contact him at his residence in Alton on numerous occasions. KRUSCH stated that he doubted that DICK would be capable of pulling a bank robbery.

KRUSCH admitted that when he was very young,that he has been in difficulty and has been confined under the custody of the Illinois Youth Commission.

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KRUSCH advised that he would be willing to cooperate in any way that is necessary.

The following description of KRUSCH was obtained through observation and interrogation:

NAME:	WERNER MARION KRUSCH
SEX:	Male
RACE:	White
DATE OF BIRTH:	June 13,1942
PLACE OF BIRTH:	Norfolk, Pennsylvania
AGE:	25
HEIGHT:	6'1"
WEIGHT:	145
HAIR:	Dark brown and long
EYES:	HAZEL
BUILD:	Slender
COMPLEXION:	Medium dark
TATTOOS:	Has numerous tattoos; has the name "FAY" and two stars on the right bicep; initial "SG" and the name "JACK" and a pair of dice on the left forearm; has "love" in a heart on his chest
PECULIARITIES:	Has a large , prominent adams apple
MARITAL STATUS:	Married
WIFE:	WANDA KRUSCH , nee EVANS
FATHER:	Deceased
MOTHER:	Whereabouts unknown

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SI 91-3699

II. LABORATORY EXAMINATIONS

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By communication dated September 13, 1967, the FBI Identification Division, Latent Fingerprint Section, advised as follows:

"Specimens: Shotgun
Four shotgun shells
Leather belt
Match book
Cigarette pack
Elimination finger and palm prints of 4 individuals
Elimination fingerprints of one individual

"No latent impressions of value were developed on specimens."

By communication dated September 14, 1967, the FBI Laboratory advised as follows:

"Specimens received 8/20/67

Q1 Windbreaker
Q2 Sawed-off shotgun
Q3 Shirt
Q4 Brown cap
Q5 Felt hat
Q6 Trousers
Q7 Stocking
Q8 Stocking foot

"Also submitted: Four 12-guage shotgun shells
Wooden stock
Leather belt
Matchbook
Cigarette pack
Finger and palm prints of:
Kim Bruns
Ernest Pursley
Thomas Noel
Dennis Bruns
Fingerprints of Raymond Parton

"Results of examination:

Brown to light brown head hairs of Caucasian origin were found on specimens Q3, Q5 and in Q8. These hairs have been mounted for possible future comparisons with known head hair samples from any suspect you may develop.

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"No hairs were found on any of the other items.

"NU" or "NO", "JOH-U" or "JOH-O" have been stamped to the inside collar of Q3.

Visible laundry markings "44___" and "3107-3" are present on the right front pocket of Q6. Visible laundry markings "T6276" and U7703" are also present on the right rear pocket of Q6.

"The identity of the laundry causing these markings is unknown to the Laboratory.

"No other visible and no invisible laundry markings were found on any of the submitted items.

"Specimen Q7 is a complete stocking having one end tied in knots.

"Specimen Q8 is the foot portion of a stocking. Specimens Q7 and Q8 are different types and colors of stockings and could not be mates.

"Nothing else of significance was noted about the submitted evidence."

By communication dated September 21, 1967, the FBI Laboratory advised as follows:

"Results of examination:

"This report supplements the Laboratory's report to you dated September 14, 1967, and completes the examination of the evidence listed in that communication. For a listing of the evidence, please refer to that report.

"Specimen Q2 is a Stevens Model 94 12-gauge, single shot, single barrel, sawed-off shotgun. There is no stock on the weapon. The present length of the

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barrel of specimen Q2 is 12½" and it was observed that the barrel is filled with dirt or dried mud. The surface dirt and corrosion adhering to the outside of the weapon were removed and no physical evidence was observed to indicate that the shotgun had ever borne a serial number. It is pointed out that there are some shotguns which do not bear a serial number and apparently specimen Q2 is one o f them."

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III. INVESTIGATION REGARDING SUSPECTS
RALPH EAGL and CHARLES RAZE

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FD 302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date August 3, 1967

1

EARL SONS, Bartender, High Hat Lounge, advised that he is acquainted with RALPH ROBERT PAGE, CHUCK BAZE, and several of their companions. He stated that both PAGE and BAZE have been barred from patronizing the tavern for about two months. SONS has not seen either of them for at least that long, and he stated that he would notify the local FBI Office if he sees them in the vicinity.

On 7/25/67 at Cottage Hills, Illinois File # SI 91-3699

by SA WILLIAM G. CONNELLY /jlh Date dictated 7/26/67

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FEDERAL BUREAU OF INVESTIGATION

Date August 3, 1967

1

MARY WILKERSON, Owner of Mary's Lounge, furnished the following information:

She last saw RALPH ROBERT PAGE and CHUCK BAZE at her tavern sometime during the weekend after the bank robbery at Alton, Illinois, on July 13, 1967. She stated that at this time, she heard no talk which would be indicative of PAGE and BAZE having had anything to do with the robbery at the Bank of Alton. She said that neither of them seemed to have an unusual amount of money at that time, and neither of them said or did anything which would make her suspect they may have had a part in the robbery. She was advised that the FBI was interested in talking to both PAGE and BAZE, and she stated that she would call the local office should either of them appear in the area.

On 7/26/67 at Cottage Hills, Illinois File # SI 91-3699

by SA WILLIAM G. CONNELLY /jlh Date dictated 7/26/67

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date August 3, 1967

1

Mrs. DOLORES BRIDGES, 215 MacArthur, furnished the following information:

She is the co-owner of the Two Brothers Motel at 215 MacArthur, and she stated that she is acquainted with RALPH ROBERT PAGE, but said that PAGE has not stayed at that motel for at least a year. She stated that if she does see PAGE, she will notify the FBI Office immediately.

On 7/25/67 at Cottage Hills, Illinois File # SI 91-3699

by SA WILLIAM G. CONNELLY /jlh Date dictated 7/28/67

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FEDERAL BUREAU OF INVESTIGATION

Date August 3, 1967

1

HARRY NEVLIN, JR., 1628 Washington Street, furnished the following information:

His shopmen at the Nevlin Moving Company generally wear shirts and slacks as a regular working attire. He stated that the uniforms used by his company are supplied by the Alton Industrial Towel and Uniform Company, 915 East Broadway. He said that the uniforms used by his personnel do not resemble the coveralls as described by the witnesses to the robbery at the Bank of Alton.

On 7/25/67 at Alton, Illinois File # SI 91-3009

by SA WILLIAM G. CONNELLY /jlh Date dictated 7/28/67

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FEDERAL BUREAU OF INVESTIGATION

Date August 3, 1967

1

KEN JONES, Manager of the Alton Industrial Uniform and Towel Service, 915 East Broadway, furnished the following information:

He stated that his company rents uniforms to local industrial concerns, but he stated that the herringbone design described by witnesses to the robbery at the Bank of Alton on July 13, 1967, is not one of the types of uniform supplied by his company. JONES advised that a check of this nature ought normally be extended to Uniform and Towel Supply Company from St. Louis since these companies supply a large number of these local industrial concerns.

On 7/26/67 at Alton, Illinois File # SI 91-3099

by SA WILLIAM G. CONNELLY /jlh Date dictated 7/23/67

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FEDERAL BUREAU OF INVESTIGATION

Date August 3, 1967

1

EVERETT B. HICKEY, 934 College, was interviewed at his place of employment at the Municipal Garage, and furnished the following information:

He is the owner of a 1960 Rambler, six passenger, Cross Country station wagon with vehicle identification number C218260 bearing 1967 Illinois license RD-1251. HICKEY provided a bill of sale for this vehicle showing date of purchase as June 28, 1967, from George's Auto Sale on Washington Street, at which time he stated he traded in a 1957 Ford and he said that the plates currently on the Rambler are being transferred from the Ford which he has sold. He said that he had received the title from the Secretary of State's Office on July 22, 1967. He stated that he is not acquainted with CHUCK BAZE or RALPH ROBERT PAGE or RUTH ANN TUCKER.

On 7/23/67 at Alton, Illinois File # SI 91-3609

by SA WILLIAM G. CONNELLY /jlh Date dictated 7/25/67

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date August 3, 1967

1

WILLIAM E. BEARDSMORE, President of the Bank of Alton, furnished the following information:

A review of record tapes of checks accepted on July 13, 1967, revealed that MARJORIE CUNNINGHAM cashed an Aetna Life and Casualty Insurance Company check in the amount of $62.00 on that date. BEARDSMORE stated that this check was apparently cashed shortly before the bank robbery took place. He stated, however, that it was impossible to determine this from the record tape, but that from the window at which it was cashed either teller LUCILLE LEWIS or bookkeeper JUDY BRIDGES would have accepted and cashed this check for CUNNINGHAM. BEARDSMORE advised that both LEWIS and BRIDGES are currently away on vacation and will not return until the beginning of the week of July 30, 1967.

On 7/26/67 at Alton, Illinois File # SI 91-3099

by SA WILLIAM G. CONNELLY /jlh Date dictated 7/28/67

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FEDERAL BUREAU OF INVESTIGATION

Date August 3, 1967

1

WILLIAM CRANE, 1216 Pine Street, was interviewed at his place of business, Alton Refrigeration Company, furnished the following information:

The employees at his concern wear a uniform made up of a blue shirt, dark in color, and matching blue slacks. He stated that no coveralls are worn as regular working attire by his employees.

Co 7/25/67 at Alton, Illinois File # SI 91-3309

by SA WILLIAM G. CONNELLY /jlh Date dictated 7/28/67

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The following investigation was conducted by SA JAMES H. YELVINGTON:

On September 18, 1967, ROSE WILLIAMS, mother of RUTH TUCKER, 525 Miami, Alton, Illinois, advised she received a letter from her daughter this date, in which TUCKER stated she is now residing at 3312 East Castro Valley Boulevard, Apartment O, Castro Valley, California.

WILLIAMS stated her daughter is currently unemployed and, to her knowledge, had very little money, if any, when she left Alton. She said TUCKER also has her 10 year old son, LARRY GENE, with her and has enrdled him in school in California. She said BAZE hasreturned to the Alton, Illinois area and has been in the area approximately 2 weeks.

WILLIAMS stated TUCKER furnished address of RALPH PAGE and NANCY HARPER as 268 Harmon, Las Vegas, Nevada.

She requested that her daughter not be aware that she furnished above information to the FBI.

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IV. MISCELLANEOUS SUBJECTS

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SI 91-3699

RE: SUSPECT BOBBY GENE ELLIOTT

The following investigation was conducted by SA ELYON H. DAVIS:

On August 30 1967, Corporal GERALD SCHILLING, Illinois State Police, Macomb, Illinois, advised that on June 28, 1967, MARTHA STODONY CAREY, Macomb, Illinois, was arrested for being drunk and told her cousin, Officer GLEN BROWN, Macomb, Illinois Police Department, that she is presently living with BOBBY GENE ELLIOTT, address either 326 or 328 West Piper Street, Macomb, Illinois. She stated ELLIOTT doesn't work and she claimed that he was recently involved in a bank robbery or bank burglary in the Granite City area. She stated that he carries a gun under the front seat of his car, a 1954 Buick hardtop, bearing license 1967 Illinois LH 3712 or GU 9647.

Corporal SCHILLING advised ELLIOTT has served time on a 3 to 5 year sentence, charge unknown, at Illinois State Penitentiary, Pontiac, Illinois. Corporal SCHILLING and records of Drivers License Bureau, reflected the following description for ELLIOTT:

Race	White
Sex	Male
DOB	4/10/35
Height	5' 9" - 5' 10"
Weight	145-160 pounds
Complexion	Light
Hair	Dark; wavy

His driver's license showed a former address of 111 Lenore, Cottage Hills, Illinois. Registration on a 1955 Buick shows his home address to be 230 Clifton, Round Lake, Illinois.

CAREY had advised that ELLIOTT is well known in the Granite City area and that he hangs out alot in Alton, Illinois.

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On August 31, 1967, Corporal GERALD SCHILLING, Illinois State Police, Macomb, Illinois, was contacted by SA DAVIS concerning information he had furnished given by MARTHA STODONY CAREY, Macomb, Illinois. SCHILLING advised that he had not personally talked to CAREY but that the information came to him from the Macomb, Illinois Police Department.

SCHILLING advised that he had no personal information concerning ELLIOTT other than that ELLIOTT drove a 1954 Buick hardtop and that 1967 Illinois license LH 3712 and 1967 Illinois license GU 9647 had both been seen on the vehicle.

On August 31, 1967, Chief ROBERT DE POY, Macomb, Illinois Police Department, advised that on August 29, 1967, MARTHA STODONY CAREY, 326 West Piper Street, Macomb, Illinois, had come to his office and told him she wanted to furnish information concerning her boyfriend, BOBBY GENE ELLIOTT who lives in her apartment at various times. She had told him that ELLIOTT is well known in the Granite City - Alton - Cottage Hill, Illinois area. On the previous night, she had had an argument with ELLIOTT in Bushnell, Illinois and ELLIOTT had kicked her out of the car and left her lying on the side of the road where she was later arrested by the Bushnell Police Department for being drunk. He advised that at the time she furnished information concerning ELLIOTT, she was very angry at ELLIOTT and he felt that she quite, possibly, under this situation, would furnish false information.

She stated that ELLIOTT carried a gun under the front seat of his vehicle and that he has approximately $1600 in cash. She told him that ELLIOTT must have been involved in some type of burglary in the Granite City area, or else he would not have this much money, inasmuch as he does not work. She also stated that he had served time in the Pontiac Penitentiary and that this was a 3 to 5 year term, charge unknown.

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Chief DE POY advised that at no time did she mention bank robbery or any specific crime which ELLIOTT might have committed. He stated she only mentioned burglary to him.

On August 31, 1967, Officer GLEN BROWN, Macomb, Illinois Police Department, advised that MARTHA STODONY CAREY is related to BROWN's family and on occasion she will come to BROWN's home in the morning to drink coffee with his wife. He advised that on several occasions, she has mentioned to his wife and also to himself that BOBBY GENE ELLIOTT is a hoodlum and that he has been involved in either some types of burglary or robbery. He advised that at no time has she mentioned bank robbery and that he has no specific information concerning ELLIOTT other than she has stated that he is well known in the Granite City area and has lived in Cottage Hill, Illinois. Also, CAREY has made trips to the Cottage Hill area with ELLIOTT and on occasion has spent several days with ELLIOTT. He also advised that on several occasions she would return to Macomb, Illinois, before ELLIOTT returned.

BROWN advised that on August 31, 1967, he had been unable to locate CAREY for interview by SA DAVIS. He advised that CAREY would not furnish any information unless ELLIOTT was out of Macomb and that on the first occasion, he determines that ELLIOTT is gone from the area, he will advise SA DAVIS and arrange for an interview by DAVIS with CAREY.

The following investigation was conducted by IC WAYNE E. LOWE:

On September 6, 1967, DONALD GENTSCH, Records Clerk, Menard State Penitentiary, Chester, Illinois, made available inmate file for BOBBY GENE ELLIOT, Menard Number 25205, which contained the following information:

Sex	Male
Race	White

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SI 91-3699

Hair	Brown
Eyes	Green
Nativity	Kentucky
Weight	148 pounds
Height	5' 11"
Build	Medium
Education	8th grade
Occupation	Laborer
DOB	4/30/35
FBI #	177 522 B
Ill. Bureau #	419 875

ELLIOT was received at Menard Prison on June 18, 1956 on the crime of larceny from person from Madison County, Illinois, to serve a sentence of 2 to 3 years. He was transferred to Pontiac State Prison on September 7, 1956 and returned to Menard on October 23, 1957.

The following is a list of friends and relatives as contained in prison records:

Wife	BETTY ELLIOT 602 Shephard Street, Alton, Illinois 25 Neuneber Street, Cottage Hills, Illinois; 91 Belle Street Alton, Illinois
Mother	EDITH HAMS or Mrs. R. L. STEELEY 229 Hamilton Street, Alton, Illinois Tennessee Ridge, Tennessee
Sister	MAXINE SHAW 2117 Country Club Drive Alton, Illinois
Brother	RICHARD ELLIOT RR 1, Bethalto, Illinois;
Brother	CHARLES ELLIOT 18 East 5th Street, Alton, Illinois; 229 Hamilton Street, Alton, Illinois;

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Brother	JEROME ELLIOT 229 Hamilton Street, Alton, Illinois; 2804 North Halsted, Chicago, Illinois;
Sister	ROBERTA FITTS, 1000 Meridian, Nashville, Tennessee
Aunt	LAURA MONEYMAKER Box 971, Dayton, Ohio

Records reflect ELLIOT was paroled April 17, 1958 to RICHARD C. ELLIOT, General Trucking, 1308 - 5th Street, Cottage Hills, Illinois. His sentence expires December 17, 1958.

AT SPRINGFIELD, ILLINOIS:

Mr. JAMES TABOR, Supervisor, Auto Registration Section, Secretary of State, Springfield, Illinois, advised on August 30, 1967 that 1967 Illinois license GU 9647 issued May 3, 1967 to BOBBY GENE ELLIOT, 230 Clifton Road, Round Lake, Illinois for a 1957 Buick 4 door, VIN 7D1140236. License was originally issued for a 1954 Chevrolet 4 door and on May 3, 1967, was transferred to the above automobile. The application reflects ELLIOT's drivers license number as E430 0673 5103. The title number was reflected as B975482.

TABOR further advised that 1967 Illinois license LH 3712 was issued March 7, 1967 to WILLIAM D. POTTER, Box 353, Grays Lake, Illinois for 1959 Buick convertible, VIN 4F4015716. No drivers license number was listed, the number reflected was B591347.

TABOR advised that title number B975482 reflects 1957 Buick, VIN 7D1140236 titled to BOBBY GENE ELLIOT, 230 Clifton, Round Lake, Illinois. This automobile was purchased April 19, 1967 from Auto Body by Nichol, 225 East Main, Round Lake Park, Illinois, with no lien and the title was issued May 15, 1967.

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TABOR advised that title #D591347 reflects a 1959 Buick, VIN 4F4015716 is titled to WILLIAM D. POTTER, Box 353, Grays Lake, Illinois. This auto was purchased June 24, 1966 from CHARLES E. GREEN, 2227 North Shore Drive, Traverse City, Michigan with no lien. The title was issued March 28, 1967.

Mr. WILLIAM LOGAN, Supervisor, Drivers License Section, Secretary of State, Springfield, Illinois, advised on August 30, 1967 that Illinois drivers license number E430 0673 5103 issued May 23, 1966 to BOBBY ELLIOT, 111 Lenor, Cottage Hills, Illinois expires April 10, 1970 and describes him as:

Sex	Male
Height	5' 10"
Weight	160 pounds
Hair	Brown
Eyes	Gray
DOB	4/10/35

Records reflect his employment as a machine operator and that he had California drivers license M674038.

LOGAN further advised that WILLIAM DONALD POTTER, Barry Avenue, Post Office Box 353, Grays Lake, Illinois took a written exam on February 20, 1967 at Lake County, Illinois. POTTER was issued permit #P360 9244 8050 on February 28, 1967, which expired August 28, 1967. He is described as:

Height	5' 2"
Weight	105 lbs.
Hair	Brown
Eyes	Blue
DOB	2/19/48

Records reflect POTTER on June 15, 1967 took his driver license exam and failed. On his first exam, he was driving a 1962 Ford, 1967 Illinois license LG 7107 and on his last exam was driving a 1960 model car bearing 1967 Illinois license LM 4818. POTTER did have Michigan drivers license #P360887149131.

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JAMES TABOR advised that 1967 Illinois license LG 7107 is issued to ROBERT BUSBY, 554 D. Shorewood Road, Grays Lake, Illinois, as of February 16, 1967, for 1962 Falcon Station Wagon, VIN 2H228152342. No drivers license or title number were listed.

TABOR advised that 1967 Illinois license LM 4818 was issued June 12, 1967 to DANIEL POTTER, Building 309 Great Lakes, Illinois for 1960 Ford T Bird 2 door, VIN OY71J120978. Records reflect his drivers license number as Michigan P360135843113. Title number was B1239429.

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SI 91-3699

RE: SUSPECT DANNY, DAVID, HENRY and ROBERT GRESHAM:

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The following investigation was conducted by SA WILLIAM G. CONNELLY on July 25, 1967:

At Alton, Illinois

Members of the GRESHAM family were developed as suspects in this case as a result of house painter's having overheard members of this family leaving their residence at 720 Alton Street and making the comment, "Did you forget the shotgun?"

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FEDERAL BUREAU OF INVESTIGATION

Date July 31, 1967

1

Sergeant HAROLD COX, Alton Police Department, furnished the following information from records of his office:

DANNY RAY GRESHAM, address 1326 East Broadway, is described as follows:

Date of birth	November 11, 1943
Complexion	Ruudy
Hair	Light brown
Eyes	Blue
Alton Police Department Identification #	9597

Arrest record

Date of arrest	Charge	Disposition
May 25, 1965	Possession of a .22 calibre semiautomatic rifle	Paid $10.00 fine plus cost.
November 10, 1965	Suspicion stolen vehicle	Released
November 23, 1965	Disturbing the peace	No disposition shown.
January 17, 1966	Disturbing the peace	Paid $30.00 and costs.

DAVID GRESHAM

E. ALDRON

Addresses	208 West 7th, Alton 720 Alton Street
Age	18
One complaint	lost draft card June 19, 1967.

On 7/25/67 at Alton, Illinois File # SI 91-3699

by SA WILLIAM G. CONNELLY:mjb Date dictated 7/25/67

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HENRY GRESHAM

Address	208 West 7th, Alton
Alton Police Department	4743
Identification #	

No pertinent information available.

ROBERT DALE GRESHAM

Addresses	208 West 7th, Alton 720 Alton Street, Alton
Age	18
Complexion	Medium
Hair	Brown
Eyes	Green

Arrested February 26, 1965, for a traffic violation.

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V. MISCELLANEOUS WITNESSES

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FEDERAL BUREAU OF INVESTIGATION

Date July 31, 1967

1

DOROTHA GORDEN, 1205 Central Avenue, provided the following information:

On the afternoon of July 13, 1967, she arrived at the Bank of Alton at 2:00 p.m. as she recalls, but stated that she was in the bank at the time that the robbers made their entry. She stated that she had entered by the side door about five minutes before the robbery took place. She was standing at the teller's window closest to the front door, and stated that at the time of her entry by the side door, she saw nothing unusual in the parking lot. As she was at the teller's window, she saw one of the robbers go behind the tellers' cages and begin to collect money from the drawers.

She stated that she saw no gun in the hand of the robber behind the tellers' cage, and she said that she thought she heard this individual saying something as he was taking money out of the cages, but she did not hear specifically what was said. She said that the only thing that she recalls is that the face of this individual appeared to be hard and that it was only after the robbery that she realized that a stocking mask was over the robber's face. She could supply no estimate as to the height, weight, or general physical appearance and clothing of this robber, stating that she was so scared that she was afraid even to look at him. She said that she had just cashed a check and that she took the money that was in her hand and placed it down the back of her dress for fear that it would be taken from her.

She could recall that the robber who went behind the tellers' cage was dressed in what she characterized as rugged dress, and she thought this may have been coveralls and a cap, both of which were either gray or bluish color. She said that the robber who stood by the side door had on some kind of an old model wide rimmed hat, and had a shotgun. She said that this man was dressed in a similar manner to the one who was behind the tellers' cage. GORDEN stated that she was not able to associate the robbers' wearing apparel with any particular trade or line of work. She stated that after the

On 7/25/67 at Alton, Illinois File # SI 01-3699

By SA WILLIAM G. CONNELLY:mph Date dictated 7/28/67

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SI 91-3699
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robbers left, she was so much in shock that she didn't move from the spot where she was standing. She said that from this position, she was unable to see the window or notice any details concerning the thieves' method of escape after they left the side door of the bank.

She stated that she does not believe she could identify the robbers if she saw them again.

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date July 31, 1967

1

LEE WERTS, Rural Route #1, provided the following information:

He estimated that he was the bank of Alton approximately 10 or 15 minutes before the bank robbery took place, and that he left this bank and was in the Upper Alton Pharmacy at the corner of Washington and College Street when he heard about the bank robbery. He stated that he had entered the side door of the bank in order to transact his business within, and that at the time he was there, he was the only customer at the bank.

He stated that he spent about five minutes in the bank transacting his business and that he saw nothing unusual either before he entered or while he was in the bank. He could provide no other pertinent information concerning the bank robbery.

On 7/25/67 at Alton, Illinois File # SI 91-3699

by SA WILLIAM G. CONNELLY:mpb Date dictated 7/25/67

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FEDERAL BUREAU OF INVESTIGATION

Date July 31, 1967

1

EDWARD H. MOODY, 3115 Brown Street, furnished the following information:

He estimated that he was in the Bank of Alton making a draft at about 12:30 p.m. on July 13, 1967. He stated that he saw nothing unusual either as he entered the bank through the side door or while he was at the bank or as he left the bank. He could supply no other pertinent information concerning this matter.

On 7/25/67 at Alton, Illinois File # SI-91-3699

by SA WILLIAM G. CONNELLY:mdo Date dictated 7/25/67

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FEDERAL BUREAU OF INVESTIGATION

Date July 31, 1967

1

TERRY ANSPACH, 1302 Spaulding Avenue, provided the following information:

On July 13, 1967, he entered the Bank of Alton for the first time. He stated that he used the door which is just to the left of the main entrance to the bank. He said it was most likely that the robbery was taking place as he walked in, but he said he noticed nothing unusual for one or two minutes after he arrived. He stated that the first time he looked up and saw anything unusual, he saw the older of the two bank robbers leaving the bank by the side door. He stated that he was not in a position to get a good look at the man or to provide any description. The only comments he could make was that the man appeared to be shabbily dressed and seemed like a person out of "skid row". He stated shortly after this man left the bank, he realized that a robbery had taken place. He moved toward the windows of the south side of the bank but he did not see any car leaving the scene nor did he see anyone going across the parking lot.

He was able to provide no pertinent information concerning the robbery or the robbers' method of escape. He stated that he did not observe any weapon used in this crime.

On 7/25/67 at Alton, Illinois File# SI 91-3599

by SA WILLIAM G. C[illegible] Date dictated 7/25/67

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VI. MISCELLANEOUS INFORMATION

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AT ST. LOUIS, MISSOURI:

The following investigation was conducted by SA GEORGE M. PEET:

On July 18, 1967, Detective JAMES HOPKINS, 3rd District, St. Louis Police Department, advised he had learned through a confidential source of his that HERMAN KNIGHT, also known as Joseph Barr, was one of the two individuals responsible for the Alton, Illinois bank robbery on July 13, 1967 and that KNIGHT was the one who had the shotgun.

HOPKINS advised that KNIGHT had been arrested in St. Louis in connection with two local robberies and that within the past few months he had been released on bond. He stated that about two months ago after KNIGHT's release from City Jail, he observed KNIGHT in South St. Louis at which time KNIGHT had dyed his hair red. Last known address for KNIGHT was 2729 Eads, which is the residence of MARCELLA WEBB, estranged wife of JOE BENNY WEBB, local hoodlum.

HOPKINS stated that a close associate of KNIGHT is ALBERT SCHLEIKER who may or may not be residing at 3949 Magnolia, Apartment 7, with TOMMY MADDOX, local burglar.

A review of St. Louis Police Department records on July 20, 1967, revealed the following concerning KNIGHT and SCHLEIKER.

HERMAN LUDSON KNIGHT, St. Louis PD #108453, FBI 185 200 A:

Race	White
Sex	Male
Born	6/11/66 in Florida
Height	5' 9"
Weight	165
Hair	Brown
Eyes	Brown
Prior conviction	1/59, robbery, Atlanta, Georgia, sentenced to 20 years

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Records reflect his arrest in January, April & May, 1967, with residence listed as 4209 Lindell and 1009 Geyer.

ALBERT WILLIAM SCHLEIKER, St. Louis Police Department #84627, FBI 674 524 D:

Race	White
Sex	Male
Born	11/23/38 in Illinois
Height	5' 7"
Weight	130
Tattoo	Hear with "JUDY" on left bicep
Parents	PATRICK SCHLEIKER, Mattoon, Illinois MARGARET CHAMBERLAIN, Ferguson, Missouri MATTIE SCHLEIKER, St. Louis PD #100836
Residence	806 Geyer
Automobile	1956 Buick, Missouri license ZG# 127

The following investigation was conducted by SA KENNETH N. DELANOY at St. Louis, Missouri:

On August 11, 1967 Detective Sergeant JAMES HACKET, 9th District, St. Louis Police Department, advised his department had determined the following regarding the individuals registeredat Room 207, Acme Hotel.

JAMES ALEXANDER, white male, age 21, DOB 7/25/46, Alabama. ALEXANDER is a known wine drinker and is well known to 9th Distrct Police Department as "a drunk."(Although a "wino", ALEXANDER never involved in any crimes of violence, holdups, etc.)

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WILLIAM KEMP, white male, age 19, date of birth, June 9, 1948 in Tennessee.

IRENE KEMP, (Mrs. WILLIAM) white female, age 17, date of birth, August 14, 1948, in Tennessee.

Sergeant HACKETT stated investigation disclosed all 3 individuals had only a total of $2.40; have no vehicle; were probably in Tennessee on July 13, 1967 since they stated their car had broken down there and they took the bus to St. Louis, Missouri. All three had applied to Manpower, Inc. on August 10, 1967 for any type of employment. Sergeant HACKETT stated the trio had very little belongings; appeared down and out; had no weapons and were drinking cheap wine when questioned.

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The following investigation was conducted by SA ARTHUR LEE WOODS:

Detective Sergeant A. G. SPRAGUE, Police Department, Bloomington, Illinois, contacted SA ARTHUR LEE WOODS on August 14, 1967.

Sergeant SPRAGUE advised that during this course of investigation concerning the activities of EDWARD RICHARD CESARZ at Bloomington, Illinois, he came in contact with a MARTIN BARTLETT of 1503 West Washington Street, Bloomington, Illinois. Sergeant SPRAGUE advised that BARTLETT stated that his wife is employed as a waitress at Payne's Restaurant, 402 North Main Street, Bloomington, Illinois. He advised his has worked closely with ETHEL MAYS, the girlfriend of CESARZ. He stated in view of his wife working at this restaurant he became acquainted with CESARZ and stated on occasionin July, 1967, he had an opportunity to see the inside of the trunk of CESARZ' automobile, a 1966 Dodge, 2 door hardtop. He stated on this occasion he saw two pistols, one he described as a .22 caliber; the other not described. According to SPRAGUE, BARTLETT stated he saw a sawed-off shotgun in the trunk of his automobile. Detective SPRAGUE advised that BARTLETT stated his wife told him that ETHEL MAYS told her that CESARZ and three other "guys" robbed a bank. MAYS is alleged to have stated that half the money is in Illinois and the other half in the State of Michigan.

Sergeant SPRAGUE advised that BARTLETT stated that MAYS is definitely not telling the officers all she knows concerning CESARZ. Sergeant SPRAGUE advised that MAYS has departed Bloomington and according to her uncle is residing at Sells Tavern, Route 5, Centralia, Illinois. Also, MAYS has a sistor, ETTA MARSHALL, who resides in Centralia, Illinois.

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The following investigation was conducted by SA WILLIAM [illegible] WHALEY at Evansville, Indiana.

On August 28, 1967, Lieutenant [illegible] ALTHAUS, Record Section, Evansville, Indiana Police Department, advised that a review of his files fails to reveal any record for [illegible]. STAAL, 1879 East Chandler Avenue.

On August 28, 1967, Mr. [illegible] G. SPINDLER advised that a review of his files revealed a record for [illegible] STAAL, wife [illegible], 1879 East Chandler Avenue, Evansville, Indiana.

STAAL was born on April 14, 1930, and he and his wife have resided at their present address since December 7, 1956, and before that lived at 1091 Morgan Ville, Evansville, Indiana. He presently works for Mack White Wire Rope Company, Evansville, Indiana. His credit rating is satisfactory and he pays all bills promptly. He has no Public Record listed and his files show he was in the United States Marine Corps during World War II, approximately four years. He is a native of Minneapolis, Minnesota, and his wife is from Darboo, Wisconsin.

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Springfield

Report of: SA ROBERT C. HAINES
Date: August 11, 1967

Office: Springfield

Field Office File #: SI 91-3699

Bureau File #:

Title: UNKNOWN SUBJECTS (2);
THE BANK OF ALTON,
ALTON, ILLINOIS,
JULY 13, 1967

Character: BANK ROBBERY

Synopsis: At 1:30 p.m., 7/13/67, two unknown subjects wearing stocking masks entered the side door of The Bank of Alton. #1 proceeded directly to tellers' area, walked behind counter, emptied cash from two tellers' cages, and left the bank by same route. #2 stood inside the side door, flourishing a sawed-off shotgun, covered customers and employees until #1 left, then backed out. Loot $27,230. Bank FDIC insured. Interviews with employees, customers, and neighbors in vicinity of bank set forth. Investigation indicates Unknown Subjects, after leaving the bank, went through 10-foot high hedge at rear of bank (west), then went south on foot to Calvary Baptist Church parking lot. Investigation re suspects developed set forth. UNKNOWN SUBJECTS SHOULD BE CONSIDERED ARMED AND DANGEROUS.

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SI 91-3699

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SI 91-3699

I. PREDICATION

Investigation in this matter is predicated upon receipt of information from Chief of Police JOHN M. HEAFNER (NA), Alton, Illinois, Police Department, disclosing that his department had received a telephonic complaint concerning a bank robbery at The Bank of Alton, Alton, Illinois.

II. JURISDICTION

Mr. WILLIAM BEARDSMORE, Executive Vice-President, The Bank of Alton, Alton, Illinois, advised on July 17, 1967, that The Bank of Alton is insured by the Federal Deposit Insurance Corporation under Certificate #17695-8, dated October 16, 1966. He stated that the bank is chartered under the laws of the State of Illinois, Charter #1792, dated January 20, 1956.

Mr. BEARDSMORE stated that he would be the person to be subpoenaed in court to document the bank and jurisdictional matters.

III. NARRATIVE OF MODUS OPERANDI

At 1:30 p.m. on Thursday, July 13, 1967, two unknown subjects entered the side door of The Bank of Alton, Alton, Illinois, and one unknown subject immediately and rapidly walked behind the tellers' area, moved one teller out of the way, while brandishing what appeared to be a small blue automatic pistol and cleared out two tellers' cages of paper money, emptying it into a wide canvas or paper bag. Unknown subject #2 stood inside the side door with a sawed-off shotgun, covering the employees and customers of the bank, and at one time ordered everyone to "Stand Still." When unknown subject #1 finished emptying the two tellers' cages, he rapidly left the bank by the same route he entered, after which unknown subject #2 backed out of the bank, still flourishing the sawed-off shotgun.

Subsequent investigation discloses unknown subjects ran around the rear corner of the bank in a westerly direction and apparently ducked through a 10-foot high hedge at the west lot line of the bank, thereafter walking south approximately one-half block to the Calvary Baptist Church parking lot.

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IV. PROTECTIVE DEVICES

Mr. BEARDSMORE, mentioned above, stated that the bank has no protective devices and does not employ a bank guard except on Friday evenings, when an off-duty police officer is engaged in this capacity.

V. CHART OF BANK

LEGEND:

#1. Location where unknown subject #1 looted tellers' cages.

#2. Location where unknown subject #2 covered interior with sawed-off shotgun.

#3. Side door.

#4. Front door.

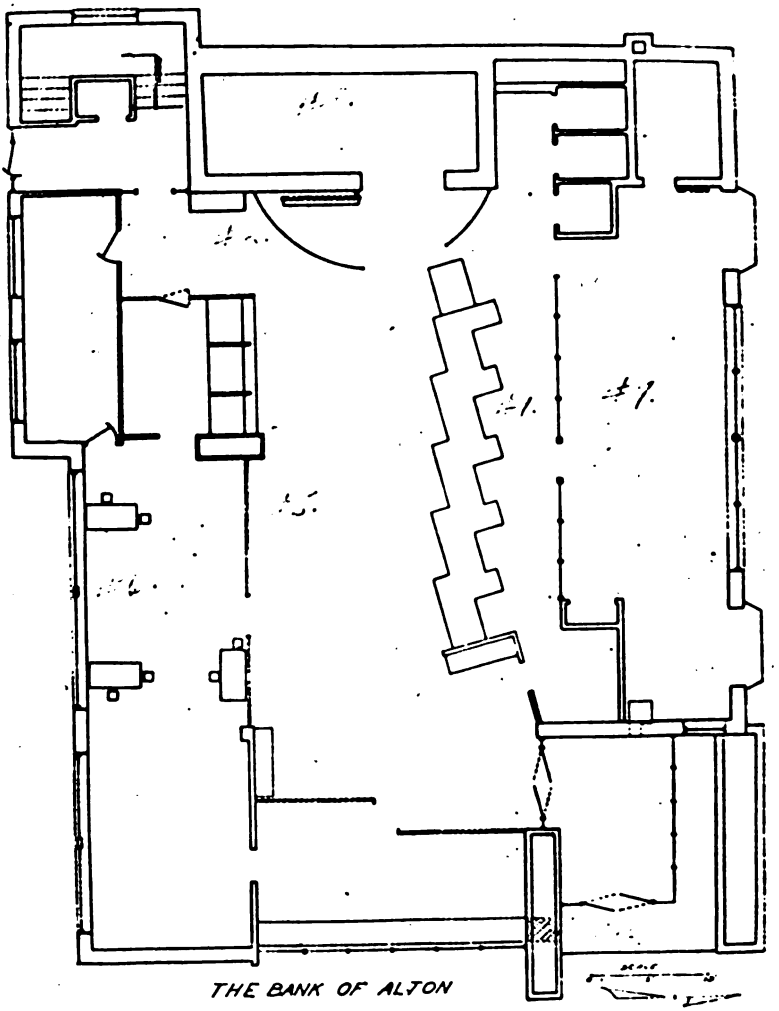
#5. Customer lobby.

#6. Executive officers.

#7. Bookkeeping Department.

#8. Vault.

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THE BANK OF ALTON

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VI. INTERVIEWS WITH EMPLOYEES

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FEDERAL BUREAU OF INVESTIGATION

Date July 2, 1937

MARIE DEALEY, Teller, The Bank of Alton, advised that she was on duty in her teller's cage at approximately 1:10 p.m. on July 13, 1937, when a white male entered the tellers' area and ordered her to move out of the way. She said she did not at first react and he pushed her out of the tellers' area at which time he produced a white canvas bag, the type used by banking institutions, and removed the money from her cash drawer. Mrs. DEALEY said that he then moved to the adjoining teller's cage and removed the cash from that drawer after which he rapidly left the bank by the side door.

Mrs. DEALEY said that at first she did not realize that this individual had an accomplice, but when he started to leave the bank, she noticed another individual with a sawed off shotgun standing by the side entrance to the bank.

Mrs. DEALEY said that an audit of her cage disclosed that her cash count was short $11,000.

Mrs. DEALEY described the individual who entered the tellers' area as follows:

Race	White
Sex	Male
Height	5'9" to 5'10"
Build	Slender
Voice	Well modulated
Disguised	Wearing nylon stockings over head down to shoulders
Dress	Unknown
Outstanding Characteristics	Unknown.

Mrs. DEALEY stated that her only impression of the accomplice who was carrying the sawed off shotgun was that he was shorter and of a heavier build than the first man.

7/13/37 at Alton, Illinois File # KI 91-3000

[redacted] Date dictated 7/19/37

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FEDERAL BUREAU OF INVESTIGATION

Date July 2[illegible], 1937

LEE MAAS, Vice-President, The Bank of Alton, advised that approximately 1:30 p.m. on July 15, 1937, he was busy with a customer at his desk. He stated that he went to the bookkeeping department to check a record and upon his return ran into an unknown individual who was rapidly entering the tellers' area. MAAS stated that he said, "Wait a minute, buddy. Where are you going?" The individual turned and said, "Don't move," and displayed a small blued automatic pistol. MAAS said that he then noticed a second individual who was standing by the side door of the bank brandishing a sawed off shotgun.

Mr. MAAS advised that the first individual backed into the two center cages of the tellers' area and loaded cash into a dirty white canvas bag. He said that this individual then walked rapidly past him to the side door and left. He said that the second individual carrying the shotgun backed out of the side door still brandishing the shotgun.

Mr. MAAS estimated that the entire operation by the armed robbers consumed no more than three minutes.

Mr. MAAS described the two individuals as follows:

The individual who entered the tellers' area

Height	5'10"
Weight	155 pounds.
Age	35
Race	White
Sex	Male
Build	Slender
Disguised	Nylon stocking mask
Dress	Wearing windbreaker jacket.

On 7/13/37 at Alton, Illinois File # SI 91-3699

By SA ROBERT C. MA[illegible]ugh Date dictated 7/19/37

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The individual carrying the shotgun

Race	White
Sex	Male
Height	5'8"
Weight	170 pounds
Age	40
Dress	Khaki shirt
Disguised	Nylon stocking mask.

MAAS concluded by stating that the customer who was at his desk was MELVIN STICHERMAN who owns and operates the Midget Market, 22 East 17th Street, Alton, Illinois.

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FEDERAL BUREAU OF INVESTIGATION

Date July 24, 1967

JO ANN GRAVES, Secretary to the Vice-President, The Bank of Alton, advised that at exactly 1:35 p.m. on July 18, 1967, she was on the telephone talking to the Credit Bureau of Alton, when she became aware of the fact that the bank was being robbed.

Mrs. GRAVES stated that she is certain of the time because when she first noticed a robber behind the tellers' area across the lobby, she particularly noted the time and jotted it down on a notepad.

She stated that realizing that the bank was being held up, she told the persons at the Credit Bureau that the bank was being held up and that they should call the police and she was going to hang up. She said slowly and carefully, she placed the telephone in its receiver and tried to observe as much as possible.

Mrs. GRAVES stated that she could only see the upper part of the bank robber's body; however, in comparing his height with that of BILL PHILLIPS the cashier of the bank, who was standing across the lobby in proximity to the robber, she determined that they were both about the same height. She said she subsequently asked Mr. PHILLIPS his height, and he advised her that he was 5'10½" tall. Mrs. GRAVES stated that she could not see the second individual who was engaged in the armed robbery because he was obscured from her view by customer counters.

Mrs. GRAVES described the armed robber behind the tellers' cages as follows:

Race	White
Sex	Male
Height	5'10½"
Weight	190 pounds
Hair	Dark
Build	Thin
Dress	Light blue or gray clothing on upper part of body.

7/19/67 at Alton, Illinois File # SI 91-2389

by [redacted] Date dictated 7/19/67

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Mrs. GRAVES said that while she did not see the second individual, she heard him speak, and he had a deep, gruff voice.

Mrs. GRAVES concluded by stating that she has no knowledge of the bank having been cased prior to the bank robbery and that nothing has occurred to her recollection which would indicate casing of the bank.

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FEDERAL BUREAU OF INVESTIGATION

Date July 24, 1937

GERALDINE COWAN, Assistant Cashier, The Bank of Alton, advised that at approximately 1:30 p.m. on July 12, 1937, she was entering the vault of the bank with $1,000 in one dollar bills. She said that she saw LEE MAAS standing with his hands up, and realized that a holdup was in progress.

Mrs. COWAN said that she then saw an unknown individual walking rapidly behind the tellers' area and then noticed a second individual standing by the side door near the vault.

Mrs. COWAN stated that the first person apparently cleaned out the tellers' drawers in two of the tellers' cages, and then proceeded rapidly to walk out the side door of the bank right past her. She said that the other individual covered the bank with a sawed off shotgun, and that while his accomplice was getting the money, he at one time ordered in a deep, gruff voice, everyone in the bank to stand still. She said that after the first individual walked rapidly past her and out the side door, the individual with the shotgun backed out the side door still covering the inside of the bank until he left.

Mrs. COWAN described the two individuals as follows:

Number 1

Race	White
Sex	Male
Height	5'11"
Build	Slim
Age	35
Dress	Light gray coveralls
Disguised	Stocking mask

Number 2

Race	White
Sex	Male

On 7/13/37 at Alton, Illinois File # SI 91-3399-

SA [illegible] C. [illegible] Date dictated 7/13/37

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Height	5'8"
Build	Medium to husky
Dress	Wash shirt and pants.

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FEDERAL BUREAU OF INVESTIGATION

Date July 2[illegible], 1967

WILLIAM PHILLIPS, Assistant Cashier, The Bank of Alton, advised that at approximately 1:30 p.m. on July 13, 1967, he was preparing checks on the check writer machine, for a customer. He stated that he was not aware of the fact that the bank was being robbed until the robbers had virtually concluded their operation in the bank.

PHILLIPS said that he could not furnish a very accurate description of the bank robbers although he was aware that there were two men, but he did state that subject number 1 who entered the tellers' area would be described as follows:

Race	White
Sex	Male
Height	Tall
Build	Slender
Wearing apparel	Small hat
Disguised	Stocking mask.

He said that the second individual who covered the bank with a sawed off shotgun was short and was wearing a hat. He said that he did not notice this second individual particularly until the very last second he was in the bank area.

PHILLIPS stated that during the days and weeks prior to the bank robbery, he noticed nothing unusual nor has he any suspicions that the bank was cased prior to the robbery.

On 7/13/67 at Alton, Illinois File # SI 91-3699

by [illegible] C. MAYNARD Date dictated 7/19/67

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FEDERAL BUREAU OF INVESTIGATION

Date July 2', 1957

LUCILLE LEWIS, Head teller, The Bank of Alton, revised that at approximately 1:30 p.m. on July 12, 1957, she had been in the basement of the bank picking up checks for a customer. She said she returned to the main floor of the bank where she noticed that Mrs. COHEN was entering the vault and stopped to talk with her with regard to the cash needs for tellers' cages at that time. She said that she was not in her teller's cage during the progress of the armed robbery; however, her teller's cage, which adjoins that of MARIE DAILEY, was one of those which was emptied by the bank robber.

Mrs. LEWIS said that one individual proceeded to the tellers' area where he emptied the contents of two tellers' cages while the other individual stood near the vault by the side entrance to the bank and ordered everyone to stand still. He said that she first noticed the first individual when he was walking past her rapidly while she was standing in the vault area.

Mrs. LEWIS described the first individual as follows:

Race	White
Sex	Male
Height	5'10"
Build	Thin
Wearing apparel	Light blue coveralls, well worn
Posture	Stooped
Disguised	Stocking mask.

She said that the second individual who brandished the shotgun was wearing light blue apparel, was of medium build, and was approximately 5'9" to 5'10" in height. She said that he too was wearing a stocking mask; however, she did not particularly look at him to ascertain a description.

Mrs. LEWIS said that nothing has transpired at the bank in recent days or weeks which would lead her to feel that the bank had been cased; however, she said that she would remember on this, and should anything occur to her, she would report it promptly.

7/ /57 at Alton, Illinois File # SI 91-3600-

SA ROBERT C. HAINES:mpb Date dictated 7/19/57

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An audit of her teller's cage shows that her cage was short $16,200.

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FEDERAL BUREAU OF INVESTIGATION

Date July 24, 1967

PHYLLIS GULNELWIG, Teller, Drive-up Window, advised that during the course of the bank robbery on July 13, 1967, at The Bank of Alton, she was waiting on a school teacher, Mrs. DAN BROWNING, of 3502 Lake Drive, Godfrey, Illinois. She said that she was not immediately aware of the fact that the bank was being robbed because the drive-up windows are removed from the main lobby of the bank and are located in the bookkeeping department. She said, however, that she did become aware of the bank robbery and advised Mrs. BROWNING of the fact a robbery was in progress and that upon being apprised of the fact the bank robbers had left the bank, both she and Mrs. BROWNING attempted to observe anything they could on that side of the bank. She said that neither she nor Mrs. BROWNING observed anyone leaving the rear entrance of the bank nor did they notice anyone walking from the rear entrance.

7/[illegible]/67 at Alton, Illinois File # SI 91-3699-[illegible]

[illegible] C. MAIN:bmbb Date dictated 7/19/67

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FEDERAL BUREAU OF INVESTIGATION

Date July 24, 1967

ARDYTHE BROWNING, 5302 Laduc Drive, Godfrey, Illinois, advised that at approximately 1:30 p.m. on July 13, 1967, she was at the last drive-up window at The Bank of Alton, transacting business with the bank. She said that sometime after she began to transact her business, the teller in the drive-up window told her that the bank was being robbed and they both remained alert for any cars or persons leaving the immediate area of the bank.

Mrs. BROWNING stated that she observed no one either on foot or in a vehicle of any kind leaving the bank from the rear entrance which is located on the west side of the building and which would exit onto Edwards Street.

On 7/13/67 at Alton, Illinois File # SI 91-3099

SA ROBERT C. MAINWARD Date dictated 7/19/67

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SI 91-3699

VII. INTERVIEWS WITH CUSTOMERS

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date July 20, 1967

1

MARY URSCH, 442 Bluff Street, Alton, Illinois, was interviewed at Seibold Bake Shop, Washington Plaza, Alton, Illinois, her place of employment, and furnished the following information:

She was in the Bank of Alton on Thursday afternoon, July 13, 1967, and was standing at the teller's window making a deposit when she looked up and saw a man standing behind the teller's window. This man was wearing a stocking mask which appeared to be a ladies nylon hose which covered his entire face. She did not hear this man make any statement or say anything but observed him taking money from a drawer and placing this money into a bag.

This man was a white male, approximately 5 feet 10 to 11 inches tall, 145 to 150 pounds, a slender build, and wearing what appeared to be a long-sleeved shirt or a light jacket, which was a light tan color or natural color. He also was wearing a cap which was a natural color, but did not appear to be a baseball cap. She did not see this individual with a gun and only observed him taking the money and placing this money into a white paper shopping bag with rope or heavy string handle. She did not see any markings whatsoever on the bag.

While she was standing at the window, she did turn, and saw a second individual standing by the rear door of the bank and noticed that he also was wearing a stocking mask and also a hat which appeared to be a felt type hat, brown in color. She also saw that this man was holding a sawed-off shotgun and heard him say, "Turn around.", which she did.

The man behind the teller's cage then went to the next teller's window and was only at this window for a short period of time and then he left, going around behind the teller's cages and then he and the individual who was standing by the door left by the rear door of the bank.

On 7/13/67 at Alton, Illinois File # SI 91-3099

by SA JAMES H. YELVINGTON /cpp Date dictated 7/19/37

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Mrs. URSCH stated that she could not provide any other additional information.

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FD-302 (Rev. 6-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date July 20, 1967

1

Mrs. ELLA MAE WILLIAMSON of 1837 Evergreen Street, Alton, Illinois, was interviewed at the Bank of Alton and furnished the following information:

On Thursday afternoon, July 13, 1967, she was in the Bank of Alton for the purpose of making a deposit and she was standing just inside the rear door of the bank pulling out her deposit slip when she noticed a man standing beside her. She turned and saw that this man was holding a shotgun with a sawed-off barrel and at this time the man told her to "back up there". She then asked the man, "What is this" and he again replied "Back up there." She then backed out of the man's way and he stood just inside the bank with the shotgun trained on her and other customers who were in the bank.

She said that this man was wearing what appeared to be a nylon stocking mask and was also wearing some type of hat; however, she could not describe this hat nor could she furnish any information regarding the type or color of the clothing he was wearing. She said that this man appeared to be approximately 5 feet 11 inches tall, and weighed about 160 pounds. She could not recall any other information regarding this individual.

She said that only approximately three or four minutes had elapsed when she saw a second man come from behind the teller's cages and then the two men ran out the side door together. She said that the only thing that she can recall regarding the second man was that he was carrying a paper sack.

Mrs. WILLIAMSON stated that she could furnish no additional information regarding either of these individuals.

On 7/13/67 at Alton, Illinois File # 91-3699

by SA JAMES E. YELVINGTON /cpp Date dictated 7/19/67

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FEDERAL BUREAU OF INVESTIGATION

Date July 14, 1967

MELVIN SPICKERMAN, 3837 Oscar Street, furnished the following information:

He was in the Bank of Alton on Thursday afternoon, July 13, 1967, and was sitting at the desk of LEE MOSS for the purpose of paying a loan. MOSS had gotten up from his desk and walked to the teller's cage and SPICKERMAN was then sitting at the desk alone. He saw a man which he believed was a white male, standing by the vault, wearing a stocking mask and a brown felt hat with a wide brim, and at this time he heard someone say, "This was a stick up." The individual wearing the mask was approximately 5'7", slender build, with a slender profile.

This man was standing near the rear door of the bank and he did not notice if he had a gun. He quickly jumped from his chair and ran out the front door of the bank and down Washington Street, to Harry Nevlin Moving Company, where he advised Harry Nevlin, Harry Nevlin, Jr. and Charlie Stahl, a former Alton, Illinois Police Officer, that the bank was being robbed, and one of these individuals quickly called the police.

After the police had been called, he and Harry Nevlin, Harry Nevlin, Jr. and Charlie Stahl, returned to the bank but did not see anything unusual or he did not notice a car or anyone on foot.

He did not see the other individual in the bank at all.

On 7/13/67 at Alton, Illinois File # SI 91-3899

by SAS JAMES H. WELVINGTON & JOSEPH P. BENSON Dated 7/14/67

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FD-3 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date July 14, 1967

CHARLIE STAHL, 1700 Lincoln Street, employee of Nevlin's Moving and Storage Company, 1628 Washington Street, furnished the following information:

He was at the office of Nevlin's Moving and Storage Company on the afternoon of July 13, 1967. MELVIN SPICKERMAN ran into the office, ran up to him and told him that the Bank of Alton was being robbed. He is a former Illinois Police Officer and he quickly called the Alton Police Department and advised them of the bank robbery.

He then walked out onto the sidewalk in front of Nevlin's Moving and Storage Company, where he could observe the front portion of the bank. He saw a white, two-door Hardtop, 1962 or 1963 Chevrolet, drive from the space provided for customers to drive up to the drive-in window of the bank, and saw this car turn South on Washington Street. He noticed this car, because he believed it was driving in this space provided for the customers to drive up to the drive-in window, because it was driving the wrong way in this lane. He said that this car pulled up to Washington Street and stopped and waited for another car to pass and then this car pulled out onto Washington Street, and drove south. There were two people in the car, but he was not close enough to determine if it was male or female. Both could have been male, or both could have been female. This car was not moving at an unusual speed and it did not make any movement which would appear to be suspicious. He and MELVIN SPICKERMAN, Harry Nevlin, and Harry Nevlin, Jr. all then drove to the bank. He did not see anyone on foot, nor did he see anything suspicious happening at the bank.

He can not furnish any additional information concerning the bank robbery.

On 7/13/67 at Alton, Illinois File # SI 91-3699

by SAS JAMES H. WELVINGTON & JOSEPH P. DUNGO Date dictated 7/14/67

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FEDERAL BUREAU OF INVESTIGATION

1 Date 7/31/67

CAROL UTTERBACK, Bookkeeper at the State Bank of Alton, furnished the following information:

A review of the record tape of deposits and transactions taking place on June 13, 1967, revealed the following persons transacted business at the State Bank of Alton shortly before, during or shortly after the robbery at the bank:

JOHN D. VOYLES	1209 W. 8th Street,
E. L. MOORE	3329 Edsall
CECIL STARK	3012 Edgewood
EDNA KOMER	2713 Edwards
OWEN CARR	2422 Gale
Rev. DAVID CARR	2422 Gale
ELLA MAE WILLIAMSON	1857 Evergreen
Tri-City Grocery	Milton Road
ROSE KORHNE	721 Spring
Bill's Hobby Shop	Washington Avenue
CONNIE HENDRIX	27 Circle Drive (Cottage Hills)
EDWARD MOODY	3400 College Avenue
Siebold's Bakery	1630 Main Street
DALE MEUDECKER	No address.

On 7/28/67 at Alton, Illinois File # EI 91-2609

by SA WILLIAM G. O'REILLY:mcr Date dictated 7/28/67

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DOROTHA GORDON	1205 Central
MELVIN SPICKERMAN	No address
EUGENE WEISS	Upper Alton Pharmacy
LEE WERTS	Rural Route #1
TERRY AUSPACH	1302 Spaulding.

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FEDERAL BUREAU OF INVESTIGATION

Date July 26, 1967

1

BOB PACE, Clerk, Tri-City Grocery, Milton Road Branch, furnished the following information:

He stated he made the deposit for the Tri-City Grocery on July 13, 1967, at approximately 1:40 p.m. He said he arrived at the bank, parked his car in the lot adjacent to the south side of the bank, and went into the bank. He said he noted nothing unusual and did not notice anyone running from the bank on foot.

PACE stated that he has a friend by the name of WEISS who works for the drugstore on the corner of Brown and Washington Streets. He said that WEISS was walking into the bank at the time the robbers were leaving and that he told him that he had a good look at them.

PACE advised he had no further information to give.

On 7-20-67 at Alton, Illinois File # SI 91-3699

by SA RICHARD D. BATISTE, JR. /blw Date dictated 7-21-67

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date August 1, 1967

1

Mrs. CONNIE HENDRIX, Edwards Street Assembly of God Church-School, 2615 Edwards Street, provided the following information:

She stated she left the school and walked to the bank, which is just down the block, arriving there at about 1:40 pm. She said that the police were already there at the bank, and that she saw nothing suspicious or unusual during her one block walk from the church to the bank. She could provide no other pertinent information regarding the bank robbery.

On 7/20/67 at Alton, Illinois File # SI 91-3699

by SA RICHARD D. BATISTE, JR. and SA WILLIAM G. CORNELLY /jlh Date dictated 7/25/37

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FEDERAL BUREAU OF INVESTIGATION

Date August 1, 1967

1

Mrs. OWEN CARR, 2422 Gayle, advised that her husband, OWEN CARR, made a deposit at the Bank of Alton for himself, as well as for DAVID CARR, at about 2:00 pm on July 13, 1967. She said her husband made the deposit at the drive-in window about one half hour after the bank robbery took place, and she stated that she and her husband had discussed the matter; and her husband had seen nothing suspicious in the area of the bank at the time he made his deposit.

On 7/20/67 at Alton, Illinois File # SI 91-3099

SA RICHARD D. BATISTE, JR. and

[redacted] /jlh Date dictated 7/25/67

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FEDERAL BUREAU OF INVESTIGATION

Date August 1, 1967

1

Mrs. CAROL STARK, 3012 Edgewood, provided the following information:

She arrived at the Bank of Alton about 1:45 pm on July 13, 1967. She stated that this was after the bank robbery, and that she saw nothing suspicious, nor anyone who might have committed the bank robbery leaving the scene. She said that she found out about the bank robbery by talking to one of the tellers and added that she could provide no other information pertinent to the robbery at the Bank of Alton.

On 7/20/67 at Alton, Illinois File # SI 91-3609

SA RICHARD D. ENTICTE, JR. and

By SA WILLIAM G. CONNELLY /jlh Date dictated 7/25/67

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FD-302 (Rev. 8-16-66)

FEDERAL BUREAU OF INVESTIGATION

Date July 26, 1967

1

The following customers of the Bank of Alton were interviewed and furnished no positive information concerning the robbery of that bank on July 13, 1967:

EDNA KOEER
3713 Edwards Street

E. DELL MOORE
EDNA MOORE
3329 Edsall Street

Each of the above customers advised they had made a deposit between the hours of 1:00 and 2:00 p.m. on July 13, 1967, at the Bank of Alton, but had not observed anyone or anything of value in solving the robbery of that bank.

On 7-24-67 at Alton, Illinois File # SI 91-3699

by SA RICHARD D. BATISTE, JR. /blw Date dictated 7-24-67

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FEDERAL BUREAU OF INVESTIGATION

Date July 31, 1967

TERRY ANSPACH, 1002 Spaulding Avenue, provided the following information:

On July 13, 1967, he entered the Bank of Alton for the first time. He stated that he used the door which is just to the left of the main entrance to the bank. He said it was most likely that the robbery was taking place as he walked in, but he said he noticed nothing unusual for one or two minutes after he arrived. He stated that the first time he looked up and saw anything unusual, he saw the older of the two bank robbers leaving the bank by the side door. He stated that he was not in a position to get a good look at the man or to provide any description. The only comments he could make was that the man appeared to be shabbily dressed and seemed like a person out of "skid row". He stated shortly after this man left the bank, he realized that a robbery had taken place. He moved toward the windows of the south side of the bank but he did not see any car leaving the scene nor did he see anyone going across the parking lot.

He was able to provide no pertinent information concerning the robbery or the robbers' method of escape. He stated that he did not observe any weapon used in this crime.

On 7/25/67 at Alton, Illinois File # SI 91-3090

by SA WILLIAM G. CONNELLY:mjb Date dictated 7/25/67

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FEDERAL BUREAU OF INVESTIGATION

Date July 31, 1967

EDWARD H. KOOBY, 5115 Brown Street, furnished the following information:

He estimated that he was in the Bank of Alton making a draft at about 12:30 p.m. on July 13, 1967. He stated that he saw nothing unusual either as he entered the bank through the side door or while he was at the bank or as he left the bank. He could supply no other pertinent information concerning this matter.

On 7/25/67 at Alton, Illinois File # SI 91-3699

by SA WILLIAM G. CONNELLY, JR Date dictated 7/25/67

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FEDERAL BUREAU OF INVESTIGATION

Date July 31, 1967

LEE WERTS, Rural Route #1, provided the following information:

He estimated that he was the bank of Alton approximately 10 or 15 minutes before the bank robbery took place, and that he left this bank and was in the Upper Alton Pharmacy at the corner of Washington and College Street when he heard about the bank robbery. He stated that he had entered the side door of the bank in order to transact his business within, and that at the time he was there, he was the only customer at the bank.

He stated that he spent about five minutes in the bank transacting his business and that he saw nothing unusual either before he entered or while he was in the bank. He could provide no other pertinent information concerning the bank robbery.

7/26/67 at Alton, Illinois File # SI 91-3699

SA WILLIAM G. CONNELLY:mjb Date dictated 7/26/67

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FEDERAL BUREAU OF INVESTIGATION

Date July 31, 1957

DOROTHY GOODEN, 1205 Central Avenue, provided the following information:

On the afternoon of July 15, 1957, she arrived at the Bank of Alton at 2:00 p.m. as she recalls, but stated that she was in the bank at the time that the robbers made their entry. She stated that she had entered by the side door about five minutes before the robbery took place. She was standing at the teller's window closest to the front door, and stated that at the time of her entry by the side door, she saw nothing unusual in the parking lot. As she was at the teller's window, she saw one of the robbers go behind the tellers' cages and begin to collect money from the drawers.

She stated that she saw no gun in the hand of the robber behind the tellers' cage, and she said that she thought she heard this individual saying something as he was taking money out of the cages, but she did not hear specifically what was said. She said that the only thing that she recalls is that the face of this individual appeared to be hard and that it was only after the robbery that she realized that a stocking mask was over the robber's face. She could supply no estimate as to the height, weight, or general physical appearance and clothing of this robber, stating that she was so scared that she was afraid even to look at him. She said that she had just cashed a check and that she took the money that was in her hand and placed it down the back of her dress for fear that it would be taken from her.

She could recall that the robber who went behind the tellers' cage was dressed in what she characterized as rugged dress, and she thought this may have been coveralls and a cap, both of which were either gray or brush color. She said that the robber who stood by the side door had on some kind of an old model wide rimmed hat, and had a shotgun. She said that this man was dressed in a similar manner to the one who was behind the tellers' cage. GOODEN stated that she was not able to associate the robbers' wearing apparel with any particular trade or line of work. She stated that after the

7/25/57 at Alton, Illinois File # SI 91-3699

SA WILLIAM G. COMMERFORD Date dictated 7/25/57

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robbers left, she was so much in shock that she didn't move from the spot where she was standing. She said that from this position, she was unable to see the window or notice any details concerning the thieves' method of escape after they left the side door of the bank.

She stated that she does not believe she could identify the robbers if she saw them again.

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FEDERAL BUREAU OF INVESTIGATION

1

Date 7/31/67

OWEN C. CARR, 2422 Gale, furnished the following information:

On the afternoon of July 13, 1967, he made a driveup deposit at the State Bank of Alton for himself and his son, Rev. DAVID CARR, at about 2:00 PM. He stated it was at that time that the window teller advised him of the robbery. He said that he saw nothing unusual or suspicious in the neighborhood of the bank during his approach to it or at the time he was leaving.

On 7/26/67 at Alton, Illinois File SI 91-3699

by SA WILLIAM G. CONNOLLY:bd Date dictated 7/26/67

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

1 Date 7/31/67

JOHN VOYLES, 1209 N. 19th Street, furnished the following information:

He and his wife CARLA entered the State Bank of Alton for the first time on July 13, 1967. He said that he and his wife were in the bank for about 15 minutes sometime after 1:00 PM that afternoon. He said that they entered through the side door off the parking lot and at the time they were in the bank there were not many patrons or employees in sight. He said that neither he nor his wife saw anything suspicious or unusual as they entered the bank, while they were there, or as they were leaving. He said that they were able to supply no information pertinent to the robbery of the bank.

On 7/26/67 at Alton, Illinois File # CI 91-3699

by SA WILLIAM G. CONNELLY:DM Date dictated 7/26/67

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FEDERAL BUREAU OF INVESTIGATION

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Date 7/31/67

EUGENE WEISS, 2714 Denbow, furnished the following information:

He stated that somewhere in the vicinity of 1:30 PM, July 13, 1967, he was making his routine daily deposit at the State Bank of Alton. He said that he pulled into the parking lot of the south side of the bank and parked in a space closest to Washington Avenue about 50 feet from the side door of the bank. He said that as he pulled into the parking space he saw a man come out the back door of the bank but that he paid very little attention to him as he noted nothing unusual in his behavior. WEISS got out of his car and walked to the door of the bank at which time one of the bank employees asked him if he had seen any man come out of the bank. WEISS stated that he had but was not able to give any description of the man regarding his clothing, height, age or whether he was carrying anything. WEISS was unable to provide any pertinent information regarding the robbery of the State Bank of Alton.

On 7/27/67 at Alton, Illinois File # SI 91-3099

by WILLIAM G. [illegible] Date dictated 7/27/67

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VIII. NEIGHBORHOOD INVESTIGATION

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31 91-3699
RLL:bb
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The following individuals were contacted concerning the robbery of the Bank of Alton on July 13, 1967, with negative results by SA ROBERT E. LILL:

DARLENE MATHGEB
Clerk
Automobile Association of America
1417 Washington

MARY LOU CLARK
Automobile Association of America
Clerk
1417 Washington

Reverend TAYLOR
Calvary Baptist Church
1422 Washington Avenue

C. TRAVIS STREEPER
1322 Washington Avenue

ELAINE GRUBB
1309 Washington Avenue

JOHN R. BLOCHER
Agent
State Farm Insurance Company
1310 Washington Avenue

THELMA BERGFELD
Manager
Western Auto
1049 Washington Avenue

Lafayette Fields
Superintendent
Alton Post Office

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SI 91-3699
JWL:bb
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The following persons were contacted by SA JOHN W. LEWIS on July 13, 1967, in the vicinity of the Bank of Alton, Alton, Illinois, and were unable to furnish any information pertinent to the robbery of the Bank of Alton:

DONALD GROVER
1604 Washington

ELLEN GROVER
1604 Washington

DOROTHY BAUSER
1604 Washington

R. L. ALLEN
1610 Washington

DOROTHY BOENECKE
1610 Washington

H. A. NEVLIN, SR.
1628 Washington

GALE HERMANS
1628 Washington

Mr. H. A. NEVLIN, JR., 1628 Washington, advised that while standing in front of his place of business at 1628 Washington, at about 1:30 PM, on July 13, 1967, he observed a white Chevrolet turn onto Washington from the west in the vicinity of the Bank of Alton and turn south proceeding in a southerly direction on Washington. He said he was unable to furnish any further descriptive data concerning this car and had no idea concerning the license plates on it or a description of the person or persons in the automobile.

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SI 91-3699
BJG:sjs
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The following neighborhood investigation was conducted by SA BOBBY J. GROOMS on July 13, 1967 in an area east of the Bank of Alton, Alton, Illinois, however, none of the following persons could furnish any positive information concerning the bank robbery:

WARNER COFFMAN
Smith Funeral Home,
Edwards Street;

LAWRENCE CUTFORTH
Smith Funeral Home
Edwards Street;

MARGARET KEISER,
2610 Edwards Street;

JAMES KEISER,
2610 Edwards Street;

JUNE ALLISON,
2610 Edwards Street;

Mrs. SUE E. MILLER,
2600 Edwards Street;

HELEN SLOCUM,
2600 Edwards Street;

SHARON COX,
2614 Edwards Street;

Mrs. JOHN MC GEE,
1602 Clawson;

LEE WESTBROOK,
1602 Clawson;

WILLIAM WEIDLER,
1523 Clawson;

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ALICE PROTHER
1521 Clawson;

ROSALEE HUGHEY,
1519 Clawson;

MARY E. POPE,
1508 Clawson;

ANDREW SCHREDAR,
1506 Clawson,

KATHY SCHREDAR,
1506 Clawson;

LEE RUSSEL,
2622 Brown;

JOHN L. MC DONICH,
2620 Brown;

NANCY BELONGER,
2618 Brown;

DAVID SIMPSON,
2610 Brown;

THEODORE SIMPSON,
2610 Brown;

ETHYL MORRIS,
2512 Brown;

Mrs. H. E. ROWLOFF,
1505 Main;

CINDY WISE,
1503 Main;

PATTY ARMSTRONG,
1503 Main;

SANDY WISE,
1503 Main;

DARRELL SMITH,
1511 Main;

JOHN BLAIR,
1513 Main;

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3

WILLIAM HERMER,
1515 Main;

DAVID BULLACK,
1510 Main;

DENNY MORRISON,
1510 Main;

ELDON SMITH,
Conoco Service Station,
1500 Main;

HENRY HELLRUNG,
2444 Sherwood Terrace,
employee at Shell Service Station,
Brown and Washington;

BOB NICKEL, manager,
2444 Sherwood Terrace.

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FD 302 (Rev. 8-16-64)

FEDERAL BUREAU OF INVESTIGATION

Date July 17, 1967

VIRGINIA SEMZ, employed at the A&P Food Store at Washington Square Plaza, advised that she had no information to furnish concerning this bank robbery. She stated that the first she heard of this bank robbery was from a woman by the name of MARY URSCH, who works for Mrs. SEWELL's Bakery in that vicinity and who called her (Mrs. SEMZ) to tell her the bank had been held up at about the time she (Mrs. URSCH) came from the bank.

On 7/13/67 at Alton, Illinois File # SI 91-3699

by SA CLARENCE R. CHEATHAM/tlp Date dictated 7/14/67

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FEDERAL BUREAU OF INVESTIGATION

Date July 17, 1967

ORVILLE FINES, 2817 Gravelin, Postman of the Upper Alton Branch of the U. S. Post Office, advised that he delivers mail in the vicinity of the bank, but had not observed anything of an unusual nature. He was walking west on Edwards Street at 12:50 p.m., and recalled the time as he looked at the clock in front of the bank. FINES stated that he would not have been in the close proximity to the bank at the time it was robbed.

On 7/13/67 at Alton, Illinois File # 91-3699

by SAC JOHN W. [illegible] & CLARENCE R. CURATOLO/tlp Date dictated 7/13/67

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date July 17, 1967

Mr. BRECKWEG, 2426 Brown Street, employed at the U. S. Post Office, Upper Alton Branch, advised that on the night of July 12, 1967, he observed from his residence, a white Ford Convertible on the bank parking lot. He stated there were two women and one young man in this car, one of the women seemed to be quite young, and described her as having sandy or red hair.

He advised that this car was in the parking lot at approximately 8:00 p.m., and was there for about ten minutes. While in the parking lot, the young man got out of the car and ran in back of the bank and east on Edwards Street. He stated he did not see this individual come out on Washington, and did not observe him after he went behind the bank, but approximately five minutes later, he observed what he believes to be the same individual, cross the street from the direction of the Masonic Temple and get in the car. He described this individual as having a red shirt. He stated that the car then started to leave by one exit but backed around and left by another exit. BRECKWEG stated that he thought that this was an unusual occurance, and that he had never seen this car before, which he believes to have been a 65 or 66 model in that area.

On 7/13/67 at Alton, Illinois File # 91-3699

by SAS JOHN W. LEWIS & CLADORN R. CHANNAM/tlp Date dictated 7/14/67

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FEDERAL BUREAU OF INVESTIGATION

Date 7-25-67

IRVIN BRECKNER, 2428 Brown, Alton, Illinois, advised that the rear windows of his upstairs apartment face the parking lot of the Bank of Alton.

He stated that approximately 8:00 PM, July 12, 1967, he observed a white car parked in the parking lot parallel to the concrete divider of that parking lot. He described this car as a white convertible or two-door, late model, car, distinguished by a small chrome emblem on each of the two front fenders.

He further advised that this car contained two women, one of which was in her 30's, a red-headed teenager, and a young man and this man was in his 20's. He stated that as he was watching this car, the young man got out of the car and ran in back of the Bank of Alton towards Edwards Street and then proceeded east on Edwards Street.

He stated that he next observed this individual crossing Washington Avenue in front of the Bank of Alton parking lot and then he observed this individual walking to this same white parked car containing the two women.

He next observed that this car backed up in the parking lot towards Edwards Street five minutes later. He stated that this car then backed up again nearer the wall where the officers of the bank park their cars and remained there a few minutes before exiting onto Edwards Street and heading east.

He advised that he would not be able to recognize these individuals again due to the distance from which he observed them, but may possibly be able to recognize this car in which they were passengers if he were to observe it again.

On 7-14-67 at Alton, Illinois File # SI 91-3609

by SA ROBERT F. LILL:bb Date dictated 7-20-67

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FD 302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date July 27, 1967

BONNIE BROWN, 2407 Edwards Street, furnished the following information:

She stated that she was mowing grass in her front yard which faces Edwards Street and is directly behind the Bank of Alton, on the afternoon of July 13, 1967. She said she fixes the time between 1:30 and 1:45 P.M.

She said that she observed a car which contained 3 passengers proceed west on Edwards Street, stopped at the corner for a stop sign at Edwards Street and Jersey Street and turned right on Jersey. She described the car as an older model passenger car. She described the driver as a bulky individual of large size. She said the thing that caught her attention was the fact that a younger man sitting next to the driver had his head bent towards his lap.

She described the younger man as a dishwater blonde with a lot of hair. She said this was a small person and looked to be a person in their early 20's. She said this person had his head down and one of his hands to his face. She said she did not know if he was putting something on his head or trying to take something off but that she thought it peculiar in that he was in such an odd position.

Mrs. BROWN advised she was sitting or working in her yard most of that afternoon, and that was the only thing that attracted her attention. She said that she did not observe anyone on foot or on a motorcycle. She said she had no further information.

On 7/[illegible]/67 at Alton, Illinois File # SI 91-3699

by [illegible] D. [illegible] Date dictated 7/[illegible]/67

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FEDERAL BUREAU OF INVESTIGATION

Date July 27, 1967

The following individuals were interviewed and advised that they had no information concerning the robbery of the Bank of Alton on July 13, 1967:

MONT E. DODDS, JR.
1524 Jersey Street;

ANNA HANCOCK,
935 Washington Street.

On 7/13/37 at Alton, Illinois File # SI 91-3609

BA WILLIAM G. CONNELLY
BA RICHARD D. ENTISER, JR.: sjs Date dictated 7/24/67

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FD-302 (Rev. 3-13-64)

FEDERAL BUREAU OF INVESTIGATION

Date July 25, 1967

1

Mrs. LYMAN BARTON, 2340 Edwards, provided the following information regarding the robbery at The Bank of Alton on July 13, 1967:

She had heard that a Mrs. COULTER, 1201 Fairway Drive, a friend of hers, was on her way to an 2:00 appointment at the beauty parlor in upper Alton when she saw a car proceeding at an unusual rate of speed through the Rock Springs Park area. BARTON said that she believed Mrs. COULTER was on foot at the time and was able to get a fairly good look at the occupants of the car. BARTON stated that she was unsure if this was in any way related to the bank robbery but suggested Mrs. COULTER might be interviewed.

BARTON also stated that she believed a delivery boy at Campbell's Drug Store in Alton had seen a man with a gunny sack in or around the vicinity of the bank of Alton somewhere about the time of the robbery. BARTON stated that she was not certain of these facts but was only relating heresay information.

On 7/13/67 at Alton, Illinois File # SI 91-3099

by SA [redacted] G. COUGHLIN/mcl Date dictated 7/20/67

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FEDERAL BUREAU OF INVESTIGATION

Date 7-25-67

A neighborhood investigation was conducted by SA RICHARD D. PATISTE, JR., at the following listed residences and the following persons advised they had no information concerning the robbery of the Bank of Alton on July 13, 1967:

MAITLAND TINNERMIERE
2423 Edwards Street

MARY JANE LEONARD
2417 Edwards Street

GAIL BUTTERFIELD
2403 Edwards Street

CARICE FERGUSON
1509 Jersey Street

GERTRUDE COLES
2400 Brown Street

C.W. LA MARS
1514 Jersey Street

On 7-18-67 at Alton, Illinois File # SI 91-3699

by SA RICHARD D. PATISTE, JR.:bb Date dictated 7-21-67

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date July 25, 1967

Reverend HOWARD TODD TAYLOR, Calvary Baptist Church, 422 Washington Street, advised the following information:

He was in the church in his office doing some work on the day of the bank robbery, Thursday, July 13, 1967, and he did not see anything unusual nor has he seen any strange automobile in the area on that date or at any time preceeding that date. It is his policy to always check the parking lot of the church and to check the automobiles which are parked in this lot. He did not see any cars which are not normally parked in this lot on the day of the bank robbery.

He is having some construction work done to the area at the rear of the church by J. H. Georgewitz Construction Company, however, no one was working on the construction job on the day of the bank robbery.

Reverend TODD stated that he could furnish no additional information.

On 7/19/67 at Alton, Illinois File # CI-91-3699

by SA JAMES H. WILVINGTON Date dictated 7/21/67

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SI 91-3699
LFW/epp
1

The following investigation was conducted by SA LOY F. WEAVER on July 14, 1967:

The following persons were contacted in the neighborhood of the Bank of Alton, Alton, Illinois, and all advised that they have no information concerning the robbery of this bank:

WANDA STAAS, 1636 Washington Avenue, owner of Staas Voil Shop

KENNETH GRABNER, Grabner's Inc., 1648 Washington Avenue

MARGARETE STOREY, Press' Bakery and Market, 1652 Washington Avenue

LUDA OGLESBY, Bindler's Department Store, 1656 Washington Avenue

HARRY SLEIN, 1662 Washington

JOHN A. REEDER, Reeder's Shoe Shop, 1663 Washington Avenue

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FEDERAL BUREAU OF INVESTIGATION

Date July 19, 1967

1

KEVIN LEE DICKINSON, 1214 Spaulding, was interviewed at his place of employment, The Hobby Shop, 1636 Washington Avenue, and furnished the following information:

He is 13 years old and works part-time for Mrs. BILL HARDIN. On July 13, 1967, at approximately 1:30 P.M., he went to the Bank of Alton, which is located approximately one block from his place of employment. He went to the bank to make a deposit for Mrs. HARDIN. He entered the bank through the front door, which opens onto Washington Avenue. As he entered, he saw a man in the back of the bank armed with a shotgun, and then observed another man behind the teller's cage. He stopped approximately five to ten feet from the first teller's cage and stood in that position until the two men had left. He observed these two men leave by the back entrance of the bank and said that they walked to the first door and ran from there to the second door and out into the lot, and he did not see them after that. He saw no one follow these men from the bank. He believed there were approximately eight people in the bank at the time the robbery occurred.

DICKINSON described the individual in the back of the bank as follows:

Race	White
Sex	Male
Height	Approximately 5 feet 2 inches
Build	Medium

This man was armed with what he believed was a shotgun, and was wearing a stocking over his head. He was wearing a felt hat that was either light brown or gray. The hat was an old style and had a wide brim. The hat was pulled down low to cover this person's head as much as possible.

7/14/67 at Alton, Illinois File # SI 91-3699

SA LOY F. WEAVER &
SA ROBERT E. LILL /epp Date dictated 7/17/67

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SI 91-3699
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This person was holding the shotgun as though he were right handed.

DICKINSON was unable to see the second individual because he was standing behind the teller's cage. This person was carrying a paper bag which he believed to be just a small brown bag. He was also wearing a grey felt hat with a wide brim. DICKINSON never saw a gun in the possession of this person.

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date August 8, 1967

1

PATRICIA BLAINE, Route 5, furnished the following information:

She is 13 years old and was with CAROL LINEBARGER at the Sholl Service Station sometime after 1:00 pm on July 13, 1967. She said that she and CAROL were putting air in the tires of their bicycles when CAROL told her she saw two men running out the side door of the bank. BLAINE said that CAROL told her she saw the men carrying guns and they immediately became frightened and fled on their bicydes going south on Washington Street and turning east on Denbow. BLAINE stated that she only glimpsed these individuals, saw no guns, and believed the men to be wearing a shirt and jeans which were light green in color. She stated that no fast moving vehicle passed them on Washington Street since they were going toward CAROL's home, and they had no idea, nor could she intelligently guess which direction the men headed after they left the bank nor whether they had any vehicle for escape.

BLAINE continued that they arrived back at LINEBARGER's home by 1:15 pm, and they related what they had seen to Mrs. LINEBARGER, after which they called radio station KXOK to report the "News tip of the Day". The two girls then came out on the front lawn of the LINEBARGER home and about ten minutes later they saw the police cars arriving at the bank. BLAINE said that she did not see the faces of the men who left the bank, and she does not feel that she could identify them if she saw them again.

On 8/8/67 at Collinsville, Illinois File # SI 91-3699

by [redacted] /jlh Date dictated 8/8/67

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FEDERAL BUREAU OF INVESTIGATION

Date July 24, 1957

BILL GRAUL, house painter, 1812 Jersey Street, furnished the following information:

He advised that he was painting on the corner of Alton Street and 8th Street and that he overheard the occupant of 720 Alton Street remark to the driver of a 1939 dark blue Chevrolet station wagon that "I got the shotgun."

GRAUL stated he later read in the Alton newspaper that the Bank of Alton had been robbed and realized that the comment quoted above was made at approximately 1:15 P.M. on July 13, 1957, just prior to the robbery of the Bank of Alton.

He advised that there are several men living at this address and that none of them appear to have employment. He said the driver of the above described station wagon was a man in his 30's and of heavy build. He said the license number of the station wagon was a 1957 Illinois license MN 283.

He said that he has inquired about the people that live at 720 Alton Street and that he has been told by the neighbors that they are a very mysterious family. None of them ever work but they all drive automobiles and seem to have enough money. He said that he worked in that vicinity for 2 weeks and never observed any of the family leaving for work. He said he had no further information.

On 7/24/57 at Alton, Illinois File # SI 91-2639

by SA RICHARD D. PATTERSON, JR.:sjs Date dictated 7/24/57

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SI 91-3699

IX. MOTELS AND HOTELS

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FEDERAL BUREAU OF INVESTIGATION

1 Date July 17, 1967

DOROTHY PUBLO, Manager of the Redwood Motel, located on U. S. Highway #67 and Illinois #111, two miles north of Alton, Illinois, after being given a description of the Unknown Subjects involved in the robbery of the Bank of Alton and reviewing her files could given no information concerning the Unknown Suspects.

On 7-14-67 at Alton, Illinois File # SI 91-2009

SA BOBBY J. CROWE

by [illegible], JR. HTO/blw Date dictated 7-17-67

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FEDERAL BUREAU OF INVESTIGATION

1 Date July 17, 1967

On July 14, 1967, EWING BALDWIN, Manager of the Highway House Motel, located at 3023 Godfrey Road, Alton, Illinois, was contacted regarding the Unknown Subjects of the robbery of the Bank of Alton. While reviewing the motel records, BALDWIN found that two men registered at 11:20 p.m. on July 11, 1967, and departed on July 13, 1967. He stated that the two men registered as R. L. STOCKTON and DON MC CULLOUGH, 252 Clinton Road, Garden City, New York. According to BALDWIN's information they were driving a 1967 Buick convertible with Illinois license JY 9009.

On 7-14-67 at Alton, Illinois File # SI 91-3609

SA BOBBY J. GROOMS

By SA [illegible] CARVER, JR. MEO/blw Date dictated 7-17-67

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X. SUSPECTS

A. ALLEN CALVEY

CALVEY was developed as a suspect due to the fact information was received he was staying at the Lewis and Clark Motel, East Alton, Illinois, under an assumed name, that he generally met the description of unknown subject #1, and that he has been known to engage in criminal activities in the past.

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 7-25-67

ALLEN "DUTCH" CALVY, no address given, after being advised of the identity of the interviewing agents, the purpose of the interview, and his rights executed a written waiver of rights form, and furnished the following information:

CALVY stated that he knew what the FBI wanted to talk to him about and that it was the bank robbery of the Alton Bank on July 13, 1967. He said he had no part of that robbery and he was in no way connected with the robbery. He said he would not "have the guts to pull that job."

CALVY advised that he owes the FBI a favor and wished to help in any way possible in solving this bank robbery. He said the following named individuals were prime suspects in the robbery on July 13, 1967:

PAUL PETERS
[illegible]
BILL DICKSON
GARY MILLER

CALVY advised that it was his opinion that the bank was held up by two men on motorcycles and that their escape route was down Brown Street to Pearl and over to the Glass House Tavern. He said that BAZE was capable of pulling such a job and that BAZE owned a sawed-off shotgun with a six-inch barrel, and a cut-down stock. He said he knew no one who owned a .45 caliber automatic or other automatic type pistol.

CALVY said that BAZE carried the sawed-off shotgun strapped to the back seat of a white Rambler stationwagon that had a luggage rack on top. He said he did not know the license number nor the year of the Rambler. He said he based his opinion as to who the robbers were on the fact that the above named individuals were spending much money on color

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On 7-17-67 at Alton, Illinois File # SI 91-3099

SA WILLIAM G. CONNELLY
SA JAMES H. YELVINGTON

By SA RICHARD D. BAUMGARTNER, JR.:bb Date dictated 7-21-67

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televisions and motorcycles and over the past weekend and that they were flashing money around the 10th and Bell Street Tavern and the Glass House Tavern.

CALVY further advised that he would keep his eyes and ears open around the Alton bars in an effort to pick up additional information concerning the individuals connected in this bank robbery. He said he would keep in touch with the Resident Agency in Alton and would call as soon as he had information which was worth while.

The following information was obtained through observation and interview:

Name:	ALLEN CALVY
Alias:	"BUTCH"
Race:	White
Sex:	Male
Height:	6'1"
Weight:	193 pounds
Hair:	Brown
Eyes:	Brown
Complexion:	Dark
Peculiarities:	Receding hairline, balding at top of head

No further information was obtained from CALVY and he refused to state his address, age, or where he was presently staying.

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B. CHARLES BAZE

BAZE was developed as a suspect, based upon information furnished by ALLEN CALVEY.

RALPH ROBERT PAGE was developed as a suspect in this matter, since investigation has shown him to be a close associate of CHARLES WILLIAM BAZE.

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FEDERAL BUREAU OF INVESTIGATION

Date August 1, 1967

1

PAT BAZE, 614 Spring Street, provided the following information:

On Wednesday, July 12, 1967, she married CHARLES WILLIAM BAZE before a Notary Public and a minister, both names unknown, on Washington Street in Alton, Illinois. Her maiden name is PAT BASHAM, and she is divorced for about one and one half years from CLAUDE WARD. She has a two and one half year old son named SCOTT ALLEN WARD. She stated that on the morning of July 13, 1967, CHUCK BAZE left her at home and supposedly was on his way to work. She said that she heard later, however, that he spent most of the day at the Glass House Tavern with RUTH ANN TUCKER. She said that she did not see her new husband until Thursday evening about 5:00 PM at the Glass House. She claimed that she had no idea where her husband was at the present, but she stated that she heard that he was in Denver, Colorado, and that he had asked her (PAT) to leave Alton and go to Denver with him on several occasions before they were married. BAZE stated that she believes her husband left Alton sometime on Sunday, July 16, 1967, in the company of NANCY HARPER, RALPH PAGE, and RUTH ANN TUCKER. She said the last time she saw her husband was on Saturday evening, July 15, 1967, and she said she could not supply names of anyone who would be likely to know her husband's whereabouts at present. She added that she had never heard CHUCK BAZE or any of his associates speak of bank robbery, nor was she aware of any similiar activities on the part of CHUCK BAZE or his associates.

PAT BAZE stated that she was born in Alton, Illinois, on September 1, 1944, and that she is presently 22 years of age. She stated that she is on AFDC, and that she presently has no job.

On 7/19/67 at Alton, Illinois File # SI 91-3099

SA RICHARD D. BAPTISTE, JR. and

SA [illegible] G.C[illegible] /jlh Date dictated 7/[illegible]/67

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FD-302 (Rev. 4-13-64)

FEDERAL BUREAU OF INVESTIGATION

Date August 3, 1967

1

JOHN "BLACKIE" BAZE, 1406½ George Avenue, furnished the following information:

At approximately 8:30 am on July 13, 1967, he met his brother CHUCK BAZE at 196 Goulding. They then proceeded to Rosewood Heights where they did some work on the trees in the yard of a Mr. CANNON on Shady Lane. Somewhere about 9:30, they both returned with their truck to 196 Goulding. JOHN BAZE left his brother there and took one of the universals off the truck and went by car to a welder on old St. Louis Road in Alton. At about 10:30 am, JOHN and CHUCK went to the Glass House Tavern in Alton. JOHN left his brother there and went by car to pick up RUTH ANN TUCKER at 196 Goulding and returned with her to the Glass House. JOHN stayed there for a short time and sometime around noon, he went to visit his girl friend, SANDY BOSTURICK (phonetic) where he remained until the morning of July 14, 1967. JOHN stated that he never saw his brother after he left the Glass House on noon of July 13, 1967, until the evening of July 14 or 15, 1967. JOHN said he has no way of accounting for his brother's whereabouts on the afternoon of July 13, 1967.

JOHN BAZE supplied the following information to serve as an aid in locating his brother, CHUCK.

%FNU HORRELL BEARDSTOWN, Illinois;
%FNU FENTON, ex-husband of RUTH ANN TUCKER, Haywood, California;
Denver, Colorado, pointing out that CHUCK BAZE worked at a coal mine there in 1957 and had expressed a desire to return to Denver.

On 7/20/67 at Alton, Illinois File # SI 91-3099

by SA RICHARD D. PATISTE, JR. and [redacted] /slh Date dictated 7/22/67

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FEDERAL BUREAU OF INVESTIGATION

Date July 26, 1967

1

Mrs. ROSE WILLIAMS, 525 Miami, who is the mother of RUTH TUCKER, supplied the following information:

The last time she saw her daughter RUTH ANN, CHUCK BAZE and RUTH's ten year old son, BILLY EUGENE LAFFERTY, was on Father's Day, June of this year. WILLIAMS stated that on Sunday, July 16, she and her husband went to 196 Goulding Avenue, where her daughter was supposed to be living. She stated that at that time the landlord at 196 Goulding told them that her daughter, a man, and a young boy, had moved out that Sunday morning and had left no forwarding address. Mrs. WILLIAMS stated that she has at present no knowledge of the whereabouts of her daughter RUTH ANN or CHUCK BAZE and BILLY EUGENE LAFFERTY. She has recently received license plates for the State of Illinois issued to the 1961 Rambler, VIN C613468. Mrs. WILLIAMS stated that she would be willing to turn these plates over to the interviewing agents but was advised that their only interest was the location of CHUCK BAZE and of RUTH ANN for questioning regarding the bank robbery at the Bank of Alton. Mrs. WILLIAMS showed these plates to the interviewing agents and the plate number issued to the 1961 Rambler was JT422. Mrs. WILLIAMS provided the following descriptive information regarding her daughter RUTH ANN:

Date of birth	September 21, 1935
Eyes	Brown
Hair	Light brown
Weight	120 pounds
Height	5'7"
Drivers License Number(Ill.)	163-7613-6860

Mrs. WILLIAMS stated that she would notify the FBI should she receive any information concerning the whereabouts of RUTH ANN TUCKER or CHUCK BAZE.

On 7/19/67 at Alton, Illinois File # SI 91-3639

by SA WILLIAM G. CONNELLY Date dictated 7/20/67

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FEDERAL BUREAU OF INVESTIGATION

Date July 26, 1967

1

WILLIAM DIXON, Bartender of the Glasshouse Tavern, after being advised of the identity of the interviewing Agents and of his Constitutional rights, provided the following information:

He was tending bar at the Glasshouse tavern from 7:30 a.m. on July 13, 1967, to 1:30 p.m. on July 14, 1967. DIXON stated that he does not recall leaving the bar for anything more than an occasional breath of air during the day and that he has no knowledge nor did he participate in the robbery of The Bank of Alton on July 13, 1967. DIXON stated that he saw CHUCK BAZE at the Glasshouse Tavern somewhere between 9:00 and 11:00 a.m. on July 13, 1967. He stated that he was with RUTH ANN TUCKER for most of the time and he recalls the two of them had one or two drinks and later left together. He stated that Thursday evening was the last time that he recalls seeing CHUCK BAZE, and that at this time, he was driving a 1961 light blue Rambler station wagon with a temporary sticker on the window to reflect the license plate. DIXON stated that he has seen RALPH PAGE at the Glasshouse Tavern in the company of CHUCK BAZE, on about two or three occasions in the past couple of weeks but could not remember the last time that he saw them together.

The following is a description of DIXON as the result of observation and interview:

Name	WILLIAM DIXON
Height	5'11"
Weight	160 pounds
Eyes	Green
Hair	Brown, Crewcut
Complexion	Fair
Scars and Marks	One quarter inch scar encircling right forearm; Small scar left upper lip from nose to lip.

On 7/19/67 at Alton, Illinois File # SI 01-3039

by SA WILLIAM G. CONNELLY
SA RICHARD D. BATTLE, JR./mpb Date dictated 7/20/67

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FEDERAL BUREAU OF INVESTIGATION

Date August 1, 1967

1

Mrs. HELDA SMITH, 1337 Sixth Street, furnished the following information:

She is the mother of RALPH ROBERT PAGE and is presently married to MELVIN SMITH. She said that the last time she had seen her son, ROBERT, was about three weeks ago on Sunday, July 9, 1967. She said that on Sunday morning, July 16, 1967, RUTH ANN TUCKER, and her young son, along with NANCY HARPER, arrived at her home and told Mrs. SMITH that they were there to pick up BOB's clothes since they were planning a trip and were in a hurry. She said that she is well acquainted with both these girls, as well as with CHUCK DAZE. She said that the girls packed PAGE's clothing in about 45 minutes and left her home at about 10:00 am that day. She stated that her son, ROBERT, has held no job recently, and she is convinced that he has been involved in petty burglaries and thefts of items like television sets in recent months. She stated that she knew of no relatives or friends to whom he might go for help, and she said that while the girls were there they gave no definite indication as to where they were going, but that she got the impression that they were going west, possibly to California.

SMITH stated that NANCY HARPER is presently out on bond for issuing a bad check to JERRY MANN's Auto Repair Shop, and that her husband, MELVIN, had posted a cash bond for NANCY. Mrs. SMITH expressed her willingness to cooperate with the FBI, and stated that she would immediately notify the Alton Resident Agency or Springfield Headquarters if she heard any information which would be helpful to determine the whereabouts of her son and his companions.

Mrs. SMITH stated that another associate of her son was SAM KANE, whose address she did not know. She described him as from 21 to 24 years of age, 6' tall, 170-180 pounds, with dark, curly hair, and always wearing glasses. She stated that her son and his associates were known to hang out at Mary's Lounge and Phil's Tavern, both in Cottage Hills, as well as at the Tropodoro Lounge at South Roxana, Illinois. She said that NANCY HARPER's mother's name was PHYLIS ROSE, and that she was

On 7/20/67 at Cottage Hills, Illinois File # SI 91-3609

SA RICHARD D. PATTERSON, JR. and
SA [illegible] G. CONNELLY /jlh Date dictated 7/25/67

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living on East 9th Street in EastAlton, Illinois. She said that her son was known to be a strong and tough individual, and had earned himself the nickname of "The Fighter". Mrs. SMITH stated that she is presently employed at the Tracer Department of the Owen Matheson Powder Company on Powder Mill Road, and that she could be reached at extension 3603 if it were necessary to contact her at work. She said, however, that she would prefer all future contacts be made at home.

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FEDERAL BUREAU OF INVESTIGATION

Date August 1, 1967

1

BARBARA CAMPBELL, Clerk, Wood River Police Department, provided the following information concerning RALPH ROBERT PAGE:

Address:	1377 Second Street, Cottage Hills
Arrest Record:	December 18, 1964-charged disorderly conduct, disposition $25.00 fine paid, plus cost; March 7, 1967, charged disorderly conduct, disposition paid $10.00 fine.

CAMPBELL advised that no pictures of PAGE are available at the office, but that he is described as follows:

Date of Birth:	April 21, 1945
Place of Birth:	Shawneetown, Illinois
Height:	6'
Weight:	195 pounds
Hair:	Brown
Eyes:	Blue

On 7/20/67 at Wood River, Illinois File # SI 91-3699

by [illegible] WILLIAM G. [illegible] /jlh Date dictated 7/[illegible]/67

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FEDERAL BUREAU OF INVESTIGATION

Date August 2, 1967

1

PHYLLIS HOSE, 620 East 9th Street, Apartment 4, stated that she is the mother of NANCY HARPER. She said she has not seen her daughter for about two weeks, and that she has no idea of her present whereabouts.

On 7/21/67 at Alton, Illinois File # 61-91-8699

by SA RICHARD D. BATISTE, JR. and SA WILLIAM G. CHAMBERS /jlh Date dictated 7/25/67

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FEDERAL BUREAU OF INVESTIGATION

Date August 2, 1967

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CAROL CUNNINGHAM, 2404 LaSalle, provided the following information:

She works as a waitress at the Glass House Tavern, and on the morning of July 13, 1967, she was waiting on tables at the tavern. She stated that CHUCK BAZE was in the tavern during that morning, but she could not state definitely whether he left on any occasion or was there continually. She did state, however, that at the time her mother left to go to the bank CHUCK BAZE was sitting at a table with some other men, whose names she did not know.

On 7/31/67 at Alton, Illinois File # CI-91-3000

SA RICHARD D. PATTON, JR. and
[redacted] Date dictated 7/[illegible]/67

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date August 2, 1967

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MARJORIE CUNNINGHAM, 2404 La Salle, provided the following information:

She arrived at the Glass House Tavern sometime around 10:00 am on July 13, 1967. She stated that she remained there until approximately 1:30 pm when she left and went to the Bank of Alton to cash a check. She stated that when she arrived at the bank, the police were already there, and that the bank robbery had taken place. She said that at the time she left the Glass House, she was sitting with CHUCK BAZE, and that therefore he could not possibly have committed the bank robbery. CUNNINGHAM stated that she could supply no other information pertinent to the bank robbery, and that at the time she arrived at the bank she saw nothing suspicious nor did she see anyone leaving the bank who appeared to have been involved in the robbery.

On 7/21/67 at Alton, Illinois File # SI 91-3699

SA RICHARD D. BATISTE, JR. and

by SA WILLIAM G. CONNELLY /jlh Date dictated 7/25/67

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FEDERAL BUREAU OF INVESTIGATION

Date August 2, 1967

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OTTO VROMAN, 193 Goulding Street, provided the following information:

He is the owner of the house at 198 Goulding, and for the past two or three months he rented this apartment to RUTH ANN TUCKER and CHARLES WILLIAM BAZE along with a young boy whose name he did not know. He said that these three, along with a blond girl, left the house on Sunday, July 16, 1967, late in the morning, and that he had no idea of their present whereabouts. He stated that they had taken their clothing with them, and that they owed him back rent for the apartment, and he gave his permission to SA WILLIAM G. CONNELLY and RICHARD D. BATISTE, JR. to enter the apartment and conduct a search.

On 7/21/67 at Alton, Illinois File # SI 91-3699

SA RICHARD D. BATISTE, JR. and
SA WILLIAM G. CONNELLY /jlh Date dictated 7/25/67

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date July 25, 1967

A search of the upstairs apartment, 198 Goulding Avenue, was made by SAs RICHARD D. BATISTE, JR. and WILLIAM G. CONNELLY after obtaining the oral consent of OTTO VROMER, landlord. VROMER advised that CHARLES BAZE was the former tenant of that apartment and had vacated the premises on July 15, 1967 owing a week's rent.

The following observations were made as a result of the search:

The apartment was empty of all clothing and personal belonging. Kitchen cupboards contained cans of food and dry foods. The apartment was locked and the key left on the kitchen floor.

Articles obtained from the apartment of evidential value consisted of:

One (1) garment label bearing the inscription, "Made in U.S.A. EM 13713 All Cotton".

One (1) letter addressed to CHARLES BAZE, Virginia, Ill. 62691, return address JOHN BAZE, W. Franklin, Whitehall, Ill., 62092. This letter postmarked Whitehall, Ill., date illegible.

One (1) scrap of paper bearing address of 408 East College, Fredricktown, Mo.

One (1) letter addressed to Mrs. RUTH A. TUCKER from First National Bank & Trust Company, Alton, Illinois with Certificate of Insurance on the life of RUTH A. TUCKER attached.

No other items of evidentiary value were noted.

On 7-[illegible]-67 at East Alton, Illinois File # SI 91-3099

SA WILLIAM G. CONNELLY

by SA RICHARD D. BATISTE, JR.: rdb Date dictated 7-25-67

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FEDERAL BUREAU OF INVESTIGATION

Date August 8, 1967

b

BILL DIXON, Bartender, Glass House Tavern, telephonically contacted the Alton Resident Agency and furnished the following information:

He had parked his car, an old blue Plymouth Station Wagon, near the parking lot of the Tenth and Bell Tavern about two weeks earlier in a disabled condition. On the morning of July 20, 1967, when he went there to have it towed, he noticed his 1967 Illinois license plates DS183, along with the car battery, were missing. He said the last time he recalls seeing the plates on the car was about two weeks ago, and he felt that CHUCK BAZE may have taken these plates to put them on RUTH ANN TUCKER's Rambler if he were planning to leave Alton. He stated that this was only a possibility and he had no proof that BAZE was presently in possession of these plates. He advised that he would immediately notify the local police of the theft of these plates.

On 7/23/67 at Alton, Illinois File # 31-91-3699

by [redacted] G. [redacted] /jlh Date dictated 8/1/67

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FEDERAL BUREAU OF INVESTIGATION

Date August 8, 1967

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ROSE WILLIAMS, 525 Miami, who is the mother of RUTH ANN TUCKER, telephonically furnished the following information:

She had neither seen nor heard from her daughter, RUTH, RALPH PAGE, CHUCK HAZE, or NANCY HARPER since she was last contacted by Bureau Agents. She expressed anxiety concerning the wellbeing of RUTH's ten year old son, BILLY GENE LAFFERTY and inquired as to whether the FBI had any leads as to his whereabouts. She again advised she would contact the FBI if she received any information concerning the whereabouts of the above named individuals.

On 7/27/67 at Alton, Illinois File # SI-61-3633

by SA WILLIAM G. CONNELLY /jll Date dictated 8/1/67

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SI 91-3699

C. WILLIAM DIXON

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SI 91-3699
WGC:skt
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RE: Suspect WILLIAM DIXON

The name of WILLIAM DIXON as a suspect in this matter was developed as a result of an interview with ALVIN CALVY on July 17, 1967.

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SI 91-3699

D. LAWRENCE DONALD BENEZE

BENEZE was developed as a suspect based upon information furnished by Chief JOHN M. HEAFNER, Alton, Illinois, Police Department, indicating BENEZE left Alton driving a 1957 Chevrolet which was stolen and that he apparently left some time on July 13, 1967.

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FEDERAL BUREAU OF INVESTIGATION

Date July 19, 1967

LAWRENCE DONALD BENZE was interviewed at the Office of the Sheriff of Saline County, Harrisburg, Illinois. At the outset of the interview, he was advised of his rights and he waived them as evidenced by the waiver of rights form. He said that he was discharged from prison March 9, 1967, and since that time he had been residing in Chicago, Illinois, Evanston, Illinois, and in Alton, Illinois. He stated that his home address is 5607 Humbert, Alton, Illinois. He advised that on Tuesday, July 11, 1967, that he had tried out a 1957 Chevrolet, owned by JIM BARDENSTEIN, a used car dealer at Alton, Illinois. He stated that he was going to buy this vehicle for $350. He advised that he tried the car out on Tuesday and then he took it back on Wednesday, July 12, 1967, and according to BENZE, BARDENSTEIN had given him permission to use the car during that date, and that he was supposed to return it on Thursday, July 13, 1967.

BENZE stated that on the night of July 12, 1967, he had gotten into a fight at a tavern known as the "Three Mile House" on Route #159 between Edwardsville and Route #10. He stated that this fight occurred between himself and a person that he had known for a long time as BILL (Last Name Unknown).

He stated that he was fearful that there would be an assault and battery charge filed against him at Alton, Illinois, inasmuch as he is an exconvict and that he had left Alton about 9:30 AM on Thursday morning, July 13, 1967, and had visited his girlfriend, Carolyn Evans, who resides at 1148 East Broadway in South Roxanna, Illinois. He stated that he left there and then drove the 1957 Chevrolet to Coulterville, Illinois, and then on to Pinckneyville, Illinois, and then on to Mt. Vernon, Illinois. He stated that he finally arrived at Fairfield, Illinois, Thursday night, July 13, 1967, about 8:30 PM, and was able to obtain a job with the Bill Myer's Amusement Company, a Carnival which was playing in Fairfield, Illinois. He stated that he was employed on the Kiddie Ride known as the Tricycle.

He stated that at this carnival he had met MICHAEL O'BRIEN and another fellow by the name of KENNEDY, but that he

On 7/17/67 at Harrisburg, Illinois File # SI 91-3699 SI 28-30747

By SA CLAUDE H. GRACE /skt Date dictated 7/18/67

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had never known either one of them before this date. He said that both of these individuals were employed by the Bill Myer's Carnival. He advised that on Friday night after the show was over with, he left Fairfield, Illinois, and was headed for Russelville, Kentucky, to join with the carnival there. He said that before leaving that area, he had gone to Golden Gate, Illinois, and had obtained a set of Illinois license plates from a 1957 Ford and replaced those plates with his own plates and had placed the Ford license plates on his Chevrolet. He stated that this car belonged to some fellows mother who was working at the carnival with KENNEDY and O'BRIEN.

He stated that about 8:30 AM of July 15, 1967, he was stopped by some Illinois State Troopers at Muddy, Illinois, where they wrote him two tickets, one for driving on a suspended license and the other for using stolen plates. He stated that he knew nothing concerning the background of KENNEDY OR O'BRIEN and he did not know anything about the car that they were driving.

He stated that since his release from prison that he has had no particularly steady employment, however, he had worked at a restaurant in Chicago, Illinois, known as the Morris Restaurant, located at 0156 Lincoln Avenue, for a period of about three months and further he had been employed at the B & G Grill, 1522 North Sherman Avenue at Evanston, Illinois, until June 5, 1967, and thereafter, came to Alton, Illinois and was employed at the Lewis and Clark Restaurant, Highway #111, at East Alton, Illinois.

The following description was obtained at the time of the interview:

Name:	LAWRENCE DONALD BENZE
Age:	26
Date of Birth:	June 30, 1941
Place of Birth:	Alton, Illinois
Height:	5'9"
Weight:	195 #
Hair:	Black
Eyes:	Blue
Sex:	Male
Race:	White
Scars:	1" scar on nose
Tattoos:	left arm MOM in heart, name DON and scroll, Spider at junction of ba[illegible] of thumb and index [illegible]

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3

	On right arm a spider on right shoulder, a dot on right upper arm.
Army Serial Number:	NA 175 18 052
Served:	September, 1958 to December, 1960
Permanont Address:	5607 Humbert Alton, Illinois
Arrests:	Admitted arrest for ITSMV and served at Chillicothe, Ohio, and El Reno, Oklahoma, his El Reno Number being 28009, also was institutionalized at Springfield Medical Center, Springfield, Missouri, #45954.

In addition to the above information, he stated that during early June of 1967 at Alton, Illinois, he had inquired at the Hughes Auto Sales of Alton concerning a 1960 Cadillac which Hughes had priced at $1250. He further advised that he had never called Hughes Auto Sales nor Bardenstein Auto Sales or any other Auto Company indicating that he had received $26,000 in an inheritance.

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FEDERAL BUREAU OF INVESTIGATION

Date July 25, 1967

Kern 6.30 P.M. Alton Jail

LAWRENCE BENEZE, Inmate, Madison County Jail, after being advised of the identity of the interviewing agents, the purpose of the interview, and of his rights, and executing a written waiver form, furnished the following information: AUSA [illegible]

He stated that he was not involved in the robbery of the bank of Alton on July 13, 1967, as he was at that time traveling towards Kentucky on Route 4, and was in the vicinity of Coulterville, Illinois. He said that at 1:30 p.m., he entered Mom's Cafe in Coulterville, then he left Alton directly from KAREN EVANS' house at about 10:30 a.m., and proceeded via route 111 to Interstate 270 and then to Route 4.

BENEZE advised that other than himself, there were only two other people in Alton, who were capable of committing a bank robbery. He said these people are very calm in tight situations. He said he knew only their last names and those names were DEAN and CAMP. BENEZE said he did not know where he could find DEAN or CAMP, but that he always saw them in the various taverns in and about the Alton, Illinois area. He said that CHUCK BAZE or BURCH CALVY were two possible suspects, but that he thought neither one had the guts to pull a bank robbery. He said that he knew two people in Alton, who had motorcycles and may also be considered as suspects. He named these people as FREDDIE DICK and FRANK, (last name unknown). He said that FRANK at one time asked his opinion regarding a bank robbery job at the Bank of Alton and two other Alton banks. He said he met FRANK at the Coney Island Restaurant, where they discussed plans regarding the Wedge Bank. He said he advised FRANK that the Wedge Bank was too complicated to be robbed. He then said that they discussed the robbing of the bank of Alton. He said no plans were affirmed, and he was not asked to participate.

BENEZE stated that FRANK was 5'9", 195 pounds, blond, dark complexion, about 24, and that he was just out of Madison County Jail after serving a six months burglary charge. BENEZE said that he did not recall when they discussed the bank robbery plans, but that it must have been since March, 1967, as that is when he returned from northern Illinois.

BENEZE said that CHUCK BAZE was probably heading for Oklahoma City, or the Hillbilly Section of Chicago, Illinois. He said that these

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On 7/19/67 at Edwardsville, Illinois File # SI 91-3609

by SAS RICHARD D. PATTON & WILLIAM G. CONNELLY/tlp Date dictated 7/22/67

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are sanctuaries for people who are on the run.

BENEZE advised he had no further information to furnish the FBI at this time, but that as soon as he was out on the street he would certainly make every effort to determine who robbed the Bank of Alton, and would furnish such information to the FBI.

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SI 91-3699

E. MISCELLANEOUS SUSPECTS

The following investigation concerning JOHN LEROY MOREY, DONALD ELDRIDGE, and LOWELL WILLARD BODENBACH was conducted based upon information furnished to the Alton, Illinois, Police Department indicating that a white 1960 Chevrolet was seen leaving the area of the bank or driving in the vicinity of The Bank of Alton at approximately the time of the bank robbery. This vehicle was stopped and checked as to occupants by Patrolman RAYMOND GALLOWAY.

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FEDERAL BUREAU OF INVESTIGATION

Date July 19, 1967

1

BORN OCT 1920 ALTON, ILL

JOHN LEROY MOREY, Bunker Hill, Illinois, was interviewed at his place of employment, Owens Illinois Glass Company. MOREY was fully warned of his rights by SA CHEATHAM as they appear on the executed Warning and Waiver Form.

MOREY stated that he is the owner of a white 1960 model Chevrolet, four-door sedan, bearing 1967 Illinois license 302-781. He drives this car from his home in Bunker Hill, Illinois, to his place of employment in Alton, Illinois, on a daily basis. He works a shift that begins at 2:20 P.M. and generally leaves his home in Bunker Hill at approximately 1 to 1:30 P.M. On the afternoon of July 13, 1967, he was en route to work, accompanied by DONALD ELDRIGE, and LOWELL BODENBACK. He was stopped by a police car at approximately 1:35 to 1:40 P.M. He was asked to get out of the car and was asked by the officer where he was going. He was then informed by the police officer that he was free to go. He said that he was stopped by these officers at Broadway and Main in Alton, Illinois. He gave as his normal route Highway 159 from Bunker Hill to Dorsey, then Route 140 into Upper Alton and down Washington Street to his place of employment on Broadway.

BROAD / WASH. PROBABLY N.O.

Upon arrival at Owens Illinois Glass, he went to the company credit union and from there went to work.

MOREY said he had no knowledge of the robbery of the Bank of Alton on July 13, 1967, and knew nothing of it until the time he was stopped by the Alton police officers.

The following is a physical description obtained from observation and interview:

Race	White
Sex	Male
Height	6 feet 8 inches
Weight	150 pounds

On 7/13/67 at Alton, Illinois File # SI 91-3699

by SA LOY F. WEAVER & SA CLABORN R. CHEATHAM /epp Date dictated 7/17/67

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Date of Birth	October 17, 1940
Place of Birth	Alton, Illinois
Eyes	Hazel
Hair	Brown
Complexion	Ruddy

At the termination of the interview, MOREY was furnished a written "Consent to Search" form and indicated that he had no objection to his car being searched. He executed this form.

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date July 17, 1967

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DONALD DEVERN ELDRIDGE, Relief Operator, Forming Department, Owens-Illinois Glass Company, was interviewed at his place of employment after being advised of the identities of the interviewing Agents, the purpose of the interview and his rights. He executed a waiver of rights form and furnished the following information:

He stated that at 1:30 P.M., July 13, 1967, he and two co-workers, JOHN MOREY and LOWELL BOUDENBACH, drove by the Bank of Alton on Washington and Edward Streets in MOREY's 1964 Chevrolet. He said they all were en route to their employment at the Owens-Illinois Glass Company from their homes at Bunker Hill, Illinois.

He advised that two blocks west of the Bank of Alton, they were halted by an Alton Policeman and ordered out of their car. He said they were not detained and were allowed to proceed to work.

ELDRIDGE advised he punched his time card in at 2:24 P.M., July 13, 1967 and that he spent the preceding time at the Credit Union and canteen. He stated neither he nor his companions, MOREY and BOUDENBACH held up the Bank of Alton on July 13, 1967. He said he does not know who may have been the robbers and that at the time he passed the bank, he noted nothing unusual.

The following information was obtained through observation and interview:

	Name	DONALD DEVERN ELDRIDGE
	Sex	Male
	Race	White
	Height	5'9"
	Weight	149 pounds
Dat	Date of birth	January 15, 1939
	Place of birth	Brosley, Missouri
	Hair	Blonde/brown
	Eyes	Light green

On July 13, 1967 Alton, Illinois File # SI 91-3698

ROBERT J. GROOMS

by SAs RICHARD D. BATICH, JR. cab Date dictated July 13, 1967

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Wife	LUCILLE ELDRIDGE 7 children
Address	417 North Franklin Bunker Hill, Illinois
Peculiarities	Receeding hairline, balding back of head. Born scar, back of right hand ½" mole, right side of face Crescent scar, Left side under chin
Education	Completed 9th grade Two years U. S. Army Service No. unknown

ELDRIDGE further advised he had never been in the Bank of Alton and that he has no previous arrests.

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 7-20-67

Mr. LOWELL WILLARD BODENBACH was interviewed at his place of employment, Owens - Illinois Glass Company, at which time he furnished the following information. At the outset of the interview, SA LILL advised him of his rights and he waived them on an executed warning and waiver form.

He resides at 417 South Putnam Street, Bunker Hill, Illinois. On July 13, 1967, he was picked up at his home at about 1:14 PM by his usual car pool to go to work in Alton, Illinois. The other members of his car pool are JOHN MOREY and DON ELDRIDGE, both of whom also work at Owens - Illinois Glass Company and reside at Bunker Hill, Illinois. The three of them proceeded from Bunker Hill to their place of employment in JOHN MOREY's automobile which is a 1960 or 1961 white Chevrolet. It takes about one-half hour for the 19 mile trip from Bunker Hill to Owens - Illinois Glass Company in Alton.

During this trip, at about 1:45 PM, they were stopped by Alton Police on Washington Street about one-half block south of the Bank of Alton, apparently in connection with the robbery of that bank which had occurred a few minutes before. He advised that he had no information concerning the identity of the person or persons who robbed the bank of Alton. He said he has known JOHN MOREY for about three years and is aware that JOHN MOREY formerly drank rather heavily and apparently has not been drinking heavily recently. He said he is also acquainted with JOHN MOREY's brother, BILL MOREY, who still drinks heavily and has been in trouble with the law in the past.

BILL MOREY lives with his father at Bunker Hill, Illinois. He said that he and his car pool had arrived at Owens - Illinois Glass Company that day at about 1:55 PM. He said the other two in his car pool were due to go to work about 2:30 PM and he was due at work at 3:00 PM.

LOWELL WILLARD BODENBACH was described as follows:

On 7-13-67 at Alton, Illinois File # SI 91-3099

by SA ROBERT E. LILL
SA JOHN W. LEWIS:bb Date dictated 7-19-67

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Race:	White
Sex:	Male
Age:	42
Date of Birth:	October 10, 1944
Place of Birth:	Junction, Illinois
Height:	6'
Weight:	193 pounds
Hair:	Brown
Eyes:	Brown
Voice:	Average
Selective Service Number:	11-164-24-261
Local Board #:	164, Carlinville, Illinois
Military Service:	U.S. Marine Corps July 1, 1943, to November, 1945
	September, 1950, to October, 1951
Marine Serial Number:	650405
Criminal Record:	None admitted
Employment:	Owens - Illinois Glass Company, Alton, Illinois, decorating apartment, for past five months
	Landreth Lumber Yard Bunker Hill, Illinois, from 1955 to 1957
	District Elevator Inspector D.C. Government, Washington, D.C., from 1957 to 1964

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Re suspect GENE CLARK.

BILL PETERSON, JR., son of Captain BILL PETERSON, Alton, Illinois Police Department, advised that he was at the Stanton Body Shop on Broadway in Alton, Illinois, on the afternoon of the bank robbery, and overheard conversation of individuals in the body shop. One of these individuals stated he had seen a GENE CLARK riding a motorcycle down Broadway on the afternoon of the bank robbery, and that CLARK was carrying a shot gun on his motorcycle. CLARK has been known to frequent the Coney Island Tavern also on Broadway.

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Re Suspect JACK JONES

On July 14, 1967, Sergeant HAROLD COX, Alton, Illinois, Police Department, advised that he had received information from a police informant, who has furnished reliable information in the past, regarding JACK JONES as a suspect in the bank robbery of the Bank of Alton. The informant stated that on July 3, 5, or 6, 1967, that he had overheard two individuals talking about a bank job in Alton, Illinois. He later determined through a NETTIE STEM that one of the men was named JACK JONES. The other man is an associate of JONES and resides near the Anchor Inn, a tavern in Alton, Illinois. He has determined that JONES has been known to carry a gun, and the associate of JONES believed to have a shotgun which he carries in his car.

JONES also travels to Dayton, Ohio, and while in Dayton, it is believed that he stayed at the home of PAUL RUBY JONES, 375 Kenwood Avenue, Dayton, Ohio.

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OTIS LACEY was developed as a suspect based upon his previous activities in connection with known bank robberies in the area and because of similarity in physical description with one of the unknown subjects in this matter. D. APPROX. 1932

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1

The following investigation was conducted by SA ELYON H. DAVIS at Pittsfield, Illinois:

On July 14, 1967, Sheriff JAMES WADE, Pike County, Illinois, advised that OTIS LACEY resides at 415 Sycamore Street in Pittsfield. He advised that he has no information concerning any recent illegal activities on the part of LACEY. He stated that LACEY has spent a considerable amount of money over the past several months in the Pittsfield area however, LACEY claims to be a timber buyer and has his own company called the Lacey Lumber Company. He stated that LACEY seems to do very little work, however, he has 3 or 4 timber cutters working for him.

On July 14, 1967, BOB SMITH, Hilltop Shell Service, advised that he also owns the Paradise Restaurant located nextdoor to the service station. He advised that OTIS LEE LACEY spends a considerable amount of time in the restaurant and on July 13, 1967, he had seen LACEY in the Paradise Restaurant sometime during the morning. He could not remember exactly what time this would have been however, estimated it as sometime between 9:00 and 11:00 A.M.

R. APPROX. 1730
On July 14, 1967, JAY CUNNINGHAM, attendant, Hilltop Shell Service, advised that on July 13, 1967, he had noticed that OTIS LEE LACEY was at the Paradise Restaurant at approximately 4:00 P.M. He stated that LACEY has a girlfriend working at the restaurant who normally drives LACEY's 1967 blue Cadillac convertible. He stated that LACEY normally drives one of his timber cutting trucks or otherwise rides a Honda motorcycle which he recently purchased. He advised that LACEY has also at times had a 1962 green 88 Oldsmobile.

On July 14, 1967, PAT CHUNN, advised that on July 13, 1967, OTIS LEE LACEY was in the Paradise Restaurant sometime between 8:00 A.M. and 10:00 A.M. and that he was also in the restaurant on July 13, 1967, at approximately 4:30 P.M. She stated that on July 14, 1967, LACEY came in the restaurant sometime near 3:00 P.M. and she sat at the bar and had a cup of coffee with LACEY. She advised that LACEY has a girlfriend who is working at the restaurant and that he comes in occasionally to speak to his girlfriend. She advised that on July 13, and July 14, 1967, that LACEY had been driving a truck and that the

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1967 blue Cadillac owned by LACEY was driven on both occasions as far as she knew by LACEY's girlfriend.

On July 14, 1967, CLIFF WYLER, City Policeman, Pittsfield, Illinois, advised that he resides behind the OTIS LEE LACEY home. He advised that he had seen no activity at the LACEY home either on July 13 or July 14, 1967. He advised that this was not unusual inasmuch as the garage to LACEY's house opens from the front and that he was normally not in a position to see any activity on the part of LACEY.

On July 14, 1967, CECIL TURNER, manager, Co-Op Livestock Sales, advised that he resides nextdoor to the OTIS LEE LACEY home and that his address is 417 Sycamore Street. He advised that on July 13, 1967 he had seen no activity concerning vehicles at the LACEY home. He advised that also he had seen no activity on July 14, 1967. He stated that LACEY normally keeps his Cadillac, his Honda motorcycle and a 1962 green Oldsmobile parked in the garage.

On July 14, 1967, Mrs. CECIL TURNER, 417 Sycamore Street, advised that she had not observed any cars coming to or leaving the LACEY home on July 13 and July 14, 1967.

On July 14,1967, ARVIS JENNINGS, owner, Jennings Standard Service Station, Washington Street, advised that OTIS LEE LACEY formerly traded with him at that service station. He stated, however, that on approximately July 8, 1969, he and LACEY became involved in an argument concerning a purchase made by LACEY and that LACEY had not been at the service station since July 8, 1967.

On July 14, 1967, Sergeant E. W. SMITH, Illinois State Police, District 14A, advised that he had no information concerning the activities of OTIS LEE LACEY during the previous 2 days. He advised that normally LACEY's activities are closely watched by the Illinois State Police and that LACEY is seen driving in numerous vehicles as well as logging trucks operated by LACEY.

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SI 91-3699
SI 91-3700
SI 91-3702
3

On July 14, 1967, Trooper DON LLOYD, Illinois State Police, District 14, advised that his home is adjacent to the rear of the OTIS LACEY home. He advised however that he had seen no activity at the LACEY home during the past 2 days and that he had not seen LACEY during that period of time. He stated that this was not unusual and that he was not in a position to see the front of the LACEY home.

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FEDERAL BUREAU OF INVESTIGATION

Date July 27, 1937

A review of the records of the Farmers State Bank of Pittsfield, Pittsfield, Illinois, revealed the following information:

OTIS LEE LACEY has an account at that bank under the name of Lacey Timber Company:

The records were reviewed for the past 3 months and did not show any large amount of money had been deposited into the account and did not show any large withdrawals during that time. The balance at time the account was reviewed was $738.

The above information is confidential and can be obtained only with the issuance of a Subpoena Duces Tecum directed to EARL C[illegible], Executive Vice President, Farmers State Bank of Pittsfield, Pittsfield, Illinois.

SI 91-3699
SI 91-3700

On 7/26/37 at Pittsfield, Illinois File # SI 91-373

By [illegible] Date dictated 7/30/37

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FEDERAL BUREAU OF INVESTIGATION

Date July 27, 1967

Officer CLIFFORD WYLER, Pittsfield, Illinois Police Department, pointed out an individual sitting at the bar of the Paradise Restaurant, Pittsfield, Illinois, to SA ELTON H. DAVIS at 3:15 P.M., July 11, 1967. Officer WYLER advised that this individual was OTIS LEE LACEY.

LACEY at that time was wearing tennis shoes with white socks and was wearing a light colored sport shirt with dark colored work trousers. LACEY was not wearing a hat.

The following physical description was obtained by SA DAVIS:

Race	White
Sex	Male
Name	OTIS LEE LACEY
Age	Approximately 35
Height	5' 10"
Weight	160 pounds
Hair	Light brown thin in the back

SI 91-3699
SI 91-3700

On 7/[illegible]/67 at Pittsfield, Illinois File # SI 91-[illegible]62

by SA ELTON H. DAVIS:dlo Date dictated 7/20/67

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SI 91-3699
JWL/jlh
1

At Belleville, Illinois

On July 14, 1967, SA EDWARD A. CARPENTER was advised by the dispatcher of the St. Clair County Sheriff's Office, Belleville, Illinois, that two males possibly responsible for the robbery of the Bank of Alton on July 13, 1967, had been apprehended by Officers of the St. Clair County Sheriff's Office in connection with a robbery of the Howard Johnson's Motel at Collinsville, Illinois, on July 14, 1967.

The following investigation was conducted by SA JOHN W. LEWIS:

On July 14, 1967, Deputy RALPH CANTY, St. Clair County Sheriff's Office, Belleville, Illinois, made available the following records in connection with a hold-up of the Howard Johnson's Motel, Collinsville, Illinois, on July 14, 1967. Two males and two females were booked at the County Jail between 5:10 am and 5:45 am on July 14, 1967, and were described as follows:

Sheriff's Number:	1020
Name:	DON ROMAR
Address:	1016 North 5th Street, Springfield, Illinois.
Race:	White
Sex:	Male
Age:	26
Date of Birth:	March 11, 1941
Place of Birth:	Massachusetts
Height:	5'10"
Weight:	160
Complexion:	Light
Build:	Medium
Eyes:	Blue
Hair:	Brown
Education:	12 years
Occupation:	Lifestock Dealer
Sheriff's Number:	1021
Name:	ZANE REDFORD
Address:	None

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SI 91-3699
JTL/jlh
2

Race:	White
Nationality:	American
Sex:	Male
Age:	24
Date of Birth:	April 16, 1923
Place of Birth:	Arkansas
Height:	6'2"
Weight:	170
Complexion:	Light
Build:	Medium
Eyes:	Blue
Education:	10 years
Hair:	Brown
Tattoos:	Both arms, chest and back
Occupation:	Laborer
Sheriff's Number:	1022
Name:	LINDA LORIMITIS aka Yocum
Address:	809 North 9th Street, Springfield, Illinois
Race:	White
Sex:	Female
Age:	19
Date of Birth:	June 16, 1948
Height:	5'2"
Weight:	110
Place of Birth:	Illinois
Complexion:	Light
Build:	Medium
Education:	Ten years
Marital Status:	Divorced; one child, age 21 months.
Parents:	FRANK and MARIAN YOCUM, 2819 North 19th Street, Springfield, Ill.
Sheriff's Number:	1023
Name:	PATRICIA LOCHBAUM
Race:	White
Sex:	Female
Age:	23

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SI 91-3699
JWL/jlh
3

Date of Birth:	July 23, 1943
Place of Birth:	Indiana
Height:	5'6"
Weight:	125
Complexion:	Light
Build:	Slim
Eyes:	Green
Hair:	Brown
Education:	Eight years
Occupation:	Bartender

Deputies JOHN MC FALLS and DEWEY CARPENTER, St. Clair County Sheriff's Office, on July 14, 1967, at 3:27 am located the above subjects at room 111, Interstate Motel, Routes 40 and 203, East St. Louis, Illinois, on the basis of 1957 red Chevrolet, Illinois license EM3899, which had been used in the Howard Johnson robbery. The subjects would not open the door, and when the door was opened with a pass key, a large number of guns were noticed on the bed. The door was then closed and officers obtained assistance of other deputies of the Sheriff's Office, as well as the Illinois State Police, and officers of the East St. Louis, Illinois, Police Department, Fairmount, Illinois, Police Department, and the Caseyville, Illinois, Police Department. The subjects came out of the motel only after tear gas was thrown into the room. A total of 17 shotguns and rifles were found in the motel room, but none of the shotguns were sawed off. Also found in their possession were two revolvers and one automatic pistol. The automatic was an Italian make, black with white hand grips. This automatic is marked "SACH FILI GALESI BRESCI, Caliber 6.35 millimeters". This automatic measures approximately four inches in overall length and approximately three inches tall.

On July 14, 1967, Sergeant JOSEPH DENTON, St. Clair County Sheriff's Office, advised that the total amount of money found on the four persons mentioned above was $235.00. $119.00 was found on one of the men, and $116.00 in a pillow slip in the motel room.

On July 14, 1967, Mrs. PAUL NEWMAN, Proprietor, Interstate Motel, 2001 Collinsville Road, East St. Louis, Illinois, advised that [illegible] ROMER, 29 Wood Avenue, Peoria, Illinois, registered for room 111 at that motel at 8:55 pm

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SI 91-3699
JWL/jlh
4

on July 12, 1967, and registered again for the same room on the following morning. He was accompanied by one man and two women who said they would need no maid service. They were driving a red Chevrolet with Illinois license RM3899. About noon on July 13, 1967, one of these two men came to the office of the motel and asked fordirections to Gas Light Square in St. Louis, Missouri, saying that he was supposed to meet a fellow there. He then immediately left in the red Chevrolet with the other man. About between 3:00 pm and 4:00 pm on July 13, 1967, one of the girls from room 111 came to the office and bought a package of cigarettes at which time she said that theboys had not yet come back and she was about to starve. He said that about 4:00 or 4:30 pm on July 13, 1967, all four of these people left in the red Chevrolet and she did not see them return, but noticed that the red Chevrolet was back at the motel as of about 10:00 pm on July 13, 1967. He said that all four of these persons were arrested by the St. Clair County Sheriff's Office during the early morning of July 14, 1967.

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FEDERAL BUREAU OF INVESTIGATION

Date July 21, 1967

1

ZANE REDFERN was interviewed at the St. Clair County Jail, where he was being held in connection with a robbery of the Howard Johnson Motel, Collinsville, Illinois, which occurred the same day. At the outset of the interview, he was warned of his rights and he waived them as shown on an executed warning and waiver form.

REDFERN advised that he has lived around Springfield, Illinois, in the past. He said that on the night of July 12, 1967, he had been in a room at the Interstate Motel, East St. Louis, Illinois, until about 6:00 pm on July 13, 1967, and with him there during that period were DON ROMAR and the two girls which had been arrested with them. He said he had no information concerning the identity of the persons who robbed the Bank of Alton, Alton, Illinois, on July 13, 1967.

It was noted that REDFERN was wearing a plaid, white, red, and blue sport shirt, black levis, and brown loafers.

On 7/14/67 at Belleville, Illinois File # SI 91-3699

by SA JOHN W. LEWIS /jlh Date dictated 7/19/67

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FEDERAL BUREAU OF INVESTIGATION

Date 7-20-67

DENNIS FIGGIE, 1001 Rozier, after being advised of the identity of the interviewing agents, the purpose of the interview, and his rights, and stating he did not wish to execute a waiver form, furnished the following information:

He advised that on July 13, 1967, at 11:30 AM, he was at the Alton Memorial Hospital checking his wife and newborn baby out of the hospital. He said he left the hospital with his wife and baby shortly after 12:00, noon. He said that he was on his way to his home on Rozier Street at 1:30 PM, July 13, 1967.

FIGGIE stated that he did own a shotgun, but this gun was all a part in that it had been chewed by a horse while he had it laying on the pasture fence and that he was working on this gun to get it back in operable condition. FIGGIE exhibited the shotgun in its dismantled state to SAs BATLEY and CONNELLY.

FIGGIE stated that he had not robbed the Bank of Alton, nor had he participated in the robbery of the Madison Bank. He said he had no information regarding the possible robbers, but that if any should come to his attention, he would certainly call the FBI.

The following information was obtained through observation and interview:

Name:	DENNIS FIGGIE
Race:	White
Sex:	Male
Height:	5'7"
Weight:	140 pounds
Date of Birth:	October 27, 1947
Hair:	Blonde
Eyes:	Hazel
Build:	Slender
Occupation:	Turret lathe operator

On 7-17-67 at Alton, Illinois File # SI 91-3099

SA WILLIAM G. CONNELLY

SA RICHARD D. BATLEY, JR. :lb Date dictated 7-18-67

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SI 91-3609
2

Employment:	McDonnell Air Craft Company, St. Louis, Missouri
Wife:	SUZILA FIGGIE
Automobile:	1961 blue Chevrolet
Previous Arrest:	Public intoxication, date unknown

FIGGIE further advised that his father-in-law, ROBERT ORVILLE GRAHAM, who resides at Granite City, Illinois, was recently questioned by the FBI for his possible connection with the bank robberies at Alton and Granite City. FIGGIE stated that as far as he knew, there is no connection with either bank robbery.

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FEDERAL BUREAU OF INVESTIGATION

Date 7-20-67

SHEILA FIGGIE, 1001 Rozier, furnished the following information:

She stated she is the wife of DENNIS FIGGIE and that she could corroborate his statement that he was at home all day Friday, July 14, 1967, and that he was with her from 11:30 AM, July 13, 1967, until 4:00 PM, that same date.

She stated that she did not know how the FBI got her husband's name as a possible bank robbery suspect, but she thought it was a former boyfriend, probably, who turned the name in for spite. She said she did not wish to divulge this former boyfriend's identity. She advised she had no further information to furnish at that time.

On 7-17-67 at Alton, Illinois File # SI 91-3609

by WILLIAM G. CONNELLY
RICHARD D. BAILEY, JR.:bb Date dictated 7-18-67

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SI 91-3699

XI. MISCELLANEOUS INVESTIGATION

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FEDERAL BUREAU OF INVESTIGATION

1 Date 7/31/67

CAROL LIMBARGER, age 14, 2609 Benbow, furnished the following information:

On the afternoon of July 13, 1967, she and her girl friend, PATRICIA BLAINE, were at the Shell Station one half block southeast of the State Bank of Alton. While they were there putting air in the tires of their bicycles CAROL stated that she saw 2 men run out of the bank and she noticed that one of them was carrying a gun with a long barrel. She stated that she became scared and that she and her girl friend immediately left the station, and went directly to their home down Washington Street and east on Benbow. Shortly after arriving home they recounted the details of what they had seen to Mrs. LIMBARGER who gave them permission to call radio station KSOK and report the "news tip of the day". CAROL stated that the only thing she could recall about the men was that one was carrying a gun and she assumed that the other one also had one although she did not see it. She was unable to give any pertinent information concerning their age, dress, height or wight of the men who left the bank and she stated that she had no idea which direction they were heading. She said that all she remembers was that both of them were running, as they left the door of the bank.

When questioned concerning the time at which they saw these men leave the bank, CAROL stated that she believed it was around 1:00 PM. She said that both men had some type of hood or mask covering their heads or face and she stated that this may have been a nylon stocking but she could not be certain. CAROL gave the name of her girl friend as PATRICIA BLAINE, Rural Route #5, East Delmar Street, Godfrey.

On 7/25/67 at Alton, Illinois File # SI 91-3099

Date dictated 7/25/67

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FD 302 (Rev. 4-15-54)

FEDERAL BUREAU OF INVESTIGATION

1 Date 7/31/67

Mrs. ALBERTA LINEBARGER, 2609 Benbow, was present during the interview of her daughter, CAROL, and furnished the following information:

She stated that her daughter CAROL and PATRICIA BLAINE arrived home and recounted to her the details of having seen two men running from the side door of the State Bank of Alton, one of whom was supposedly carrying a gun. Mrs. LINEBARGER was unable to remember the exact time that this occurred but stated that she did give her daughter permission to call the radio station, KEOX, and report what they had seen. Mrs. LINEBARGER said that all this occurred sometime prior to the arrival of the police at the bank, or the report of the robbery over the radio.

On 7/28/67 at Alton, Illinois File # SI 91-3659

by [redacted] G. [redacted] Date dictated 7/28/67

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FEDERAL BUREAU OF INVESTIGATION

Date August 2, 1967

1

ABE WITTEL, 204 State Street, provided the following information:

He is the owner of Wittel and Company and sells all kinds of guns. A review of his records provided the following information concerning persons who purchased high caliber automatic hand weapons within the past month:

Date	Type	Serial #	Name and Address
6/30/67	.45 caliber automatic	1812951	THURMAN A. SMITH 502 Minnie (uncertain) Lupo, Illinois
7/3/67	.38 caliber automatic	52344	KEN SAAKE, 9732 Dennis Drive, St. Louis, Missouri.
7/6/67	.45 caliber automatic	511710	MORRIS M. ROTHMAN 501 Old Bonhome Road, University City, Mo.
7/11/67	380 millimeter automatic	606251	TERRANCE A. GRIFFIN, 248 Beach, Wood River, Illinois.

WITTEL stated that he does not know any of these individuals personally and could provide no further information concerning them other than that contained in his records.

On 7/21/67 at Alton, Illinois File # SI 91-2999

SA RICHARD D. PATTISON, JR. and
SA [redacted] C. [redacted] /jlh Date dictated 7/25/67

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FD-302 (Rev. 6-19-64)

FEDERAL BUREAU OF INVESTIGATION

Date July 19, 1967

1

W. E. MC BRIDE, Plant Manager, Owens Illinois Glass Company, Alton, Illinois, furnished the following information:

His records reflect that on July 13, 1967, JOHN L. MOREY punched the clock to begin work at 1:55 P.M.; DONALD ELDRIGE began work at 2:24 to 2:30 P.M.; and LOWELL BODENBACK began work at 2:54 to 3:00 P.M.

On 7/13/67 at Alton, Illinois File # SI 91-3699

SA LOY F. WEAVER &
SA CLABORN R. CHEATHAM /epp Date dictated 7/17/67

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FEDERAL BUREAU OF INVESTIGATION

Date 7-20-67

ROSEBUD ORAM, 1001 Rozier Street, furnished the following information:

She stated she is the aunt of DENNIS FIGGIE and that she can state positively that FIGGIE was home with his wife on the afternoons of July 13 and July 14, 1967. She stated that she was at the Rozier Street address on both those days and that she observed FIGGIE on both occasions at home.

On 7-17-67 at Alton, Illinois File # SI 91-3699

by SA WILLIAM G. CONNELLY
SA RICHARD D. BATISTE, JR.:bb Date dictated 7-13-67

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FEDERAL BUREAU OF INVESTIGATION

Date July 26, 1967

ROBERT ORVIL GRAHAM, 2812 Saratoga, was interviewed at his residence at which time he was advised of his rights and waived them as shown on the executed warning and waiver form.

GRAHAM advised that he is currently employed as a merchant seaman. He stated that he has no regular work schedule, but is notified a few hours before he is to report for work. He stated he was home alone all day on Friday, July 14, 1967, and was also home all day on July 13, 1967. GRAHAM advised that his wife works during the day at Honey and Roy's Tavern and Restaurant, 25th and Madison, Granite City, Illinois.

GRAHAM advised he owns a 1967 Chevrolet, Impala, convertible, maroon with a black top.

He advised that DENNIS PIGGIE, his son-in-law, resides at 1001 Rosier, Alton, Illinois, and is employed by Mac Donnel Aircraft, St. Louis, Missouri. GRAHAM advised that PIGGIE resides at that address with GRAHAM's daughter, SHEILA, and with Mr. and Mrs. LEROY CRAM, mother and step-father of GRAHAM. He advised PIGGIE is in his early twenties, about 5'8", 135 pounds, and very slender.

GRAHAM advised he and his present wife, MARGARET GRAHAM nee Mathenia, operated Margies's Restaurant and Lounge, on Route 162 in Granite City, Illinois, which sold out several years ago. He stated the property was owned by his wife MARGARET and her former husband, STANLEY BAYLSKI, of Granite City, Illinois, whom she divorced about eight years ago. GRAHAM stated that because of difficulties with BAYLSKI over ownership of this property, that he and his wife sold out as operators of the tavern.

He advised his former wife, WINNIE, resides in Alton, Illinois, and has been married several times, since their divorce about four years ago. He advised there was bitterness between him and BAYLSKI and also bitterness between him and relatives of his former wife, WINNIE. He stated he believed it was possible that BAYLSKI or one of his relatives may have made an anonymous phone call accusing him and DENNIS PIGGIE of being involved in the robbery of the First National Bank in Madison, Illinois.

On 7/17/67 at Granite City, Illinois File # ST 91-3702

by SAS JOHNNY D. LYLES & JOHN W. LEWIS/tlp Date dictated 7/21/67

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SI 91-3702
2

GRAHAM stated he had not been arrested in the past ten years, but had a number of arrests for fighting and disorderly conduct prior to that time. He stated that he was placed on Federal probation in 1947 at Santa Fe, New Mexico on a charge of interstate transportation of stolen motor vehicle.

GRAHAM furnished photographs of himself for display to witnesses and offered to present himself before witnesses if necessary to eliminate himself before witnesses if necessary to eliminate as a suspect.

The following description and background information was obtained through interview and observation:

Sex	Male
Race	White
Age	37
Born	November 28, 1929
Place of birth	Ironton, Missouri
Height	5'9 1/2"
Weight	165 pounds
Build	Stocky
Hair	Brown
Eyes	Blue
Complexion	Medium
Scars and marks	Numerous tattoos on both arms, figures of roses tattooed on back of both left and right hands between thumb and forefinger.
Military service	U. S. Airforce, 1945-1947. He received undesirable discharge because of arrest for ITSMV violation. USAF serial no. RA 16234715
Occupation	Merchant seaman, truck driver, free-lance writer
Social Security No.	332 20 5949

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FEDERAL BUREAU OF INVESTIGATION

Date July 28, 1967

Mrs. IRIS STUART, 3713 Berkeley Avenue, telephone 465-5823, furnished the following information:

At approximately 1:40 p.m., July 13, 1967, she was proceeding east on Brown Street and when approaching the intersection of Washington Street she noticed two white males appear from between two houses and proceed to cross Brown Street from the direction of the parking lot of The Bank of Alton. She stated that they crossed Brown Street in such a way that one of the men stopped directly in front of her car, causing her to bring her vehicle to a halt. She said that the man directly in front of her hastily turned towards her and looked backward in the direction of The Bank of Alton, then turned to the other man and said something which she did not hear, at which time the other man proceeded onto the sidewalk on the south side of Brown Street, after which the man directly in front of her followed. She said that they walked between the rear of the Dick & Poole Pharmacy and the house on Brown Street directly next to it and proceeded on foot in the direction of the Calvary Baptist Church parking lot.

Mrs. STUART stated that she had an excellent view of both individuals, but particularly of the man who stopped directly in front of her. She described them as follows:

Number One

Height:	5'10" - 6'0"
Weight:	150 pounds
Build:	Slender
Hair:	Dark brown or black
Age:	Middle to late 20's
Wearing Apparel:	Light grey herringbone coveralls
Characteristics:	Pock nosed; long legs; long, thin hands; prominent Adams'Apple.

Number Two

Height:	5'8"
Weight:	155-160 pounds

On 7/18/67 at Alton, Illinois File # SI 91-3699

by SA LOBERT C. HAINES /css Date dictated 7/24/67

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SI 91-3699

Age:	40-45 years
Build:	Stocky
Hair:	Russet brown; parted on left; may be dyed
Wearing Apparel:	Light grey herringbone coveralls; brown high-topped shoes, laced half-way up.
Characteristics:	Deep creases around mouth as if wearing ill-fitting dentures; light blue eyes.

Mrs. STUART stated she is positive she would recognize these men if she saw them again. She said that she would testify in Federal Court with regard to her identification, if this became necessary.

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FD-302 (Rev. 10-6-64)

FEDERAL BUREAU OF INVESTIGATION

Date July 25, 1967

1

Mrs. MARJORIE COX, Installment and Loan Department, First National Bank and Trust Company, provided the following information:

That bank had accepted the financing of a 1961 Rambler Ambassador, four-door, nine passenger vehicle, purchased on June 16, 1967, by RUTH A. TUCKER, 525 Miami Avenue. The amount shown on this financing agreement was $615.75 with the first payment due July 15, 1967. The VIN shown for this vehicle is C613408 and the title number for the State of Illinois is B1320744. Background information on TUCKER provided from Mrs. COX's personal knowledge as well as bank records show the following:

Age	30 years old
Height	5'7"
Hair	Black, stringy hair
Former husband	VIRGIL E. TUCKER (divorced)

Employment for TUCKER is shown as Owens, Illinois, Illinois Glass, for a period of three weeks, and previous to that Laclede Steel for thirteen years. TUCKER's credit at the Wedge Bank and at the Alton Finance and Credit Company showed no balance owing.

On 7/19/67 at Alton, Illinois File # SI 91-3609

SA WILLIAM G. CONNELLY

by [redacted] /mpb Date dictated 7/20/67

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FEDERAL BUREAU OF INVESTIGATION

Date July 21, 1967

Sergeant HAROLD COX, Alton Police Department, furnished the following information from records of his office:

DANNY RAY GRESHAM, address 1025 East Broadway, is described as follows:

Date of birth	November 11, 1943
Complexion	Ruddy
Hair	Light brown
Eyes	Blue
Alton Police Department Identification #	9097

Arrest record

Date of arrest	Charge	Disposition
May 25, 1965	Possession of a .22 caliber semi-automatic rifle	Paid $10.00 fine plus cost.
November 10, 1965	Suspicion stolen vehicle	Released
November 23, 1965	Disturbing the peace	No disposition shown.
January 17, 1966	Disturbing the peace	Paid $50.00 and costs.

DAVID GRESHAM

Addresses	203 West 7th, Alton 720 Alton Street
Age	18
One complaint	lost draft card June 19, 1967.

On 7/20/67 at Alton, Illinois File # SI 9[illegible]

by SA WILLIAM G. CONNELLY:mpb Date dictated 7/20/67

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SI 91-3099

HENRY GRESHAM

Address	203 West 7th, Alton
Alton Police Department	4742
Identification #	

No pertinent information available.

ROBERT DALE GRESHAM

Addresses	203 West 7th, Alton
	720 Alton Street, Alton
Age	18
Complexion	Medium
Hair	Brown
Eyes	Green

Arrested February 26, 1935, for a traffic violation.

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FEDERAL BUREAU OF INVESTIGATION

Date August 8, 1957

1

A review of the files at the Alton Police Department reflected the following information concerning WILLIAM EDWARD LEE, aka "Willie". LEE has been arrested on various charges on 22 occasions since April 11, 1952. These charges included investigation for burglary, disorderly conduct, purse snatching, assault and battery, AWOL, parole violation, and larceny of a motor vhicle. He was indicted by the Grand Jury for Grand Larceny on January 20, 1957. The files revealed no convictions.

He is described as follows:

Race:	White
Sex:	Male
Height:	69 inches
Weight:	140 pounds
Eyes:	Hazel
Hair:	Brown
Date of Birth:	November 18, 1941 November 18, 1940
Place of Birth:	Joliet, Illinois
Addresses:	507 Washington Avenue; 618 Liberty Street
FBI #:	491 521 C
Alton Police Department #:	8367

On 7/30/57 at Alton, Illinois File # SI 91-3699

by [redacted] G. [redacted] /jlh Date dictated 8/2/57

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FEDERAL BUREAU OF INVESTIGATION

Date August 11, 1967

ELMER MUDD, 2366 Hudson Drive, St. Louis, Missouri, an employee of Burroughs Business Machine Company, 3408 Lindell Boulevard, St. Louis, Missouri, furnished the following information:

Mr. MUDD stated that on July 13, 1967, he was servicing machines in the Bookkeeping Department of The Bank of Alton when one of the tellers made the statement that the bank was being robbed. He said that he thought she was joking and looked out the door leading to the main lobby of the bank and saw that LEE MAAS, a Vice-President of the bank, was standing outside the door with his hands raised. He said that almost immediately MAAS lowered his hands and came into the Bookkeeping Department to make a telephone call to the police, at which time he (MUDD) went out the side door of the bank in an effort to follow the bank robbers. Mr. MUDD said that he was met by an incoming customer, of whom he inquired concerning the men that came out of the bank, and the customer told him they had run around the corner to the rear of the bank. He said that he ran around to the rear of the bank, down the rear drive to Edwards Street, where he stood on the sidewalk and looked in both directions. He said that he saw absolutely nothing, no cars, and no pedestrians, and that he could see for at least one and one-half blocks in each direction. MUDD stated that he heard no car engines running, no tire squeals, or any other sounds to indicate anyone was making a hasty exit from the vicinity of the bank.

On 8/3/67 at Alton, Illinois File # SI 91-3699

by SA ROBERT C. HAINES /css Date dictated 8/8/67

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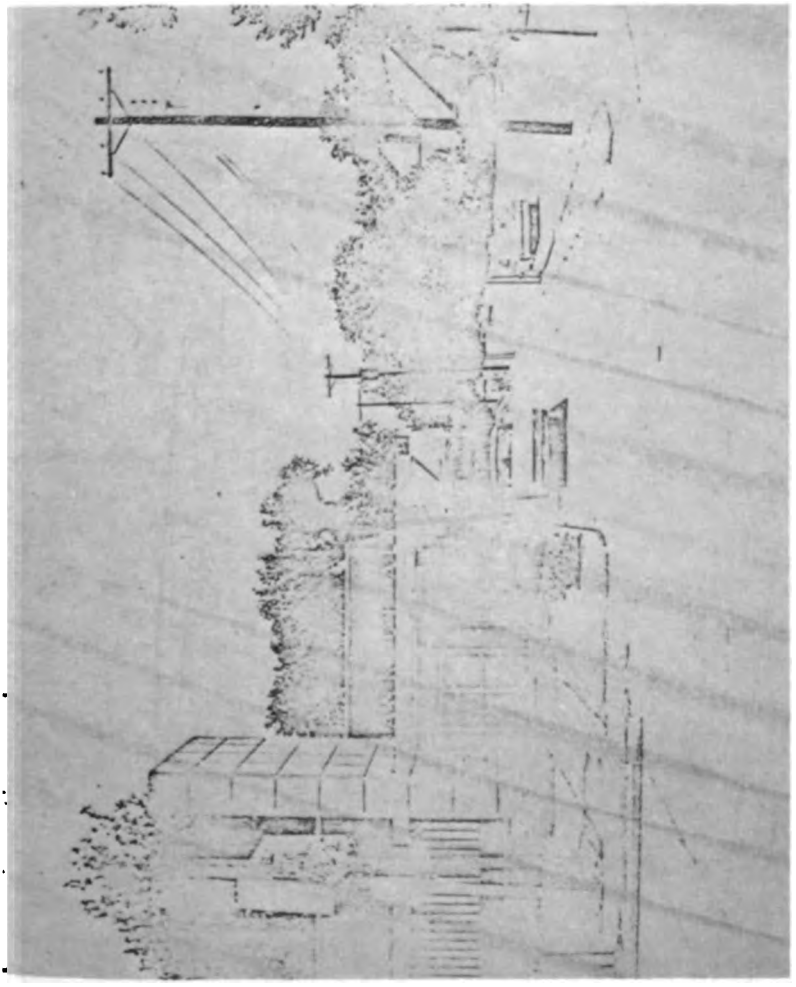
SI 91-3699

Since unknown subjects displayed a shotgun and an automatic pistol in effecting the robbery of The Bank of Alton, they should be considered Armed and Dangerous.

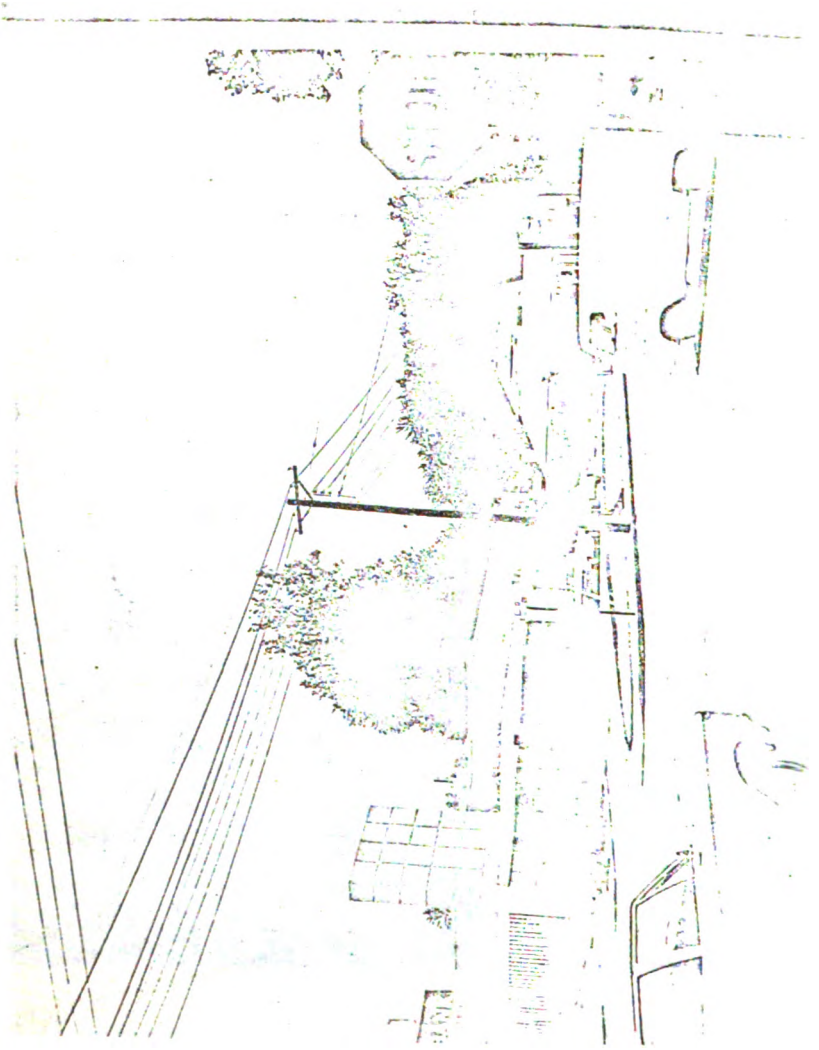
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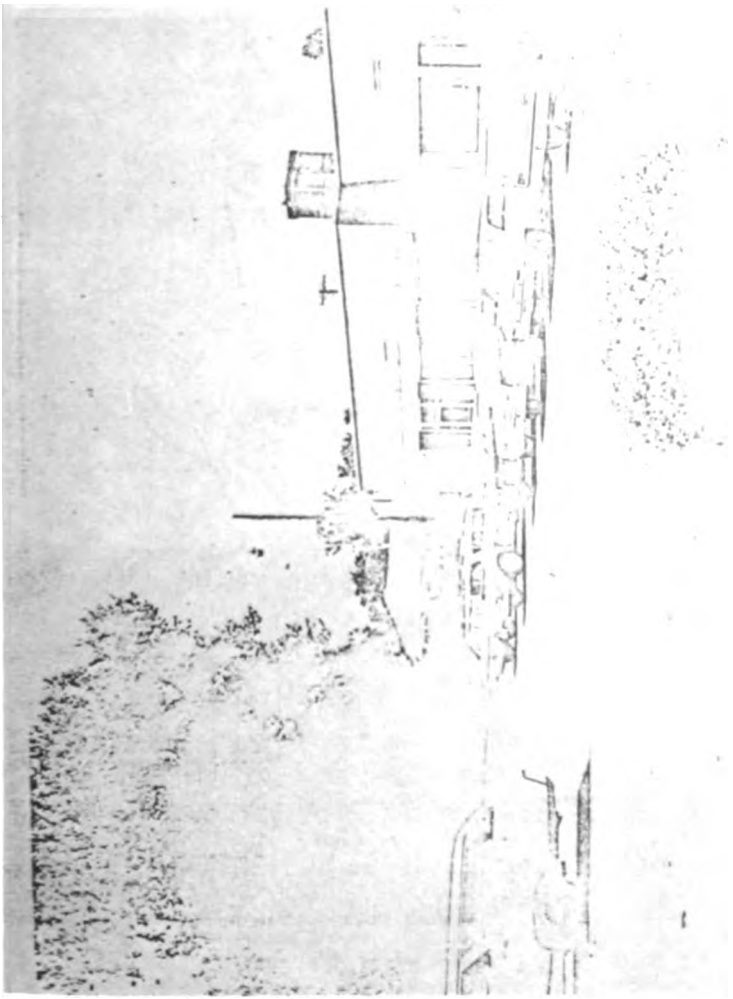
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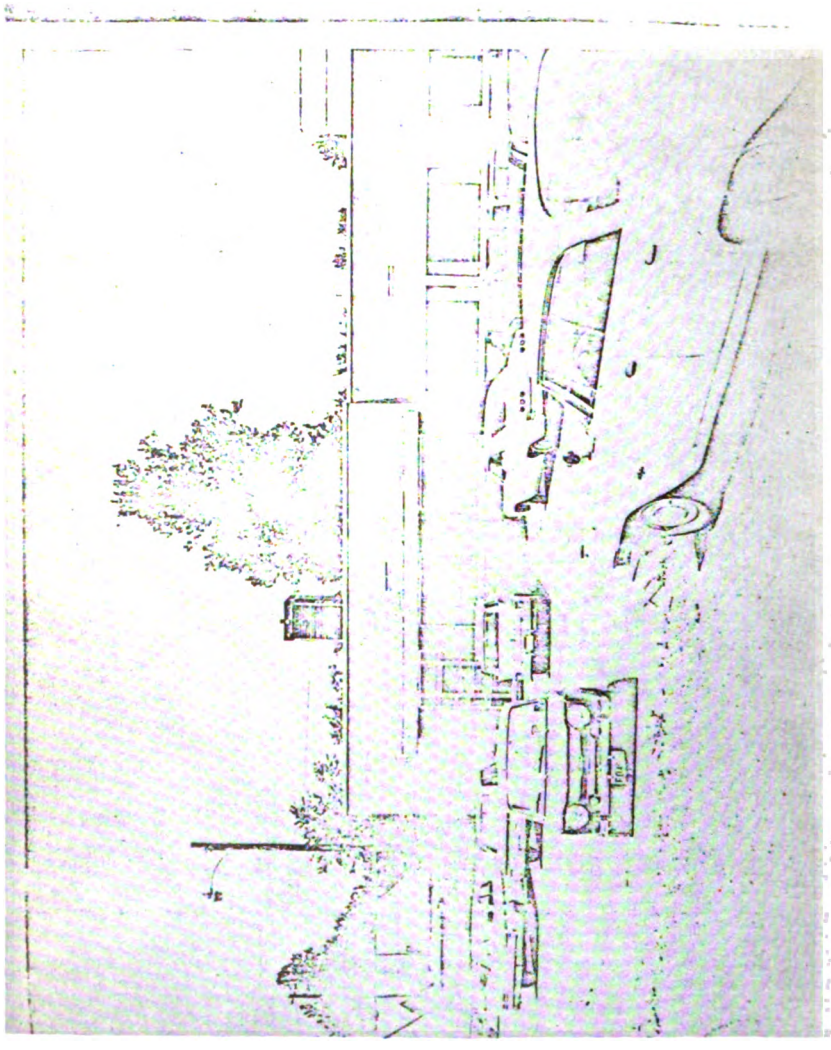
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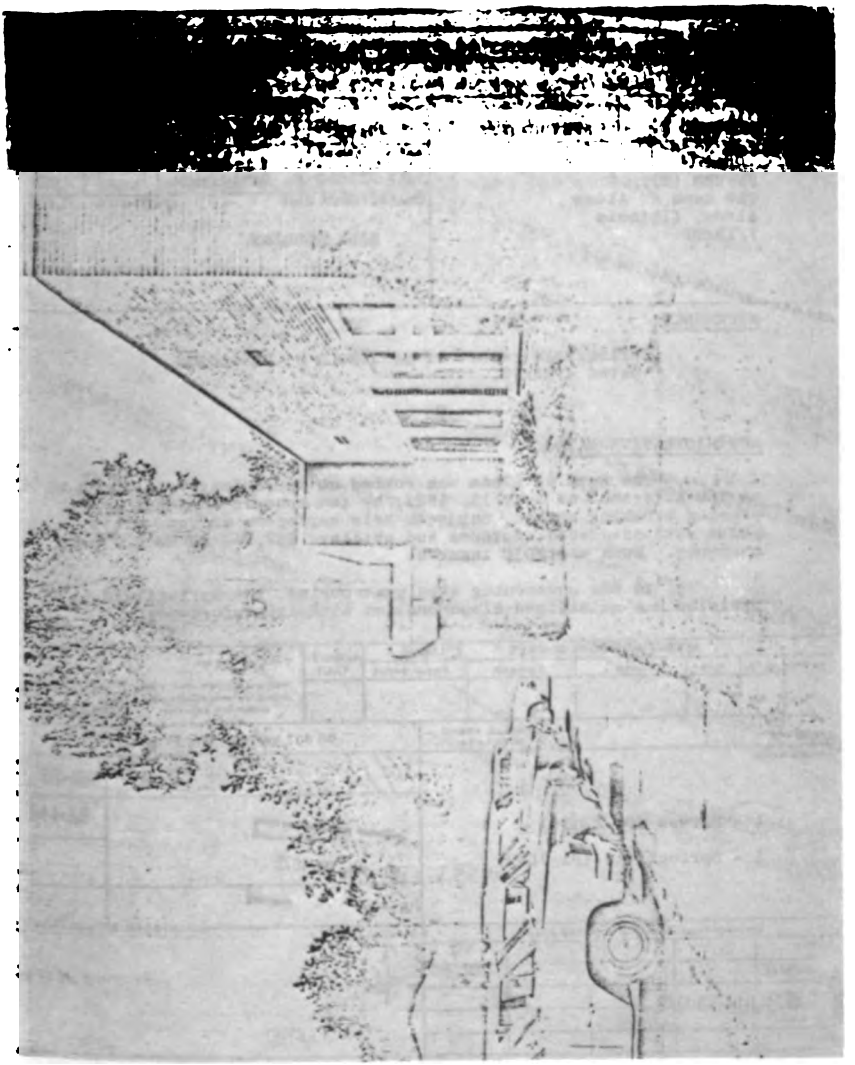
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MLK EXHIBIT F-671

(1) 351 (Rev. 12-19-67) F-671

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	7/20/72	5/14/72 - 7/17/72

TITLE OF CASE

UNSUBS (2);
The Bank of Alton
Alton, Illinois
7/13/67

REPORT MADE BY: SA JEROLD W. DONALDSON — TYPED BY: jab

CHARACTER OF CASE

BANK ROBBERY

REFERENCE:

Springfield report of SA JEROLD W. DONALDSON dated 4/21/72.

- C -

ADMINISTRATIVE DATA:

The Bank of Alton was robbed at approximately 1:30 PM on the afternoon of July 13, 1967, by two unknown subjects wearing stocking masks. Subjects held employees at gun point with sawed-off shotguns and obtained $27,230 in US currency. Bank was FDIC insured.

In the succeeding five year period, the Springfield Division has maintained close contact with law enforcement

ACCOMPLISHMENTS CLAIMED						ACQUITTALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		
							PENDING OVER ONE YEAR ☐ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

APPROVED: _____ SPECIAL AGENT IN CHARGE

COPIES MADE:

(1) Bureau (91-27494)

1 - Springfield (91-3699)

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91-27494-32

REC-28

EX-114

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Date Fwd.	58 JUL 31 1972			
How Fwd.				

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SI 91-3899

officers, informants, and have interviewed all possible suspects in connection with this robbery. No items of any evidentiary value obtained during commission of bank robbery and inasmuch as subjects wore stocking masks, facial identification was not possible. Also, it is to be noted as the five year statute of limitations toll and all logical investigation has been completed, this case is being considered closed upon the authority of the SAC.

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FD-263 (Rev. 12-19-67)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	4/21/72	3/3/72 - 4/17/72

TITLE OF CASE	REPORT MADE BY	TYPED BY
UNSUBS (2); The Bank of Alton Alton, Illinois 7/13/67	SA JEROLD W. DONALDSON	jac
	CHARACTER OF CASE BR	

REFERENCE: Springfield report of SA JEROLD W. DONALDSON, 2/25/72.

-P-

LEADS:

SPRINGFIELD DIVISION

At Alton, Illinois

Will continue to maintain contact with Detective Lieutenant DONALD SANDIDGE and Detective HAROLD "BUD" GALLOWAY for any possible suspects that department might develop in captioned robbery.

At Maryville, Illinois

ACCOMPLISHMENTS CLAIMED ☒ NONE						ACQUITTALS	CASE HAS BEEN:
CONVIC.	AUTO	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☒ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☒ NO

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SI 91-3699

Will maintain contact with Detective Lieutenant JULE LUBBER, District 11, Detachment 25, Illinois State Police, for any possible suspects he may develop in captioned matter.

-B-
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(1-2) (Rev. 12-19-67)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	2/25/72	1/10/72 - 2/10/72

TITLE OF CASE

UNSUBS (2);
The Bank of Alton
Alton, Illinois
7/13/67

REPORT MADE BY: SA JEROLD W. DONALDSON — TYPED BY: vh

CHARACTER OF CASE

BANK ROBBERY

REFERENCE:

Springfield report of SA JOSEPH P. BENSON dated 12/20/71,
St. Louis letter to Springfield dated 1/28/72,
Denver letter to Springfield dated 2/14/72.

-P-

ADMINISTRATIVE:

Copies being furnished St. Louis Division due to pending investigation in that division.

LEADS: SPRINGFIELD DIVISION

AT ALTON, ILLINOIS

ACCOMPLISHMENTS CLAIMED ☒ NONE						ACQUITTALS	CASE HAS BEEN:
CONVIC.	AUTO	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☒ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☒ NO

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2 - Springfield (91-3699)

91- 27494 30 REC-109

15 FEB 28 1972

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SI 91-3699

Will continue to maintain contact with Alton, Illinois Police Department for any information concerning possible suspects in this matter.

AT BETHALTO, ILLINOIS

Will attempt to locate and interview GARY VANDERGRIFF, for any information he may possess concerning his participation in or knowledge of captioned bank robbery.

AT CHESTER, ILLINOIS

Will interview inmate RONALD LEE OGDEN, Illinois State Penitentiary, Menard, regarding any information he may possess concerning bank robbery.

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	12/20/71	10/13/71 - 12/10/

TITLE OF CASE	REPORT MADE BY	TYPED BY
UNKNOWN SUBJECTS (2); The Bank of Alton Alton, Illinois 7/13/67	SA JOSEPH P. BENSON	kks
	CHARACTER OF CASE BR	

REFERENCE:

Springfield report of SA JOSEPH P. BENSON dated 10/27/71;
St. Louis letter to Springfield dated 11/30/71 (IO);
Springfield letter to Denver dated 12/16/71 (IO).

-P-

ADMINISTRATIVE DATA:

The period of this report precedes the date of referenced report since results of investigation incorporated in current report were not received at date of dictation.

ACCOMPLISHMENTS CLAIMED ☐ NONE						ACQUITTALS	CASE HAS BEEN:
CONVIC	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

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11-27494-29 REC 16

18 DEC 22 1971 EX-101

57 DEC 29 1971

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SI 91-3699

Referenced St. Louis letter to Springfield sets forth lead for St. Louis to interview suspect RALPH PAGE after disposition of local robbery charge against PAGE.

Referenced Springfield letter to Denver sets forth lead for Denver to interview HARRY J. VANDERGRIFF.

LEADS: SPRINGFIELD DIVISION

AT ALTON, ILLINOIS

Will maintain contact with Alton Police Department and other law enforcement agencies for any information of value pertaining to this case.

AT O'FALLON, ILLINOIS

Will interview GARY VANDERGRIFF for any information regarding captioned bank robbery.

AT CHESTER, ILLINOIS

Will interview RONALD LEE OGDEN, an inmate of Illinois State Penitentiary, regarding any information he may have regarding captioned bank robbery. It being noted that his former wife indicated he was closely associated with suspects in this case.

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	10/27/71	8/4/71 - 10/14/71

TITLE OF CASE	REPORT MADE BY	TYPED BY
UNSUBS (2); The Bank of Alton Alton, Illinois 7/13/67	SA JOSEPH P. BENSON	jac

CHARACTER OF CASE

BR

REFERENCE: Springfield report of SA JOSEPH P. BENSON, 7/24/71.
Los Angeles letter to Springfield, 7/29/71 (IO).
Springfield letter to St. Louis, 9/29/71.
Indianapolis letter to Springfield, 10/4/71.
Cincinnati letter to Springfield, 10/13/71.

-P-

ADMINISTRATIVE:

Referenced Springfield letter to St. Louis set forth lead for the St. Louis office to locate and interview RALPH PAGE as a possible suspect in captioned bank robbery.

LEADS:

SPRINGFIELD DIVISION

ACCOMPLISHMENTS CLAIMED NONE						ACQUITTALS	CASE HAS BEEN:
CONVIC.	AUTO	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

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11- 28 REC-2

16 OCT 20 1971 EX-112

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SI 91-3699

At Alton, Illinois

Will recontact Mrs. ESTHER SOTO, 511 State Street, to determine the present whereabouts of her daughter, PAT SOTO.

Will maintain contact with Alton PD and other law enforcement agencies for information of value pertaining to this case.

At Cottage Hills, Illinois

Will identify brother of BOB VANDERGRIFF, a Cottage Hills insurance agent, and interview regarding information he may have set up captioned bank robbery.

-B*-
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FD-263 (Rev. 12-1-67)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	7/24/71	5/27/71 - 7/19/71

TITLE OF CASE	REPORT MADE BY	TYPED BY
UNSUBS (2); The Bank of Alton, Alton, Illinois, 7/13/67	SA JOSEPH P. BENSON	lab
	CHARACTER OF CASE: BR	

REFERENCE:

Springfield report of SA JOSEPH P. BENSON dated 3/22/71, Springfield report of SA JOSEPH P. BENSON dated 5/18/71, Springfield letter to Indianapolis 7/24/71, and Springfield letter to Cincinnati 7/24/71.

- P -

ADMINISTRATIVE:

Referenced letter to Indianapolis requested that Indianapolis locate and interview PAT SOTO at Elkhart, Indiana, regarding knowledge she may have regarding captioned bank robbery.

ACCOMPLISHMENTS CLAIMED ☐ NONE						ACQUITTALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐YES ☐NO PENDING PROSECUTION OVER SIX MONTHS ☐YES ☐NO

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2 - Springfield (91-3699)

-27 REC-73

7 JUL 28 1971

EX-103

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SI 91-3699

Referenced Cincinnati letter requested that JO SPARROWK be interviewed at the Ohio State Penitentiary, Columbus, Ohio, regarding any knowledge he may have regarding captioned bank robbery.

LEAD: SPRINGFIELD DIVISION

AT ALTON, ILLINOIS:

Will maintain contact with the Alton Police Department and other area law enforcement agencies for any information of value pertaining to this case.

AT COTTAGE HILLS, ILLINOIS:

Will identify brother of BOB VANDERGRIFF, a Cottage Hills insurance agent, and interview regarding information he may have set up captioned bank robbery.

AT VANDALIA, ILLINOIS:

Will interview RALPH PAGE at the Illinois State Farm concerning his alleged participation in captioned bank robbery.

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FEDERAL BUREAU OF INVESTIGATION

FILE NUMBER	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	5/18/71	3/30/71 - 5/6/71

TITLE OF CASE	REPORT MADE BY	TYPED BY
UNSUBS (2); The Bank of Alton, Alton, Illinois 7/13/67	SA JOSEPH P. BENSON	vh
	CHARACTER OF CASE	
	BR	

REFERENCE:

Report of SA JOSEPH P. BENSON dated 3/22/71 at Springfield.

-P-

ADMINISTRATIVE DATA:

By letter dated 5/17/71, Los Angeles was requested to conduct investigation at Van Nuys, California to determine if there was any record of JOHN MC CLINTOCK having appeared in Los Angeles County Traffic Court on 7/13/67.

No leads have been set forth regarding information from CHARLES WILLIAM BAZE being employed in California, since prior investigation definitely determined that he was in Alton, Illinois on the day of the bank robbery.

ACCOMPLISHMENTS CLAIMED ☒ NONE						ACQUITTALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☒ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☒ NO

APPROVED _____ SPECIAL AGENT IN CHARGE _____

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29 MAY 21 1971

EX-112

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SI 91-3699

LEADS: SPRINGFIELD DIVISION

AT ALTON, ILLINOIS

Will continue efforts to locate PAT SOTO, JO ANN JOHNSON, and HILDA RHOADES in the Alton area.

Will maintain contact with the Alton, Illinois Police Department and other area law enforcement agencies for any information of value pertaining to this case.

AT EAST ST. LOUIS, ILLINOIS

Will contact the General Services Administration to determine if there is any record of LOUIS EUGENE CARTER having been employed at the Federal Building at East St. Louis, Illinois on 7/13/67.

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Rev. 12-19-67

FEDERAL BUREAU OF INVESTIGATION

SPRINGFIELD	SPRINGFIELD	3/22/71	11/30/70 - 3/16/71

TITLE OF CASE: UNSUBS (2); The Bank of Alton, Alton, Illinois, 7/13/67

REPORT MADE BY: SA JOSEPH P. BENSON — TYPED BY: jsc

CHARACTER OF CASE: BR

REFERENCE: Springfield report of SA JOSEPH P. BENSON, 11/4/70.
Springfield letter to St. Louis, 12/17/70 (IO).
St. Louis letter to Springfield, 2/26/71 (IO).

-P-

LEADS:

SPRINGFIELD DIVISION

At Alton, Illinois

1) Will contact ESTHER SOTO, 511 State Street, mother of PAT SOTO, in an effort to arrange to interview SOTO when she returns to the Alton area. It is noted that SOTO moves frequently. If it is determined she is permanently established in Elkhart, Indiana, will set forth leads for

ACCOMPLISHMENTS CLAIMED						ACQUITTALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☒ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☒ NO

☒ NONE

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SI 91-3699

Indianapolis to interview her.

2) Will locate and interview JO ANN JOHNSON, 714 Elfgen.

3) Will locate and interview HILDA RHOADES.

4) Will maintain contact with Alton PD and other area law enforcement agencies for any information of value coming to their attention in this matter.

ADMINISTRATIVE: Informant

On 11/30/70, [redacted] advised SA ROBERT C. HAINES that JO ANN JOHNSON was employed as a go-go dancer at the Trolle Lounge in St. Louis, Missouri. Lead was set forth for St. Louis in referenced Springfield letter to locate and interview JOHNSON.

The following investigation was conducted by SA ROBERT C. HAINES: Informants

On 2/11/71 and 3/11/71, [redacted] were contacted concerning their knowledge of PAT SOTO and HILDA RHOADES. Both advised that they understood that HILDA RHOADES had left the area and they had thus far been unable to develop information concerning her current whereabouts or activities. Informants further advised PAT SOTO has also left the Alton area and that she is believed to be in the vicinity of Gary, Indiana, however, they were unable to develop information concerning the exact whereabouts of PAT SOTO.

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(Rev. 12-19-67)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	11/4/70	8/11/70 - 11/2/70

TITLE OF CASE	REPORT MADE BY	TYPED BY
UNSUBS (2); The Bank of Alton, Alton, Illinois 7/13/67	SA JOSEPH P. BENSON	bjl
	CHARACTER OF CASE: BR	

REFERENCE:

Springfield report of SA GERALD W. DONALDSON dated 7/23/70.

-P-

LEADS: SPRINGFIELD DIVISION

AT ALTON, ILLINOIS

Will locate and interview the following regarding any knowledge they may have regarding captioned matter: HILDA RHOADES, PAT BOYD, and JO ANN JOHNSON.

Will maintain contact with Alton PD for any information of value coming to the attention of the PD in this matter.

ACCOMPLISHMENTS CLAIMED ☒ NONE						ACQUITTALS	CASE HAS BEEN:
CONVIC	AUTO	FUG	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☒ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☒ NO

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SI 91-3699

ADMINISTRATIVE DATA:

Informant Review of file in this matter reflected information that [redacted] on 8/7/67 advised SA ROBERT C. HAINES that the following were involved in captioned bank robbery: JOHN MC CLINTOCK, LOUIS CARTER, RALPH PAGE, and CHUCK BAZE. The informant advised that CARTER'S wife, RITA, worked at the Bank of Alton, and that the subjects had gone to California after the bank robbery.

Informant [redacted] who is presently confined in the Illinois State Penitentiary, advised SA JOSEPH P. BENSON on 9/29/70 that his source of the above information was HILDA, a barmaid at Phil's Tavern in Wood River, Illinois. The informant advised that he overheard HILDA make remarks in this regard to his, the informant's, wife.

On 11/2/70 it was determined through contact with PHIL STASSI, Owner of Phil's Tavern, Wood River, Illinois, that HILDA is HILDA RHOADES, nee Ivester. Further investigation established that she is the former girlfriend of JIMMY JOE WHITE, an associate of MC CLINTOCK. Efforts to locate HILDA RHOADES on 11/2/70 by SA's JOSEPH P. BENSON and ROBERT C. HAINES met with negative results.

Informant [redacted] in August, 1968, advised SA HAINES that JOHN MC CLINTOCK, HAROLD RICHARD COVINGTON, and DELMAR GRINDSTAFF had planned to rob the Bank of Alton, that MC CLINTOCK was to be the wheelman, and that GRINDSTAFF and COVINGTON had robbed the bank and met MC CLINTOCK, who used a 1953 Buick as the getaway car. The informannt indicated they changed to a 1957 Plymouth and later drove the 1953 Buick to Missouri and pushed it into a stone quarry.

Informant [redacted] was recontacted by SA HAINES in October, 1970, and advised that the source of this information was CAROLINE WYATT, MC CLINTOCK'S sister-in-law, and PAT SOTO, a barmaid who frequented the Pioneer Club which was also frequented by MC CLINTOCK and his associates. It was determined that CAROLINE WYATT is deceased. Attempts to locate PAT SOTO by SA's JOSEPH P. BENSON and ROBERT C. HAINES on 11/2/70 met with negative results.

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SI 91-3699

On 10/13/70 informant [redacted] former PCI who has furnished both reliable and unreliable information in the past, advised SA JOSEPH P. BENSON that JOHN MC CLINTOCK and HAROLD RICHARD COVINGTON had robbed the Bank of Alton. He stated he had been present when MC CLINTOCK and COVINGTON were discussing the robbery and COVINGTON stated he had been in on the job and his car had been used. FAULKNER stated that he did not actually hear MC CLINTOCK make any admissions as to participation in the robbery.

Information is set forth in the details of the report regarding the fact that JO ANN JOHNSON had indicated that LOUIS CARTER and JOHN MC CLINTOCK were two of the men involved in the robbery of the Bank of Alton in 1967. This information was received by Detective Sergeant DONALD SANDIDGE, Alton Police Department, from DICK LARA, a bartender at the Red Garter, Alton, Illinois. LARA contacted SANDIDGE and advised that JOHNSON had a few too many drinks and made a statement that she knew who robbed the Bank of Alton. SANDIDGE contacted LARA on 10/1/70 and suggested names of possible suspects and on 10/2/70 LARA contacted the Alton Police Department and stated that JOHNSON said that LOUIS CARTER and JOHN MC CLINTOCK were two of the men involved. At the time of the robbery, JOHNSON, nee Wilson, was employed as a go-go dancer at the Pioneer Tavern, Alton, Illinois, which was frequented by CARTER and MC CLINTOCK. SANDIDGE

SANDIDGE indicated that LARA desired that his name be kept confidential.

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FEDERAL BUREAU OF INVESTIGATION

OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	7/23/70	4/20 - 7/6/70

TITLE OF CASE: UNSUBS (2); The Bank of Alton, Alton, Illinois 7/13/67

REPORT MADE BY: SA JEROLD W. DONALDSON — TYPED BY: vh

CHARACTER OF CASE: BR

REFERENCE:

Springfield report of SA H. MAX LOUDERMAN dated 4/24/70.

-P-

LEADS: SPRINGFIELD DIVISION

AT ALTON, ILLINOIS

Will maintain contact with bank officials, law enforcement officers, and sources in the Alton, Illinois area in an effort to develop new information concerning captioned robbery.

ACCOMPLISHMENTS CLAIMED						ACQUITTALS	CASE HAS BEEN:
SERIOUS	AUTO	PUB	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☐ NO; PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO
					NONE		

APPROVED — SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

2 - Bureau (91-27494)
2 - Springfield (91-3699)

25 JUL 27 1970

ST-100

Dissemination Record of Attached Report

Notations

BIK STAT. SECT.

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(1-3) (Rev. 12-10-62)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	4/24/70	3/6-26/70

TITLE OF CASE	REPORT MADE BY	TYPED BY
UNSUBS (2); The Bank of Alton, Alton, Illinois 7/13/67	SA H. MAX LOUDERMAN	ral
	CHARACTER OF CASE BR	

REFERENCE: Report of SA ROBERT C. HAINES, 2/27/70.

- P -

LEADS: SPRINGFIELD DIVISION

At Alton, Illinois

Maintain contact with bank officials, police officers and informants in the Alton, Illinois area in effort to identify unknown subjects involved in this matter.

ADMINISTRATIVE DATA: 8 informants

[redacted] were contacted on 3/26/70, regarding this matter, but could furnish nothing of a helpful nature.

ACCOMPLISHMENTS CLAIMED ☐ NONE						ACQUITTALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☒ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

APPROVED JHH/Cwj SPECIAL AGENT IN CHARGE

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11 22 REC-34

12 APR 30 1970

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Dissemination Record of Attached Report				
Agency				
Request Rcvd.				
Date Fwd.				
How Fwd.				

Notations: SAC STA. SECT.

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FD-263 (Rev. 3-4-70)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	2/27/70	1/12/70 - 2/18/70

TITLE OF CASE	REPORT MADE BY	TYPED BY
UNSUBS (2), The Bank of Alton, Alton, Illinois 7/13/67	SA ROBERT C. HAINES	
	CHARACTER OF CASE BR	

REFERENCE:

Springfield report of SA ROBERT C. HAINES dated 12/30/69.

- P -

ADMINISTRATIVE DATA: Informant

[redacted] contacted between 1/12/70 and 2/3/70, could provide no current or additional information which would be of value in this matter.

LEADS: SPRINGFIELD DIVISION

ACCOMPLISHMENTS CLAIMED						ACQUITTALS	CASE HAS BEEN:
CONV.	AUTO	FUG	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

APPROVED: [signature] SPECIAL AGENT IN CHARGE

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91 27494-21 REC-64

16 MAR 4 1970

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Dissemination Record of Attached Report				
Agency				
Request Recd.				
Date Rcvd.				
Date Sent				

Notations: SIX SENT. SECT.

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ST 91-3699

At Alton, Illinois

Will maintain contact with bank officials, police agencies and informants in order to develop current or additional information in this matter.

- B* -
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FD-263 (Rev. 12-12-67)

FEDERAL BUREAU OF INVESTIGATION

REPORT MADE AT	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	12/30/69	11/10/69 - 12/17/69

TITLE OF CASE	REPORT MADE BY	TYPED BY
UNSUBS (2), The Bank of Alton, Alton, Illinois 7/13/67	SA ROBERT C. HAINES	ral
	CHARACTER OF CASE: BR	

REFERENCES: Springfield report of SA ROBERT C. HAINES dated 10/31/69.

- P -

ADMINISTRATIVE DATA: Informant

[redacted] have been contacted during the investigative period set forth above concerning instant BR and have advised that they have been unable to develop any further positive information concerning suspects in this matter.

Informant

[redacted] advised on 12/17/69, [redacted] JOHN MC CLINTOCK, a suspect in this matter, is not currently in the Alton, Illinois area and she is not aware of his whereabouts. [redacted] stated that should she hear from her son, she would contact this Bureau promptly in order that he could be re-interviewed as a suspect in this matter.

ACCOMPLISHMENTS CLAIMED	☒ NONE	ACQUITTALS	CASE HAS BEEN:
CONVIC. / AUTO / FUG / FINES / SAVINGS / RECOVERIES			PENDING OVER ONE YEAR ☐ YES ☐ NO; PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☒ NO

APPROVED / SPECIAL AGENT IN CHARGE

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91-27494-20

14 JAN 2 1970

EX-118

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Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

Notations:

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- A -

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SI 91-3699

LEADS: SPRINGFIELD DIVISION

At Alton, Illinois

Will maintain contact with bank officials, police agencies and informants in an effort to develop positive information in this matter.

- B* -
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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	10/31/69	8/27/69 - 10/20/69

TITLE OF CASE	REPORT MADE BY	TYPED BY
UNSUBS (2); THE BANK OF ALTON ALTON, ILLINOIS 7/13/67	SA ROBERT C. HAINES	par
	CHARACTER OF CASE BANK ROBBERY	

REFERENCE:

Springfield report of SA ROBERT C. HAINES dated 8/29/69.
Chicago letter to Springfield dated 8/28/69.

- P -

ADMINISTRATIVE DATA: Informants [redacted] have been contacted on a regular basis concerning this matter and have been unable to provide any positive information.

LEADS: SPRINGFIELD DIVISION

AT ALTON, ILLINOIS

Will contact Lieutenant Robert Churchich, Alton, Illinois

ACCOMPLISHMENTS CLAIMED					NONE	ACQUITTALS	CASE HAS BEEN:
CIVIL	AUTO	FUG	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR [X] YES [ ] NO PENDING PROSECUTION OVER SIX MONTHS [ ] YES [X] NO

APPROVED: SPECIAL AGENT IN CHARGE

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11-14719

RSC-32

EX-103

15 NOV 4 1969

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Notations

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SI 91-3699

Police Department for information concerning possible identity of (FNU) CRAIN, who was reportedly acting in a suspicious manner as set out in referenced report.

Will maintain contact with informants, police agencies, and bank officials in an effort to develop current or additional information in this matter.

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	8/29/69	6/12/69 - 8/22/69

TITLE OF CASE

UNSUBS (2);
THE BANK OF ALTON
ALTON, ILLINOIS
7/13/67

REPORT MADE BY: SA ROBERT C. HAINES — TYPED BY: mpb

CHARACTER OF CASE

BANK ROBBERY

REFERENCES:

Springfield report of SA ROBERT C. HAINES 6/20/69.
Chicago letter to Springfield 6/18/69 (10).

- P -

LEADS:

CHICAGO DIVISION

At La Grange, Illinois

An information copy of this report is furnished Chicago in view of pending investigation at La Grange.

ACCOMPLISHMENTS CLAIMED						ACQUITTALS	CASE HAS BEEN:
CONV.	AUTO	FUG	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR: [X] YES [ ] NO PENDING PROSECUTION OVER SIX MONTHS: [ ] YES [X] NO

APPROVED — SPECIAL AGENT IN CHARGE — DO NOT WRITE IN SPACES BELOW

DOCUMENTATION MADE:

1 - Bureau (91-27494)

1 - Chicago (91-5375) (info)

2 - Springfield (91-3699)

91-[illegible]-18

REC- 73

3 SEP 2 1969

Dissemination Record of Attached Report — Notations

STAT SECT.

- A -
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SI 91-3699
(LEADS CONTINUED)

SPRINGFIELD DIVISION

At Alton, Illinois

Will establish identity of FNU CRAIN; determine background and whereabouts on 7/13/67.

Will maintain contact with informants, police agencies and bank officials in an effort to develop current or additional information in this matter.

- B* -
- COVER PAGE -

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FEDERAL BUREAU OF INVESTIGATION

	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
[illegible]	SPRINGFIELD	6/30/69	5/27/69 - 6/13/69

TITLE OF CASE	REPORT MADE BY	TYPED BY
[illegible] (2); THE BANK OF ALTON, ALTON, ILLINOIS 7/13/57	E. ROBERT C. HAINES	vh
	CHARACTER OF CASE BR	

REFERENCE:

Springfield report of SA ROBERT C. HAINES dated 6/24/69.

-P-

COPIES: CHICAGO DIVISION

1 - CHICAGO, ILLINOIS

An information copy of this report is designated for Chicago since that office has a pending investigation in this matter.

SPRINGFIELD DIVISION

1 - ALTON, ILLINOIS

Will maintain contact with police agencies, informants and

ACCOMPLISHMENTS CLAIMED ☐ NONE						ACQUITTALS	CASE HAS BEEN:
CONVIC.	AUTO	PUB	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

APPROVED: SPECIAL AGENT IN CHARGE

COPIES MADE:
5 - Bureau (91-27491)
1 - Chicago (Info)
2 - Springfield (91-3389)

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17 REC 45

5 JUN 30 1969

Dissemination Record of Attached Report				
Agency				
Request Recd				
Date Fwd				
How Fwd				

Notations: SAC STATE STCT.

55 JUN 30 1969

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SI 91-3699

bank officials for current or additional information or for information concerning possible suspects in this matter.

ADMINISTRATIVE DATA

During the course of this investigation, the following listed informants have been contacted on a regular basis and during the most recent contact advised that no current or additional information has come to their attention concerning possible suspects in this matter other than those previsouly reported.

[redacted]

informants

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	4/24/69	2/24/69 - 4/18/69

TITLE OF CASE: UNSUBS (2); The Bank of Alton, Alton, Illinois 7/13/67

REPORT MADE BY: SA ROBERT C. HAINES — TYPED BY: mpb

CHARACTER OF CASE: BR

REFERENCES:

Springfield report of SA ROBERT C. HAINES 2/27/69.
St. Louis letter to Springfield 2/26/69.

- P -

LEADS:

CHICAGO DIVISION

At Joliet, Illinois

Will contact officials at American Institute of Laundering, Joliet, to determine if they recognize laundry marks appearing in indelible ink in trouser pockets of clothing recovered subsequent to bank robbery, which notation is "3107-3".

ACCOMPLISHMENTS CLAIMED						ACQUITTALS	CASE HAS BEEN:
SERIOUS	AUTO	PUB	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☒ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

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11-2111-16 REC-31

APR 28 1969

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- A -

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SI 91-3699
(LEADS CONTINUED)

SPRINGFIELD DIVISION

At Alton, Illinois

Will maintain contact with police agencies, informants, and bank officials for current or additional information in this matter.

ADMINISTRATIVE DATA:

During the course of this investigation and most recently on 4/9/69, the following listed informants were contacted and could provide no current or additional information concerning captioned matter:

[redacted] informants

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	2/27/69	1/15-2/24/69

TITLE OF CASE	REPORT MADE BY	TYPED BY
UNSUBS (2); The Bank of Alton, Alton, Illinois 7/13/67	SA ROBERT C. HAINES	dm
	CHARACTER OF CASE BR	

REFERENCE:

Springfield report of SA ROBERT C. HAINES, 12/31/68.

- P -

LEADS:

ST. LOUIS DIVISION

AT ST. LOUIS, MISSOURI

An information copy of this report is designated for St. Louis in view of pending investigation in that division.

SPRINGFIELD DIVISION

ACCOMPLISHMENTS CLAIMED					ACQUITTALS	CASE HAS BEEN:
CONV.	AUTO	FUG	FINES	SAVINGS	RECOVERIES	
						PENDING OVER ONE YEAR ☒ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☒ NO

APPROVED: SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

91-3111-15

REC-12

10 FEB 28 1969

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1 - St. Louis (INFO)(91-3877)

2 - Springfield (91-3699)

Dissemination Record of Attached Report

Notations

21 MAR 11 1969

SEC.

SI 91-3699

LEADS CONTINUED:

AT ALTON, ILLINOIS

Informant

Will maintain contact with [redacted] regarding information set forth below.

Will attempt to verify information independently by contacting police agencies and informants.

ADMINISTRATIVE DATA: Informant

On 2/13/69, [redacted] advised that he has continued to make inquiry in a discreet fashion concerning captioned matter. He stated that he believes from information he has been able to develop over the recent past that suspects DELMAR GRINDSTAFF, JOHN MC CLINTOCK and HAROLD RICHARD COVINGTON are involved in some manner with the robbery of the Bank of Alton on 7/13/67. He said further that RALPH PAGE and LEON KOHLER, both of whom are known to local police agencies, are also believed to have pertinent knowledge and very likely are involved in instant robbery. Informant went on to say that KOHLER has been the ring leader of a burglary ring operating in southwest Illinois as well as the Greater St. Louis, Missouri, area, and has been involved in fencing stolen merchandise of burglars from the area.

He stated further that KOHLER posts bond for the burglars when they are apprehended by local police agencies and always seems to have a great deal of money available for this purpose; in fact, more than would be required or expected from the fruits of the burglary. He stated that KOHLER is closely associated with a "politician" named JACK MC GRATH, who resides in Granite City and has been active in local politics in that area. He said that MC GRATH wields a great deal of influence among the political hierarchy of Madison County and is able to use his influence to have burglary cases reduced or dismissed.

Informant said that for this reason and based upon information he has developed recently, he feels that this burglary ring is involved or has knowledge of the identity of unsubs in this matter.

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	12/31/68	10/17/68 - 12/18/68

TITLE OF CASE

UNSUBS (2);
The Bank of Alton,
Alton, Illinois
7/13/67

REPORT MADE BY: SA ROBERT C. HAINES — TYPED BY: jah

CHARACTER OF CASE

BR

REFERENCES:

Springfield report of SA ROBERT C. HAINES dated 11/4/68
Chicago letter to Springfield dated 10/30/68.

- P -

LEADS:

ST. LOUIS DIVISION

At St. Louis, Missouri

Will contact officials at Excelsior-Leader Launderers to determine if they recognized laundry marks appearing on white shirt or if indelible notation "3107-3" in trouser pocket is known to them.

ACCOMPLISHMENTS CLAIMED						ACQUITTALS	CASE HAS BEEN:
DOMESTIC	AUTO	FUG	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

APPROVED: [signature] SPECIAL AGENT IN CHARGE

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DISSEMINATION:
1 - Bureau (91-27494)
2 - St. Louis (91-3877)
2 - Springfield (91-3699)

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10 JAN 3 1969

Dissemination Record of Attached Report — Notations

[illegible] STATE STOT.

- A -
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SI 91-3699

SPRINGFIELD DIVISION

At Alton, Illinois

Will upon receipt of information from above lead, consider feasibility of contacting publishers of "Dry Cleaning World" and American Dry Cleaner" with request to publish information regarding laundry and dry cleaning marks.

Will maintain contact with bank officials, police agencies, and informants for current or additional information in this matter.

Will initiate necessary background investigation regarding suspect JERALD SWETLAND.

ADMINISTRATIVE DATA: Informants

[redacted] have been contacted on a regular basis. On each contact, instant BR is discussed, however, they have been unable to provide any additional information to that already reported.

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	10/4/68	8/28; 10/24/68

TITLE OF CASE	REPORT MADE BY	TYPED BY
UNSUBS (2); The Bank of Alton, Alton, Illinois, 7/13/67	SA ROBERT C. HAINES	BLH
	CHARACTER OF CASE: BR	

REFERENCES Springfield rpt. of SA ROBERT C. HAINES dated 8/26/68.
St. Louis let to Springfield dated 9/25/68.

- P -

LEADS SPRINGFIELD DIVISION

AT CAHOKIA, ILLINOIS:

Will contact Cahokia Cleaners and attempt to identify customer "JOH" whose laundry mark is believed to have originated with that firm.

AT ALTON, ILLINOIS:

Will maintain contact with police agencies, bank officials and informants in order to develop further information concerning Unsubs.

ACCOMPLISHMENTS CLAIMED					ACQUITTALS	CASE HAS BEEN:
CIC	AUTO	FUG	FINES	SAVINGS	RECOVERIES	PENDING OVER ONE YEAR: YES X NO; PENDING PROSECUTION OVER SIX MONTHS: YES X NO

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3 - Springfield (91-3699)

REC 58

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Dissemination Record of Attached Report — Notations

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SI 91-3699

ADMINISTRATIVE DATA

Investigation in this matter has been conducted on virtually a daily basis in order to correlate investigation in instant BR with the Murkin case. Informants [redacted] and [redacted] have been continuously contacted and results reported to the Bureau in the form of a weekly summary airtel. No substantial new information has been received since submission of rerep concerning possible suspects in this matter.

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Routing Slip
FD-4 (Rev. 6-14-66)

Date 11/5/68

To:

☒ Director
Att.: (91-27494)
☐ SAC
☐ ASAC
☐ Supv.
☐ Agent
☐ SE
☐ IC
☐ CC
☐ Steno
☐ Clerk

File SI 91-3699
Title UNSUBS (2); The Bank of Alton, Alton, Ill. 7/13/67
BR

RE:

☐ Rotor #:

ACTION DESIRED

☐ Acknowledge
☐ Assign ___ Reassign ___
☐ Bring file
☐ Call me
☒ Correct
☐ Deadline ___
☐ Deadline passed
☐ Delinquent
☐ Discontinue
☐ Expedite
☐ File
☐ For information
☐ Handle
☐ Initial & return
☐ Leads need attention
☐ Open Case
☐ Prepare lead cards
☐ Prepare tickler
☐ Recharge serials
☐ Return assignment card
☐ Return file
☐ Return serials
☐ Search and return
☐ See me
☐ Send Serials ___
to ___
☐ Submit new charge out
☐ Submit report by ___
☐ Type

☐ Return with explanation or notation as to action taken.

RE: Rpt. of SA ROBERT C. HAINES dated 10/4/68.

Above report should be dated 11/4/68 on FD-263. FD-204 has correct date of 11/4/68. Please correct Bureau copy. Springfield copies have been corrected.

TROY COLEMAN

___ See reverse side

Office SPRINGFIELD

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	8/26/68	6/20/68 - 8/19/68

TITLE OF CASE

UNSUBS (2);
The Bank of Alton,
Alton, Illinois.
7/13/67

REPORT MADE BY: SA ROBERT C. HAINES — TYPED BY: ral

CHARACTER OF CASE

BR

REFERENCES:

Springfield report of SA ROBERT C. HAINES dated 6/26/68.

- P -

LEADS: SPRINGFIELD DIVISION

At Alton, Illinois

Will maintain contact with, and direct activities of, [redacted] to develop further information concerning the perpetrators of this bank robbery.

Will continue to correlate investigation in this case with investigation under the Murkin caption to resolve any question concerning the complicity of JAMES EARL RAY in instant bank robbery.

ACCOMPLISHMENTS CLAIMED						ACQUITTALS	CASE HAS BEEN:
CONVIC	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

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2 - Springfield (91-3699)

REC-47

EX-103

25 AUG 28 1968

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Notations

STAT SECT.

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SI 91-3699

ADMINISTRATIVE DATA:

Investigation has been conducted on a daily basis in connection with this matter and in correlation with the Murkin case, and daily teletypes have been submitted to the Bureau under the Murkin caption, concerning efforts to resolve possible complicity of JAMES EARL RAY in instant bank robbery or to solve this case in order to resolve the matter definitely.

In connection with daily contacts, and the Murkin investigation, a summary of information furnished by [redacted] Informant during the captioned period is as follows:

Informant has developed information indicating that on July 13, 1967, JOHN MC CLINTOCK, HAROLD RICHARD COVINGTON, and DELMAR GRINDSTAFF were together on the morning of July 13, 1967 in a stolen 1953 Buick. The three, according to information developed by the informant and which he has been unable to substantiate, had planned to hold up the Bank of Alton, and to this end, COVINGTON was wearing a dark blue wind breaker jacket, and had gloves in his possession. GRINDSTAFF was wearing light blue air force type coveralls. MC CLINTOCK was assigned the job of being wheelman, and parked the get-a-way car, the 1953 Buick, behind the building, near the parking lot of the bank. According to the informant, GRINDSTAFF and COVINGTON, on making their escape, headed west through a ten foot hedge, and met MC CLINTOCK on Brown Street, when they emerged after going through a series of back yards. They then proceeded in a 1953 Buick to the vicinity of Fourth Street and Broadway, where they changed to a 1957 Plymouth. Later in the day, when the 1953 Buick was not noticed, and was not covered by any Police investigation, they drove it to Missouri where they pushed it into a stone quarry filled with water.

Informant is continuing his efforts to locate persons who could testify to the presence of the above three suspects in Alton on July 13, 1967, and to the fact they were wearing the attire which he described.

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8/23/68

AIRTEL

TO : DIRECTOR, FBI (44-38861)

FROM : SAC, CHICAGO (44-1114)

SUBJECT: UNSUBS (2);
The Bank of Alton,
Alton, Illinois
7/13/67
BR
OO: SPRINGFIELD

On 8/21/68, circulars regarding laundry and dry cleaning marks obtained at captioned bank robbery were furnished to all laundries in the Chicago Division through the Illinois Launders Association, mailing list and to all dry cleaners in the Chicago Division, through the National Dry Cleaning Institution mailing list furnished by the Baltimore Office.

3-Bureau
(1-91-27494)
2-Springfield (44-561)
(1-91-3699)
2-Chicago
(1-91-5375)
JHM/nah
(7)

RECORDED
AUG 27 1968

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	6/20/68	4/26 - 6/19/68

TITLE OF CASE

[illegible] SUBS (2);
[illegible] BANK OF ALTON,
ALTON, ILLINOIS
7/13/67

REPORT MADE BY: SA ROBERT C. HAINES — TYPED BY: smr

CHARACTER OF CASE

BR

REFERENCES:

Springfield report of SA ROBERT C. HAINES dated 4/24/68;
Los Angeles letter to Springfield dated 4/26/68;
Kansas City airtel to Springfield dated 6/6/68 captioned "[illegible]URKIN".

- P -

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ABSTRACTS:

SPRINGFIELD DIVISION

AT ALTON, ILLINOIS

ACCOMPLISHMENTS CLAIMED					ACQUITTALS	CASE HAS BEEN:
CONVICTIONS	AUTO	FUG	FINES	SAVINGS	RECOVERIES	
						PENDING OVER ONE YEAR ☐ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

APPROVED: [illegible] SPECIAL AGENT IN CHARGE

COPIES MADE:

2 - Bureau (91-27494)
2 - Springfield (91-3699)

DO NOT WRITE IN SPACES BELOW

[illegible] 11 SEC-15
EX-115
25 JUN 28 1968

Dissemination Record of Attached Report

Notations: SIX STAT. SECT. A-1, P. 3 for re[illegible]
HSCA to James [illegible]
7-17-78
STA: 240

COVER PAGE

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SI 91-3699

Informant

Will maintain contact with and direct activities of [redacted] in light of information developed by him set forth below.

Will correlate investigation in this case with investigation regarding JAMES EARL RAY in effort to resolve allegation he may have been involved in instant BR.

ADMINISTRATIVE DATA:

Considerable investigation has been conducted with regard to the MURKIN case in an effort to resolve information that JAMES EARL RAY cased instant bank in 1959 and may have perpetrated this BR with an accomplice. This investigation has been reported to the Bureau on a daily basis under the MURKIN caption and has been essentially negative. 1/1

Informant

On 6/19/68 [redacted] advised that he had received information which he had been unable to verify to date concerning suspect HAROLD RICHARD COVINGTON, also known as DICK COVINGTON. Informant stated that the information available to him at this time indicates that COVINGTON was living on East 4th Street, Alton, Illinois, in 7/67 at about the time The Bank of Alton was held up. He stated that further COVINGTON at about that time was harboring an individual unknown to the informant and gave out the story that this person was a "draft dodger". He said that COVINGTON would not allow anybody into his apartment while this person was there. Informant said that one girl who is believed to be a cousin of COVINGTON saw this man; however, it is uncertain whether or not she could identify him. Informant stated that this man was in the apartment of COVINGTON on 4th Street for seven to nine days during the time The Bank of Alton was victimized and that subsequent to that time it is alleged that COVINGTON attempted to burn some clothing and dispose of a shotgun. Informant was instructed to follow this information vigorously and attempt to develop all pertinent aspects of the allegations. He stated that he would devote his full time to this endeavor and would report results promptly.

- B* -
COVER PAGE

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FBI

Date: 5/31/68

Transmit the following in _____ (Type in plaintext or code)

Via _____ (Priority)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987) (P)

SUBJECT: MURKIN

UNSUBS (2);
The Bank of Alton,
(Alton, Illinois,
7/13/62;
BR

Re Springfield airtel to the Director, Attention FBI Laboratory, dated 5/28/68, captioned as above, and Laboratory letter to Memphis dated 4/17/68 concerning examination [illegible].

Being submitted under separate cover by AMSD Registered Mail are the following hairs and fibers identified in referenced Laboratory communication:

Q 29 and 30
Q 38 (2 slides)
Q 46
Q 26 (2 slides)
Q 24
Q 15 (4 slides)
Q 1 (2 slides)
Q 13 (2 slides
Q 2

2 - Bureau (3 - 44-38861)
(1 - 91-27491)
(1 - Package) (AMSD) (RM)
2 - Springfield
1 - 44-531
1 - 91-3899
2 - Memphis
(2)

Airtel _____
Teletype _____
Ltr. _____
Ltr. S.D. _____
Spec. Del. _____

15 JUN 7 1968

JUN 12 1968 _____ Per _____

ME 44-1887

The slides listed on the previous page are contained on a total of 12 slide cartons which were obtained in connection with the MURKIN case.

The Laboratory is requested to compare the above submitted evidence with the items submitted in referenced Springfield airtel to determine if there is any similarity or identification between the two cases.

Upon completion of the examination, the Laboratory is requested to return the submitted items to the Memphis Division that they may be returned to the State Attorney General's Office for retention as evidence.

DEPT OF JUSTICE
NOV 3 2 23 PM '69

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FBI

Date: 5-29-68

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO DIRECTOR, FBI (44-38861)

FROM SAC, SPRINGFIELD (66-1175)

RE: MURKIN

UNSUBS (2);
THE BANK OF ALTON,
ALTON, ILLINOIS, 7-13-67
BR

Re telephone call from Section Chief C. L. MC GOWAN, May 24, 1968, and telephone call from No. 1 Man, J. G. KELLY, May 29, 1968.

The above telephone calls were received in the Springfield Office in the late afternoon.

Upon receiving instructions from Mr. MC GOWAN on May 24, 1968, with regard to the possible connection between the MURKIN subject JAMES EARL RAY and the possibility of his involvement in the Bank of Alton robbery of July 13, 1967, I immediately contacted SA ROBERT C. HAINES, SRA of the Alton Resident Agency. I furnished the information to SA HAINES and emphasized the importance of the investigation.

SA HAINES had previously been in contact with SA JOSEPH DOBSON of the St. Louis Office at which time he learned that the reliability of JOAN EILEEN GAURON was not known. For this reason and the fact that the Alton Bank was closed at the time I spoke with SA HAINES and was not open for business until Monday, May 27, 1968, SA HAINES displayed the clothing bearing laundry marks and also the shotgun to the Bank of Alton witnesses on Monday, May 27, 1968.

Because of the possibility that RAY was connected with the robbery of the Bank of Alton and because the physical evidence recovered three weeks subsequent to the robbery has not been definitely established as being connected with the robbery of the bank, we desired to be on as firm ground

2 - Bureau
1 - Springfield

NOT RECORDED
100 JUN 18 1968

Sent _____ M Per _____

SEE ADDENDUM GENERAL INVESTIGATIVE DIVISION PAGE 4

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FBI

Date:

Transmit the following in _____
(Type in plaintext or code)

_____ _____
(Priority)

SI 66-1175

possible in submitting the evidence for comparison insofar as at least a tentative identification by the witnesses concerned. At the same time SA HAINES displayed photographs of RAY and his known associates in an additional effort to determine if any of the pertinent witnesses might identify RAY or his known associates.

I had instructed SA HAINES that as soon as the pertinent investigation was completed that he was to proceed to the headquarters city with the evidence so that the evidence could be submitted to the FBI Laboratory as Mr. MC GOWAN had instructed.

SA HAINES arrived in the Springfield Office on Tuesday morning at which time he reviewed portions of the file and then prepared item Q3, a Van Heusen shirt, item Q6, a man's brown trousers, and slides of hair samples prepared by the Laboratory of hair recovered from previously submitted evidence. An airtel was prepared dated May 28, 1968, advising the Bureau that under separate cover, registered mail, these items of evidence were being submitted to the Laboratory for a determination of any similarities or identification between the two cases. In the same airtel the Memphis Division was requested to submit items of clothing bearing laundry marks and hair samples recovered in the MURKIN investigation for comparison with the above items.

We are continuing the investigation to develop additional information concerning that furnished by GAWRON.

The Springfield Office has been very conscientious in its effort to develop information in the MURKIN case, particularly since JAMES EARL RAY was reportedly born in this area. Because of this we have felt that the answer to RAY's whereabouts may be developed in our division. This investigation's importance has been continuously emphasized in this division.

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

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FBI

Date:

Transmit the following in _____
(Type in plaintext or code)

_____ _____
(Priority)

SI 66-1175

Under the circumstances shown above, I recommend no further administrative action.

- 3 -

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

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MEMORANDUM, GENERAL INVESTIGATIVE DIVISION CLM:vcs 6/5/68

BACKGROUND:

John Eugene Gawron, known to have been an associate of James Earl Ray, stated that in 1959 he and Ray had cased a bank for a possible robbery. Gawron related that this bank had been robbed in July, 1967, and he had learned that Ray and another individual had robbed the bank. Gawron at first declined to identify the other individual or to furnish the exact name and location of the bank. Gawron later identified the bank as the Bank of Alton in Alton, Illinois. Bureau files disclose that this bank was robbed by two unidentified individuals on 7/13/67, and the description of one of the unknown subjects approximates the description of subject Ray. In view of the above facts SAC, Springfield was telephonically instructed on Friday, 5/24/68, to immediately submit evidence in the bank robbery case to the FBI Laboratory for comparison with evidence in instant case. The material from the bank robbery case was not received in the Laboratory until 5/31/68.

RECOMMENDATION OF SAC, SPRINGFIELD:

SAC, Springfield recommends no administrative action in this matter in view of fact it was necessary for the Agent handling the bank robbery case to conduct additional investigation at the bank, which was not opened for business until Monday, 5/27/68, to possibly establish relationship between the evidence obtained in bank robbery case and any connection it might have with Ray and evidence in the MURKIN case.

SAC, Springfield advises that since the physical evidence obtained in the bank robbery case, which occurred on 7/13/67, had not been recovered until more than three weeks after the robbery; namely, on 8/10/67, and it has not been definitely established that this evidence was, in fact, connected with the bank robbery, he desires to be on as firm ground as possible in submitting the evidence for comparison in the MURKIN case. To this end, the case Agent reviewed the available evidence in the bank robbery case with witnesses in order to possibly effect tentative identification of this evidence with them, and at the same time he displayed photographs of Ray and his associates to these witnesses for possible identification.

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REMARKS, CONTINUED:

A communication was prepared on the next day, 5/23/68, advising the Bureau that certain items of evidence were being submitted to the Bureau under separate cover, which were then received in the Laboratory on 5/31/68. The pertinent evidence included a shirt, a pair of trousers, and slices of hair samples.

RECOMMENDATION OF GENERAL INVESTIGATIVE DIVISION:

In view of fact Agent did handle the additional investigation at the bank at the earliest possible time and he took action the very next day regarding the evidence, the General Investigative Division does not recommend any administrative action. The SAC has been impressed with the necessity for prompting handling and following through on any leads which might be relevant to the MURKIN case.

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5/29/68

1 - Mr. McGowan
1 - Mr. Hudson

Airtel

To: SACs, Kansas City (44-780)
St. Louis (44-775)
Springfield (44-531)

From: Director, FBI (44-38001)

HUNKIN

ReSLtel 5/23/68 to Bureau, Memphis and Springfield re information furnished indicating bank of Alton, Illinois, was the bank which Gavron and Ray had cased.

If not already handled, Springfield should take necessary action to see that following items are covered:

Photographs of Ray should be exhibited to the bank robbery witnesses.

Advise Kansas City of complete description of clothing found and Kansas City will determine whether any items of clothing are possibly prison issued.

Springfield also furnish Kansas City with pertinent identity of laundry marks so that Kansas City can determine if any of these marks were possibly placed on items of clothing at the Missouri State Penitentiary.

Springfield should contact local sporting goods stores with respect to the cap which was found which contains a fishing emblem.

REC-12

If not already handled, have Louisville attempt to identify the Mens' Style Shop, Gary and Wilson, Wakefield, Kentucky, for any information regarding purchases of the hat.

1 - Memphis (44-1987) (for info)

EX-94

MAY 31 1968

NOT RECORDED
78 JUN 5 1968

DIGITAL FILE #4

Airtel Alton, Kansas City, St. Louis, Springfield
RE: [illegible]

The manufacturer of the sawed-off shotgun should be contacted for any pertinent information that firm may be able to furnish.

The bank robbery file discloses that laundries in Alton, Illinois, have been checked with respect to the laundry marks on the clothing found; however, there is no indication of laundries having been checked in surrounding areas. Be certain this is done.

Springfield request the Laboratory to compare the hair specimens obtained in the bank robbery case to hair specimens obtained in the Durkin case.

Recontact suspects and informants for any information they may have regarding Ray and whether or not he could have been involved in the bank robbery.

Recontact Ray's uncle, William D. Mayhor, 110 West Seventh Street, Alton, Illinois, for any information he may have regarding the bank robbery.

All leads are to be given continuous and expeditious attention.

AIRTEL AND RAILROAD.

Sutel daily results of investigative activity concerning this bank robbery. Such teletypes are to be submitted under the "[illegible]" caption and are to continue until the issue is fully resolved as to whether Ray was or was not involved in the bank robbery.

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LABORATORY

1 - Office
1 - Lab File

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: SAC, Memphis (44-1987) Date: June 4, 1968

Re: BURKE
UNSUBS (2);
The Bank of Alton,
Alton, Illinois,
7/13/67;
BR

John Edgar Hoover, Director

FBI File No. 44-38631
Lab. No. PC-AG692 JV
PC-AG725 JV

Examination requested by: Memphis - Springfield

Reference: Airtels 5/31/68, 5/28/68

Examination requested: Microscopic

Specimens Q3, Q6 and the resubmitted glass microscope slides containing hairs (PC-A1071) are being returned to the Springfield Division under separate cover by registered mail.

The 17 resubmitted glass microscope slides containing hairs and the 6 resubmitted glass microscope slides containing fibers (PC-A5433) are being returned to the Memphis Division under separate cover by registered mail for return to the State Attorney General's Office.

REC-24 9-374-1-10

MAILED 22
JUN 4 - 1968
COMM-FBI

19 JUN 6 1968

Enclosures (2) (2 Lab report)
2 - Springfield (44-531) Enclosures (2) (2 Lab report)

RWS:jc (7)

ADMINISTRATIVE PAGE

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REPORT
of the
FBI
LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: FBI, Memphis
Re: MURKIN

Date: June 4, 1968
FBI File No.: 44-[illegible]
Lab. No.: PC-A6552 JV
PC-A6725 JV

UNSUBS (2);
The Bank of Alton,
Alton, Illinois,
7/19/67; BR

Specimens received: 5/31/68, from FBI, Springfield, with airtel dated 5/28/68, PC-A6552 JV

Resubmission: Q3 Shirt (PC-A1071 JV)
Q5 Trousers (PC-A1071 JV)
Glass slides Q3, Q5 and Q8 (PC-A1071 JV)

Specimens received 6/2/68, from FBI, Memphis, with airtel dated 5/31/68, PC-A6725 JV

Resubmission: 17 glass microscope slides containing hairs
6 glass microscope slides containing fibers

Results of examination:

The brown head hairs previously recovered from specimens Q3, Q5 and Q8 are dissimilar to the head hairs found in the evidence recovered in the Murkin Case, (PC-A5498) and did not originate from the same person.

PMS:jc (7)

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RECORDED
6-3-68
lo.

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Labcratory Work Sheet

Re: MURKIN

File # 44-3886I
Lab. # PC-A6692 IZ JV

UNSUBS(2);
The Bank of Alton,
Alton, Illinois,
7-13-67;
BR

EXPEDITE

Examination requested by: FBI, Springfield (44-561) Airtel 5-28

Examination requested: Micro(Fibers)

Date received: 5-31
ram

Result of Examination:

Examination by: CLARK

2 cc Rpt to SAC, SI

Specimens submitted for examination

Resubmission: Q3 Shirt
Q3-Q6 ~~Shirts~~ (PC-A1071 JV)
Glass slides Q3, Q5 and Q8 (PC-A1071 JV)

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FBI

Date: 5/23/68

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIR MAIL (Priority)

TO: DIRECTOR, FBI (44-38361)
Attention: FBI Laboratory

FROM: SAC, SPRINGFIELD (44-561) - P -

SUBJECT: UNSUBS (2);
The Bank of Alton,
Alton, Illinois,
7/13/67
BR

Being submitted under separate cover via Registered Mail are the following items of evidence recovered in connection with captioned bank robbery.

1. Item Q3 - A Van Heusen Shirt

2. Item Q6 - Man's brown trousers

3. Slides of hair samples prepared by the Laboratory of hair recovered from previously submitted evidence.

The Laboratory is requested to compare the above submitted evidence with items to be submitted by the Memphis Division in connection with the UNSUBS investigation to determine if there is any similarity or identification between the two cases.

4 - Bureau (1: 44-38361)
(1: 91-27494)
1 - Package (RM)
2 - Memphis (44-1087)
2 - St. Louis (44-775)
3 - Springfield (2: 44-561)
(1: 91-3699)

RCH/amr
(13)

Approved: _____ Sent _____ M Per: _____
Special Agent in Charge

40-258 0 — 79 - 30

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SI 44-561

The Memphis Division is requested to submit items of clothing bearing laundry marks and hair samples recovered by the Laboratory in the MURKIN investigation for comparison with the above submitted items.

The St. Louis Division is requested to reinterview JOHN EUGENE GAMRON in depth; develop in detail his complete association with JAMES EARL RAY, together with all knowledge he has concerning RAY's movements and plans, particularly with reference to the casing of The Bank of Alton in 1959. Will also determine from GAMRON all known associates of RAY in order that they might be investigated as possible suspects in instant bank robbery. Will submit results to the Springfield Division in order that all future investigation concerning MURKIN and the bank robbery matter might be coordinated.

For information of the Bureau, the Springfield report of SA ROBERT C. HAINES dated 10/10/67 beginning of page 23 sets forth results of Laboratory examination of recovered evidence in this matter. With particular reference to the shotgun recovered, the Laboratory pointed out that there was no physical evidence to indicate the shotgun had ever borne a serial number and that there are some shotguns which do not bear a serial number.

For further information of the Bureau, inquiry of employees and officials at The Bank of Alton has disclosed that no exact figure or breakdown of the bills incorporated in the loot money obtained is available since the bank was robbed near the end of the business day and the tellers had no exact accounting of denominations taken. It is the opinion of employees that a large amount of $20 bills was obtained and further that one teller specifically recalls she had twenty-one $100 bills in her teller's cage.

Investigation continuing Springfield Division to develop information concerning information furnished by GAMRON.

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Forage

Q3, 5, & Q8 Train for Cattle Boat due to sail in month can - cable dispatch, Dig more dams - fence - no drainage - cattle not a think, number in month - month train - must shoot - dig in all ways - not for some Queens

6/3/18
Brig

40-258 ~~40-258~~ 0391

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RECORDED
6-3-68
lo.

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

Re: MURKIN

File # 44-38861
Lab. # PC-A6725 JV

UNSUBS(2);
The Bank of Alton,
Alton, Illinois,
7-13-67;
BR

EXPEDITE

Examination requested by: FBI, Memphis (44-1987) Airtel 5-31

Examination requested: Micro(Fibers) Date received: 6-2

Result of Examination: Examination by: rm STOMBAUGH

Specimens submitted for examination

Resubmission: 17 glass microscope slides containing hairs
6 glass microscope slides containing fibers

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5/31/68 #1

AIRTEL

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, SPRINGFIELD (44-1097) (P)

SUBJECT: [redacted]

[redacted] (2);
The Bank of Alton,
Alton, Illinois,
7/13/67;
BC

Re Springfield airtel to the Director, Attention FBI Laboratory, dated 5/21/68, captioned as above, and Laboratory [illegible] this date of the Questioned Examination 2-3-68-EA.

Being submitted under separate cover by AIRSD Registered Mail are the following hairs and fibers identified in referenced Laboratory communication:

Q 29 and 30
Q 36 (2 slides)
Q 23
Q 26 (2 slides)
Q 24
Q 15 (1 slides)
Q 1 (2 slides)
Q 13 (2 slides)
Q 2

Recommended.
17 Glass microscope slides containing hairs.
6 Glass microscope slides containing fibers.

4 - Bureau (3 - 44-38861)
( ) - 91-[illegible]/34)
(1 - [illegible]) (AIRSD) (RM)
2 - Springfield
( ) - [illegible]
1 - [illegible]/9
2 - [illegible]
(9)

Airtel
Teletype
A.M.
[illegible]
Spec. Del.
[illegible]
Routing

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ME 44-1987

The slides listed on the previous page are contained on a total of 12 slide cartons which were obtained in connection with the HUSKIN case.

The Laboratory is requested to compare the above submitted evidence with the items submitted in referenced Springfield airtel to determine if there is any similarity or identification between the two cases.

Upon completion of the examination, the Laboratory is requested to return the submitted items to the Memphis Division that they may be returned to the State Attorney General's Office for retention as evidence.

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FEDERAL BUREAU OF INVESTIGATION

SPRINGFIELD	SPRINGFIELD	4-24-68	2/9 - 4/18/68
TITLE OF CASE		REPORT MADE BY	TYPED BY
UNSUBS (2) The Bank of Alton Alton, Illinois 7-13-67		SA ROBERT C. HAINES	blw
		CHARACTER OF CASE	
		BR	

REFERENCES:

Springfield report of SA ROBERT C. HAINES dated 2-19-68;
Los Angeles letter to Springfield dated 2-23-68.

-P-

LEADS: SPRINGFIELD DIVISION

AT ALTON, ILLINOIS

Will maintain contact with informants and police agencies as well as bank officials in an effort to develop further positive information in this matter.

Will locate and interview all persons with family name JOHNSON as indicated in details of this report, in an effort to trace the clothing recovered at Alton, Illinois, subsequent to instant bank robbery.

ACCOMPLISHMENTS CLAIMED

ARR.	CONV.	FUG.	FINES	SAVINGS	RECOVERIES	ACQUITTALS	CASE HAS BEEN PENDING OVER ONE YEAR YES NO PENDING PROSECUTION OVER SIX MONTHS YES NO

APPROVED SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

1 - Bureau (91-27494)
1 - USA, Springfield
2 - Springfield (91-3699)

REC-9

APR 25 1968

Dissemination Record of Attached Report — Notations

STAT SECT.

MAR 20 1968

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SI 91-3699

ADMINISTRATIVE DATA:

There is an overlap in investigative period in this report occassioned by the fact that the Los Angeles letter referred to above was received in Springfield subsequent to submission of rerep.

COVER -B*- PAGE

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
[illegible]	SPRINGFIELD	2/19/58	10/2 / -2/12/58

TITLE OF CASE	REPORT MADE BY	TYPED BY
[illegible] SUBJECTS (2); The [illegible] of Alton, Alton, Illinois, 7/15/6.	SA ROBERT C. HAINES	dt

CHARACTER OF CASE

ER

REFERENCE:

Springfield report of SA ROBERT C. HAINES, 12/19/57;
San Francisco letter to Springfield, 12/8/57 (IO);

- P -

LEADS:

Information copies of this report are designated for Los Angeles, San Francisco and St. Louis in view of pending investigation in those divisions.

SPRINGFIELD DIVISION

AT LINCOLN, ILLINOIS

ACCOMPLISHMENTS CLAIMED						ACQUITTALS	CASE HAS BEEN:
CONVIC	AUTO	PUB	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☒ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☒ NO

APPROVED | SPECIAL AGENT IN CHARGE | DO NOT WRITE IN SPACES BELOW

COPIES MADE:
- Bureau (91-27[illegible])
1 - USA, Springfield
1 - Los Angeles (INFO)
1 - San Francisco (INFO)(91-3821)
1 - St. Louis (91-3877)(INFO)
3 - Springfield (91-3809)

REC-24

FEB 21 1958

Dissemination Record of Attached Report | Notations

SEE STAT-STICK

SI 91-3699

LEADS CONTINUED:

Will interview EDWARD RICHARD CESARZ at Logan County Jail; determine his activities in July, 1967, and his alibi for 7/13/67, bearing in mind he made a phone call from Alton about that period of time.

AT ALTON, ILLINOIS

Will recontact RUTH ANN TUCKER, 525 Miami, for information concerning NANCY HARPER, her current whereabouts or activities in order that she might be located and interviewed in this matter.

Will continue display of clothing and gun recovered at Alton in order to effect identification.

Will maintain contact with HELEN GRABLE, mother of JOHN MC CLINTOCK, a suspect in this matter, for information she might develop of pertinent value.

ADMINISTRATIVE DATA:

The overlap in investigative period in this report is occasioned as a result of receipt of referenced San Francisco letter to Springfield which was received subsequent to preparation and submission of rerep.

COVER B* PAGE

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FEDERAL BUREAU OF INVESTIGATION

REPORT MADE AT OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	12/18/67	10/5/67 - 12/9/67

TITLE OF CASE: UNSUBS (2): The Bank of Alton, Alton, Illinois, 7/13/67

REPORT MADE BY: SA ROBERT C. HAINES — TYPED BY: skt

CHARACTER OF CASE: BR

REFERENCES:

Springfield report of SA ROBERT C. HAINES dated 10/10/67;
St. Louis letter to Springfield dated 10/9/67;
Las Vegas letter to Springfield dated 10/24/67;
Springfield letter to San Francisco dated 11/22/67.

- P -

LEADS:

LOS ANGELES DIVISION

AT NORTH HOLLYWOOD, CALIFORNIA

Will locate and interview JOE GREENWOOD, 6403 Gentry, to determine when JOHN MC CLINTOCK arrived in California and began living with him. It should be noted that MC CLINTOCK'S mother claims that he was not in California as he states, but was in the Alton, Illinois area.

ACCOMPLISHMENTS CLAIMED: None

APPROVED — SPECIAL AGENT IN CHARGE — DO NOT WRITE IN SPACES BELOW

COPIES MADE:
4 - Bureau (91-27491)
1 - USA, SDI, Springfield, Illinois
2 - Los Angeles
2 - St. Louis (91-3877)
3 - Springfield (91-3699)

91-[illegible] REC 16 SI-115

18 DEC 26 1967

Dissemination Record of Attached Report — Notations

-A-

COVER PAGE

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SI 91-3699

LEADS (Cont'd):

ST. LOUIS DIVISION

AT ST. LOUIS, MISSOURI

Will recontact [redacted] to determine, if possible, when LARRY AUGUST KAHLE had the sawed off shot gun with a home made sling, which he carried under his arm.

SPRINGFIELD DIVISION

AT SPRINGFIELD, ILLINOIS

Will interview EDWARD RICHARD CESARZ at the Sangamon County Jail, and determine his activities in 7/67 and his alibi for 7/13/67 bearing in mind he made a phone call from Alton about that period of time.

AT ALTON, ILLINOIS

Will display clothing and sawed off shot gun recovered at Alton, to associates and acquaintances of LARRY AUGUST KAHLE and attempt to effect identification of clothing and shot gun with KAHLE.

ADMINISTRATIVE DATA:

On 10/5/67, [redacted] advised SA EDWARD M. MORELAND as follows:

[redacted] 9/1/67, with a prostitute identified only as EDIE, who advised him that one LARRY AUGUST KAHLE, white, male, 26 or 27 years old (appears 40 to 45 years old), 5'10", 200 lbs., hair black - balding on top, was carrying a sawed-off shot gun hung by a string under his coat. PCI also stated that through this prostitute he received information indicating that KAHLE committed an armed robbery at an Edwardsville, Illinois, bank by use of a toy pistol. PCI also stated that KAHLE has a large amount of money in wrappers deposited in a safety deposit box, location unknown.

- B -
COVER PAGE

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SI 91-3699

ADMINISTRATIVE DATA (Cont'd):

PCI said he has done considerable discreet inquiry through various individuals near East St. Louis, Illinois, and has ascertained that KAHLE up until about 9/20/67, resided in Cabin #3 at the Fairmount Motel, Black Lane. He always parked his car in the rear of the motel, it being described as a 1964 Plymouth, Fury, brown with gold top, bearing Illinois License ET3-337. While at this motel, KAHLE probably used an alias, name unknown. He also frequented the VFW Bar near to the Fairmount Motel, and is closely associated with GEORGE STUBBLEFIELD. STUBBLEFIELD it is noted may have some of the proceeds of KAHLE'S robberies in that he intends to open a business, possibly a tavern. STUBBLEFIELD is also associated with a blonde prostitute by the name of SHERRY.

PCI stated he obtained information from one JOHNNY WILLIAMS, who resides in Glen Carbon, Illinois, and who is also acquainted with KAHLE, who told him that KAHLE is responsible for the robberies of the Edwardsville, Illinois, Bank and also of the Bank of Alton, Alton, Illinois, and that on the Edwardsville job, KAHLE used a toy pistol. PCI also stated he learned from WILLIAMS that KAHLE when robbing the Edwardsville Bank was in a dirty jacket or old clothes, and immediately after the robbery he drove his car around a corner and parked it. He then went back to the area of the bank and inquired of a police officer what the excitement was, whereupon the officer told him that the bank had been robbed. The officer then, in KAHLE'S presence, radioed a communication to his dispatcher in which he described the bank robber as being in a "dirty car, a Chevrolet or Plymouth". With this, KAHLE then drove his car to a nearby service station and had it washed, as well as changing his jacket or shirt.

Sometime around the first of September, KAHLE went to the bank of Hamil, Hamil, Illinois, intending to rob it; however, did not commit this robbery because it was closed and he noticed a police car in the vicinity which scared him off. KAHLE has in the past few months been in the State of Indiana as well as in Tulsa, Oklahoma, and probably has committed robberies in these areas. His MO is buying and selling antiques which he keeps in the back of his car.

PCI said subsequent to one of the above bank robberies, the FBI or police received a telephone call from a tavern from a man who indicated that the waitress in Judy's Inn, Glen Carbon [illegible], Route 157, Illinois, knew some information about the

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SI 91-3699

ADMINISTRATIVE DATA: (Cont'd):

bank robbery. She was subsequently interviewed, however, denied any knowledge of the robber or robbery. KAHLE it is noted was at this time in the vicinity of Judy's Inn and frequents this tavern.

The overlap in the investigative period in this matter was occasioned because of the receipt of St. Louis letter to Springfield dated 10/9/67 reflecting interview with [redacted] on 10/5/67 subsequent to submission of referenced report.

Informant

- D* -
COVER PAGE

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SPRINGFIELD	SPRINGFIELD	10/10/67	7/18/67 - 10/2/67

TITLE OF CASE

UNSUBS (2);
Tho Bank of Alton,
Alton, Illinois
7/13/67

REPORT MADE BY: SA ROBERT C. HAINES — TYPED BY: sjs

CHARACTER OF CASE

BR

REFERENCES:

Springfield report of SA ROBERT C. HAINES, dated 8/11/67.
Springfield airtel to Bureau, dated 8/22/67.
Springfield airtel to San Francisco, dated 9/20/67.
Bureau letters to Springfield, dated 9/13/67 and 9/14/67 and 9/21/67.
Indianapolis letter to Springfield, dated 9/15/67.

- P -

ACCOMPLISHMENTS CLAIMED None

Is this a pending over one year? ☐ Yes ☒ No Pending prosecution over six months? ☐ Yes ☒ No

APPROVED — SPECIAL AGENT IN CHARGE

COPIES MADE:

1 - Bureau (91-27494)

1 - USA, Springfield

3 - Springfield (91-3699)

DO NOT WRITE IN SPACES BELOW

REC-64

OCT 19 1967

Dissemination Record of Attached Report

Notations

STC

SI 91-3699

LEADS:

SPRINGFIELD DIVISION

At Centralia, Illinois.

Will reinterview ETHEL MAYS at Sell's Tavern re details concerning suspect EDWARD RICHARD CESARZ and develop information concerning his activities and any weapons he may have possessed.

At Alton, Illinois.

Will conduct logical investigation which will identify marks on recovered shirt.

Will continue efforts to locate and interview suspects PAGE and BAZE and their associates.

Will maintain contact with police agencies, bank officials and informants concerning additional information which might be reported.

ADMINISTRATIVE DATA:

There is an overlap in the investigative period of this report due to the fact transcription and receipt of investigation was received subsequent to the preparation of the initial report in this matter.

INFORMANT DATA:

The following informants were contacted on the indicated dates and advised they could furnish no current or additional information concerning captioned matter:

INFORMANT:	DATE OF CONTACT:	AGENT:
Confidential [redacted]	7/24/67	SA ELYON H. DAVIS

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SI 91-3629

Informants

[redacted]	7/28/67	SA ELYON H. DAVIS
	7/28/67	SA ELYON H. DAVIS
	7/28/67	SA ELYON H. DAVIS
	7/28/67	SA ELYON H. DAVIS
	7/28/67	SA ELYON H. DAVIS
	8/28/67	SA RICHARD D. BATISTE, JR.

Informant

On August 10, 1967, [redacted] advised 2 white males and 1 white female were staying at Room 207 of the Acme Hotel, 4040 Olive Street, St. Louis, Missouri, and this is a low class hotel. Informant stated he learned the trio had some "money" and had on a previous occasion in 1966, registered at the hotel under a name other than the ones they were now using.

Informant stated he recalls reading of the Alton, Illinois bank robbery involving 2 men and feels these individuals may relate to that incident.

- C* -
Cover Page

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FBI LABORATORY

1-Office, 7[illegible]
1-[illegible] Laboratory

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: FBI, Springfield (91-3399)

Date: September 21, 1967

John Edgar Hoover, Director

Re: UNSUDS (2);
Bank of Alton,
Alton, Illinois,
7/13/67
ER

FBI File No.
Lab. No. 91-27494
PC-A1071 JV CW

Examination requested by: Springfield

Reference: Airtel 8-22-67

Examination requested:

Remarks: Microscopic - Miscellaneous - Number Restorations-Fingerprint

The evidence is being returned to your office under separate cover by Railway Express.

It is pointed out that the 12½" long barrel of the Q2 sawed-off 12-gauge shotgun is shorter than the minimum set forth in the Federal Firearms Act.

REC 30 91-27[illegible]5

Enclosures (2) (2 Lab report)

MAILED 2
SEP 21 1967
COMM-FBI

29 SEP 26 1967

Bufiles (5)

ADMINISTRATIVE PAGE

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REPORT
of the

FBI LABORATORY

1-Office, 7133
1-[illegible] Parker

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: FBI, Springfield

Date: September 21, 1967
FBI File No. 91-27494
Lab. No. PC-A1071 JV CM

Re: UNSUBS (2);
Bank of Alton,
Alton, Illinois,
7/13/67
BR

Specimens received

Results of examination:

This report supplements the Laboratory's report to you dated September 14, 1967, and completes the examination of the evidence listed in that communication. For a listing of the evidence, please refer to that report.

Specimen Q2 is a Stevens Model 94 12-gauge, single shot, [illegible] shotgun. There is no stock on the shotgun. The present length of the barrel of specimen Q2 is 12 inches. It was observed that the barrel is filled with dirt or dried mud. The surface dirt and corrosion adhering to the outside of the weapon were removed and no physical evidence was observed to indicate that the shotgun had ever borne a serial number. It is pointed out that there are some shotguns which do not bear a serial number and apparently specimen Q2 is one of them.

[illegible] (1)

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RECORDED
6/31/67
jfk

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

LATENTS

Laboratory Work Sheet

Re: UNSUBS (2);
Bank of Alton,
Alton, Illinois,
7/13/67
BR

File # [illegible] -5
Lab. # PC-A1071 JV CW

Examination requested by: FBI, Springfield (91-3699) Atl. 6/22/67

Examination requested: Micro. (Fibers) - Misc. - Number Restorations - Fingerprint

Date received: 8/30/67 rex

Examination by: STOMBAUGH
LA ROCK

Stmo do not list the evd. in the report as it was previously listed in our preliminary report dated 9/14/67.

Specimens submitted for examination

Q1 Windbreaker
Q2 Sawed-off shotgun (stock missing)
Q3 Shirt
Q4 Brown cap
Q5 Felt hat
Q6 Trousers
Q7 Stocking
Q8 Stocking foot

Also Submitted: Four 12-gauge shotgun shells
Wooden stock
Leather belt
Matchbook
Cigarette pack
Finger and palm prints of:
Kim Bruns
Ernest Pursley
Thomas Noel
Dennis Bruns
Fingerprints of Raymond Parton

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Present length of slot is 1.212"
Barrel is packed solid on the muzzle with sand ...

Used small rotary wire brush and cleaned the ... of corrosion and dirt adhering to the extractor ... No marks during the examination but ... presence of the obliterated serial number ... on specimen C2.

Trigger contacted.
Atlas Sporting Goods contacted
Gun shop at 320 NW 8TH - Mgr advised ... type product usually does not have ... No ... on C2 in space occupied by ...

No serial number was located on C2 ... this any evidence found of an effort to ... area on the weapon.

Atlas Sporting Goods - no weapons of this type ... in stock

Gun Shop at 320 N W 8 - no weapon of this type in stock
Manager says the weapon ... is seldom ordered

...AL BUREAU OF INVESTIGATION
...INGTON, D. C. 20535

September 14, 1967

Re [illegible] (2); Bank of Alton, Alton, Illinois, 7/13/67; BR

SAC, Springfield

Invoice of Contents

- [ ] Crypt. Trans.
- [ ] Document
- [ ] P & C
- [ ] Radio Engineering
- [ ] LFPS

Q1 - 09
ALSO SUBMITTED

RAILWAY EXPRESS

Special Instructions:

FBI File No. 91-27404

9-14-67 PC--A1071 JV CW

FEDERAL BUREAU OF INVESTIGATION
Washington, D. C. 20537

REPORT
of the
IDENTIFICATION DIVISION
LATENT FINGERPRINT SECTION

YOUR FILE NO. 91-3399 September 13, 1967
FBI FILE NO.
LATENT CASE NO. 83191

TO: SAC, Springfield

RE: [illegible]. (2);
[illegible]
[illegible], ILLINOIS
7-12-67
BR

REFERENCE: Airtel 9-12-67
EXAMINATION REQUESTED BY: Springfield
SPECIMENS: Shotgun
Four shotgun shells
Leather belt
Watch band EX 104
Cigarette pack
Elimination finger and palm prints of four individuals
Elimination fingerprints of one individual

REC-59 91-[illegible]-4

No latent impressions of value were developed on specimens.

FILED 2
SEP 13 1967
FBI

SEP 14 1967

You will receive a separate report concerning the results of the laboratory examinations and disposition of all submitted specimens.

J. Edgar Hoover
Director

(4)

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RECORDED 9/11/67 JH

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

RECORDED: 9-11-67 10:30 a.m. RECEIVED: 9-11-67

Laboratory Work Sheet

Re: UNSUB3 (2);
Bank of Alton,
Alton, Illinois,
7/13/67
ER

File # [illegible]-4
Lab. # PC-A1071 JV/CK
LC# 83191

Examination requested by: FBI, Springfield (91-3699) Atl. 8/22/67

Examination requested: Micro. (Fibers) - Misc. - Number Restorations - Fingerprint

Date received: 8/30/67 rox

Examination by: STOMBAUGH
LA ROCK
Bailey

Rec. LFPS Q2 & A5
LFPS rep exp + return Q2 & A5 to Springfield 9-8-67

No latents of value
Specimens returned to Springfield 9/13/67

Specimens submitted for examination

Q1 Windbreaker
Q2 Sawed-off shotgun
Q3 Shirt
Q4 Brown cap
Q5 Felt hat
Q6 Trousers
Q7 Stocking
Q8 Stocking foot

Also Submitted: Four 12-gauge shotgun shells
Wooden stock
Leather belt
Matchbook
Cigarette pack
Finger and palm prints of:
Kim Bruns
Ernest Puraley
Thomas Noel
Dennis Bruns
Fingerprints of Raymond Parton

Examination completed 9/13 Dictated

F 31

Date: 8/22/67

Transmit the following in _____ (Type in plaintext or code)

AIRTEL AIRMAIL (Priority)

TO: DIRECTOR, FBI
Attention: FBI Laboratory
FROM: SAC, SPRINGFIELD (91-3699) - P -

SUBJECT: UNSUBS (2);
Bank of Alton
Alton, Illinois
7/13/67
BR

Re Springfield report of SA ROBERT C. HAINES dated 8/11/67.

Transmitted under separate cover by REA Express under U. S. Government Bill of Lading Number D-4942139 are the following items of evidence:

Q1 Navy blue windbreaker jacket

Q3 4 twelve gauge shotgun shells

Q2 1 Sawed-off shotgun

Q5 Wooden stock for shotgun

Q3 Man's white shirt

Q4 Man's brown cap

Q5 Man's brown felt hat

Q6 Man's leather belt

Q6 Man's brown trousers

3 - Bureau (Enc. 5) (RM)
1 - Package
2 - Springfield (91-3699)
RCH/tlp
(6)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

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SI 91-3699

Q7 Woman's nylon hose

Q6 Foot of woman's nylon hose

Q5 Matchfolder bearing advertising for King Edward Cigarillos

Q4 Partial package of Lucky Strike Cigarettes

For information of the Latent Fingerprint Section, the shotgun shells are located in the jacket pocket of the navy blue windbreaker, and have not been touched by any investigating officer.

The following latent fingerprint investigation is requested for examination of the shotgun shells, the sawed-off shotgun, the wooden stock, the leather belt, the matchfolder, and the Lucky Strike Cigarette package should be examined for latent fingerprints.

For elimination purposes, fingerprints of Sergeant RAYMOND PARTON, Alton Police Department, and of KIM DRUNS, ERNEST PURSLEY, THOMAS NOLL, and DENNIS DRUNS are enclosed herewith.

The laboratory is further requested to examine the clothing being submitted for laundry and dry cleaning marks. The laboratory is also further requested to compare the two submitted samples of nylon hose to determine if they make up an identical woman's hose.

The laboratory is also requested to raise the serial number on the submitted shotgun, in order that it might be traced to its ultimate owner.

Upon completion of requested examination, it is requested that the evidence be returned to the Springfield Division.

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LABORATORY

Office, 7132

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

To: FBI, Springfield (91-3699)

Date: September 14, 1967

Re: WESUMS (2);
Bank of Alton,
Alton, Illinois,
7/13/67
BR

John Edgar Hoover, Director

FBI File No. 91-27494 - 3
Lab. No. PC-A1071 JV CW

Examination requested by: Springfield

Reference: Airtel 8-22-67

Examination requested: Miscellaneous - Number Restorations - Fingerprint

Item:

You will be advised of the results of the fingerprint examination of Q2 and the "Also Submitted" items by a separate report. The attempt to raise the obliterated serial number on Q2 is continuing and you will be advised of the result in a separate report. Upon completion of the examinations, the submitted evidence will be returned to you under separate cover by Railway Express.

Enclosures (2) (2 lab report)

PTSielk (4)

ADMINISTRATIVE PAGE

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REPORT
of the
FBI
LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: FBI, Springfield

Date: September 14, 1967
Lab. No. 91-27494
PC-A1071 JV C#

Re: UNSUBS (2);
Bank of Alton,
Alton, Illinois,
7/13/67
BR

Specimens received 8-30-67

Q1 Windbreaker
Q2 Sawed-off shotgun
Q3 Shirt
Q4 Brown cap
Q5 Felt hat
Q6 Trousers
Q7 Stocking
Q8 Stocking foot

Also Submitted: Four 16-gauge shotgun shells
Wooden stock
Leather belt
Notebook
Cigarette pack
Finger and palm prints of:
Kim Bruns
Ernest Pursley
Thomas Koel
Dennis Bruns
Fingerprints of Raymond Parton

Results of examination:

Brown to light brown head hairs of Caucasian origin were found on specimens Q3, Q5 and in Q8. These hairs have been mounted for possible future comparisons with known head hair samples from any suspect you may develop.

No hairs were found on any of the other items.

"JOH" or "JOH" "JOH-U" or "JOH-O" have been stamped to the inside collar of Q3.

Visible laundry markings "44____" and "3107-3__" are present on the right front pocket of Q3. Visible laundry markings "[illegible]" are also present on the right rear pocket of Q3.

[illegible] [illegible]

(continued on next page)

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The identity of the laundry causing these markings is unknown to the laboratory.

No other visible and no invisible laundry markings were found on any of the submitted items.

Specimen Q7 is a complete stocking having one end tied in knots.

Specimen Q8 is the foot portion of a stocking. Specimens Q7 and Q8 are different types and colors of stockings and could not be mates.

Nothing else of significance was noted about the submitted evidence.

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FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

File # 91-27494-3
Lab. # FC-41071 JV CR

Re: U. S. (2);
Bank of Alton,
Alton, Illinois,
7/13/67
BR

Examination requested by: FBI, Springfield (91-3699) Atl. 8/22/67

Examination requested: Micro. (Filers) - Misc. - Rubber restorations - Fingerprint

Date received: 8/30/67 rec

Examination by: STOLL
LA ROCK

Rec. LFPS Q2 & AS
LFPS Rep dep & ret Q2 & AS to Springfield
9-8-67

Specimens submitted for examination

Q1 Windbreaker — no K on P.
Q2 Sawed-off shotgun
Q3 Shirt
Q4 Brown cap
Q5 Felt hat
Q6 Trousers no hairs
Q7 Stocking
Q8 Stocking foot

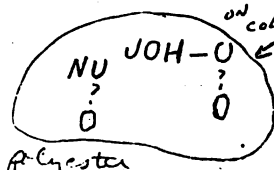
Also Submitted: Four 12-gauge shotgun shells
Wooden stock
Leather belt
Matchbook
Cigarette pack
Finger and palm prints of:
Kim Irons
Ernest Parsley
Thomas Peel
Dennis Irons
Fingerprints of Raymond Parton

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PC-111071 JV

- Some agglutinate (nylon) wind breaker. Neck is present. Badly burned. No hairs or fibers. Dye's undeterminable.

Long-sleeved white knit shirt. Burned. "convertible cuff" (length: 33", neck: 15½" in. Laundry mark:



Label: Van Heusen
VANGUARD
65% dacron polyester
35% fine cotton

Brown fishing cap. Size undetermined
No label.
Patch on front:  (Red blue yellow black)

Gray felt hat  Band torn off inside side.
Label: MEN'S STYLE SHOP, Gray & Wilson
MAYFIELD, KY

R-A1071 5v

Q6 right human thumbnail, very thinned (legs I cannot see)



Numbers inside on pockets:
right front: 44 — 3107-3?
right rear: T6276 11773

No labels.

Q7 piece of a nylon hose, boiled.
Regular type nylon hose. Several knots in end.

Q8 foot of nylon hose. Mesh type hose

Q7 & Q8 could not have been joined together due to difference in color & construction
Also Q7 is a complete stocking.

Q1 - Q5 are Q1-Q3 → Q6 were thinned on the Nikon microscope slides

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PCH071

Q3- Cy. th Cl bro. hd, bin, chest bro. Caus-

Q5- mud. bro. hd. bro., Caus-
- animal hair - black

Q8- Cl bro. hd. bro, Caus -

9/IV/67
R

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FBI

Date 8/22/67

...t the following in _____ (Type in plaintext or code)

AIRTEL AIRMAIL (Priority)

TO: DIRECTOR, FBI
Attention: FBI Laboratory
FROM: SAC, SPRINGFIELD (91-3699) - P -

SUBJECT: UNSUBS (2);
Bank of Alton
Alton, Illinois
7/13/67
BR

Re Springfield report of SA ROBERT C. HAINES dated 8/11/67.

Transmitted under separate cover by REA Express under U. S. Government Bill of Lading Number D-4942159 are the following items of evidence:

1. Navy blue windbreaker jacket
2. 4 twelve gauge shotgun shells
3. 1 Sawed-off shotgun
4. Wooden stock for shotgun
5. Man's white shirt
6. Man's brown cap
7. Man's brown felt hat
8. Man's leather belt
9. Man's brown trousers

ST-115

REC 30

14 AUG 24 1967

(3) - Bureau (Enc. 8) (RM)
1 - Package
2 - Springfield (91-3699)
RCH/tlp
(6)

T. C.

...roved _____ Sent _____ M Per _____
Special ...

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SI 91-3699

Woman's nylon hose

Foot of woman's nylon hose

Matchfolder bearing advertising for King Edward Cigarillos

Partial package of Lucky Strike Cigarettes

For information of the Latent Fingerprint Section, the shotgun shells are located in the jacket pocket of the navy blue windbreaker, and have not been touched by any investigating officer.

The following latent fingerprint investigation is requested for examination of the shotgun shells, the sawed-off shotgun, the wooden stock, the leather belt, the matchfolder, and the Lucky Strike Cigarette package should be examined for latent fingerprints.

For elemination purposes, fingerprints of Sergeant RAYMOND PARTON, Alton Police Department, and of KIM BRUNS, ERNEST PURSLEY, THOMAS NOEL, and DENNIS BRUNS are enclosed herewith.

The laboratory is further requested to examine the clothing being submitted for laundry and dry cleaning marks. The laboratory is also further requested to compare the two submitted samples of nylon hose to determine if they make up an identical woman's hose.

The laboratory is also requested to raise the serial number on the submitted shotgun, in order that it might be traced to its ultimate owner.

Upon completion of requested examination, it is requested that the evidence be returned to the Springfield Division.

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PC 91071

Trans Pac

You will be advised of the results of the fingerprint exam of QR and the "Also Submitted" items by a separate report. The attempt to raise the obliterated serial number on QV is continuing and you will be advised of the result in a separate report. Upon completion of the exams, the submitted items will be returned to you under separate cover by Railway Express.

Results -

Beam of light beam head stain examination revealed on specimens Q3, Q5 and in Q8. The stains have been retained for possible further comparisons with known head stain samples from any suspect you may develop.

No stains were found on any of the other items.

"NO" or "NO", "JOH-U" or "JOH-O" have been stamped to the inside collar of Q3.

Visible Comparison markings "44 ___" and "3107-3 ___" are present on the right front pocket of Q6. Visible

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Laundry marking "T6276" and "U7703" were also present in the right rear pocket of Q6.

The identity of the laundry causing these markings is unknown to the Laboratory.

No other wearable and no unwearable laundry markings were found on any of the submitted items.

Specimen Q7 is a complete stocking having one end tied in knot.

Specimen Q8 is the foot portion of a stocking. Both Q7 and Q8 are dirty and light colors of stockings and could not of the material

Nothing else of significance was noted about the submitted specimens.

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UNITED STATES GOVERNMENT

Memorandum

DATE 7-19-67

SPRINGFIELD

BANK ROBBERY (NO PA FILE)

1.

☒ Bank Robbery Suspect

☐ Bank Robbery Suspect - File

1 - Bureau
1 - Springfield (91-2350)

NOT RECORDED

JUL 21 1967

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MODUS OPERANDI - PERSONAL APPEARANCE
SEARCH REPORT 9/ 9/67

BASE CASE — MO-PA CONTROL NO. 08400

TITLE BANK ROBBERY SUSPECT 7/13/67 — OFFICE SPRI, OFFICE FILE 91- 3699

NAME 1 — FBI NO.

CODES

SEX	MALE	RACE	CAUCASIAN	BIRTH YEAR	32
HEIGHT	NOTICE TALL	HAIR	BROWN	DOMINT HND	RIGHT
CLOTHING	WORK				

NO POSSIBLES

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UNITED STATES GOVERNMENT

Memorandum

(DATE) 7-2-

FROM SAC, SPRINGFIELD (91-3999)

SUBJECT: UNSUBS (2); THE FIRST CITIZENS BANK, 1 EAST [illegible] STREET, [illegible], ILLINOIS; 7-1-[illegible]; BANK ROBBERY (NO PA FILE)

TO: DIRECTOR, FBI

SPRINGFIELD

SI

FBI Number 089 12

Re report to which this form applies:

UNSUBS

☒ Bank Robbery Suspect

☐ Bank Robbery Suspect - Pale

(1) - Bureau
1 - Springfield (91-2[illegible])
[illegible]:bb
(2)

JUL 21 [illegible]

MODUS OPERANDI - PERSONAL APPEARANCE
SEARCH REPORT 9/ 9/67

BASE CASE — MO-PA CONTROL NO. 0401

TITLE BANK ROBBERY SUSPECT 7/13/67 — OFFICE SPRI — OFFICE FILE 91- 3699

NAME 2 — FBI NO.

CODES

SEX MALE — RACE CAUCASIAN — BIRTH YEAR 27
VOICE GRUF/HOARSE — DOMINANT HAND RIGHT — CLOTHING WORK

NO POSSIBLES

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FEDERAL BUREAU OF INVESTIGATION

SPRINGFIELD	SPRINGFIELD	8/11/67	7/13/67 - 8/7/67
TITLE OF CASE: UNSUBS (2); THE BANK OF ALTON, ALTON, ILLINOIS, 7/13/67		REPORT MADE BY: SA ROBERT C. HAINES	TYPED BY: CSS
		CHARACTER OF CASE: BR	

REFERENCE: Springfield airtel to Bureau dated 7/13/67.

- P -

ENCLOSURES:

TO BUREAU:

Six photographs of exterior of The Bank of Alton.

LEADS:

CHICAGO DIVISION

At Chicago, Illinois

Conduct appropriate background investigation regarding W. L. YOUNG, 1020 Valley Drive, to determine whether he or an associate by the name of "SPEERT" should be considered a suspect in instant matter.

ACCOMPLISHMENTS CLAIMED NONE.

Case has been Pending over one year ☐ Yes ☒ No Pending prosecution over six months ☐ Yes ☒ No

COPIES MADE:
1 - Bureau (Enc.6)
1 - USA, Springfield
2 - Chicago
2 - Indianapolis
1 - St. Louis (Info)
3 - Springfield (91-3699)

SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

91-1191-12

1 AUG 17 '67

Dissemination Record of Attached Report

Notations

STAT

Cover Page

AUG 22 1967

SI 91-3699

INDIANAPOLIS DIVISION

At Evansville, Indiana

Conduct background investigation regarding ART STAHL, 1379 East Chandler Avenue, to determine the nature of his business and whether or not he should be considered a suspect in instant matter.

ST. LOUIS DIVISION (INFORMATION)

One copy of this report is being furnished to St. Louis in this matter in view of their receipt of prior information in this case.

SPRINGFIELD DIVISION

At Alton, Illinois

Will follow up logical investigation concerning suspects in this matter.

ADMINISTRATIVE DATA: 2 informant

[redacted] was contacted on 7/21/67 re captioned matter, with negative results, by SA WILLIAM G. CONNELLY.

On 7/14/67 the following listed informants were contacted by SA ROBERT C. HAINES, were apprised of pertinent information concerning captioned matter, and were instructed to seek out information germain to this case, to remain alert to information which would identify Unsubs, and to consider those who, in their acquaintance, could be considered suspects in this matter. All stated they would expend every effort to be of assistance in this matter and would report results promptly.

[redacted] informants

On 7/13/67 [redacted] was contacted by SA HERMAN O. LYLE regarding captioned matter, with negative results.

informant

On 7/13/67 [redacted] was advised of the facts of above bank robbery by SA RICHARD D. BATISTE, JR., and

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was requested to make inquiries of his associates regarding possible suspects or other information of value.

On 7/15/67 [redacted] was contacted by SA JOHN W. LEWIS concerning captioned bank robbery, with negative results.

On 7/18/67 [redacted] was contacted by SA HERMAN O. LYLE concerning captioned matter, with negative results.

On 7/13/67 [redacted] was contacted by SA RICHARD D. BATISTE, JR., re captioned matter, with negative results. He was advised of the facts of the bank robbery and requested to make inquiries of his associates regarding possible suspects or other information of value. He stated he has no knowledge at this time of any suspects but that he would make the necessary inquiries to determine what information he could pick up.

On 7/15/67 [redacted] was contacted by SA JOHN W. LEWIS re captioned matter, with negative results.

On 7/16/67, [redacted] was contacted by SA JOHN W. LEWIS and advised he had no information of value concerning the above matter.

On 7/17/67 [redacted] was contacted by SA HERMAN O. LYLE re captioned matter, with negative results.

On 8/7/67 [redacted] advised SA ROBERT C. HAINES that he has developed information that four individuals were involved in the robbery of The Bank of Alton, as follows:

JOHN MC CLINTOCK
LOUIS CARTER
RALPH PAGE
CHUCK BAZE

He stated that CARTER's wife (RITA) worked at the bank and would have access to information regarding the physical setup inside the bank. He further advised that NANCY HARPER, who is to appear in Madison County Circuit Court on 8/9/67 on a bad check charge out of Wood River, has knowledge of all details of the bank robbery and is with

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the subjects. He stated that from his information, all went to California shortly after the bank robbery, with a large amount of cash.

It is to be noted that on the evening of 8/7/67 WILLIAM BEARDSMORE, Executive Vice-President, The Bank of Alton, advised that RITA CARTER was at one time Head Bookkeeper at The Bank of Alton. He said that she was fired because her husband, LOUIS, made advances to the other female employees while in the bank, ostensibly waiting for his wife to finish up in the evenings.

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(Rev. 9-22-64)

FBI

Date: 7-13-67

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL (Priority)

TO DIRECTOR, FBI

FROM SAC, SPRINGFIELD (91-3699)

RE: UNSUBS (2); THE BANK OF ALTON, ALTON, ILLINOIS, 7-13-67
BR
CO: SI

At 1:35 p.m., 7-13-67, two white males wearing stocking masks entered captioned bank, FDIC insured. Unsub No. 1 immediately walked behind tellers' cages, told teller to move out of way and emptied cash drawer; moved to adjoining cage and did likewise. Unsub No. 2 stood by side door of bank at customer counter and covered interior of bank with sawed off shotgun. After emptying cash drawers Unsubs left on foot by side door. No getaway car identified to date. Loot, $27,230.

Unsub No. 1 described white, male, 6', 160, slender, well modulated voice, wearing light blue-gray coveralls, carrying small blued automatic pistol, approximately 35 years of age.

Unsub No. 2 described white, male, 5'8", 170, stocky, wearing light clothing, possibly coveralls, carrying sawed off shotgun, deep gruff voice.

No one in bank harmed. No bait money taken. Tellers' area and exit door processed for latent fingerprints with negative results.

All offices contact CIs, PCIs, PDs, and logical sources to develop suspects who might be involved in instant matter.

UNSUBS ARMED AND DANGEROUS.

91- 27434 -

ANCT-14
PEC 27
EX 102

RO JUL 15 1967

(3) - Bureau
2 - Chicago
2 - Indianapolis
2 - Louisville
2 - St. Louis
2 - Milwaukee
2 - Omaha
2 - Springfield
RCH:VLS
(17)

Sent _____ M Per _____

Special Agent in Charge

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Mr. LESAR. Will we be provided with copies of the documents?

Chairman STOKES. Every document entered into the record will be made available to counsel.

Mr. LESAR. All right.

One further request, Mr. Chairman. There is a second FBI teletype that I would also like to have admitted, and I would like to read——

Chairman STOKES. I think that one may already be in our record.

Mr. LESAR. Well, I don't know, I think it is important.

Chairman STOKES. You can refer to it. If it is already in the record, then there would be no need for you to move at this point for it to be entered into the record.

What is the date of the document?

Mr. LESAR. Let me give you the——

Chairman STOKES. I asked you the date of the document.

Mr. LESAR. Yes. It's May 31, 1968.

Chairman STOKES. Isn't that part of the Alton bank robbery file?

Mr. LESAR. No. Well, that depends. You see, I have handled a number of Freedom of Information Act suits and I have learned that the FBI has very bizarre filing systems; it has such things as "do not record" files and dead files and new dead files.

Chairman STOKES. Does the document in your hand relate to the Alton bank robbery?

Mr. LESAR. Yes, it does.

Chairman STOKES. Read it. Go ahead and read it.

Mr. LESAR. "FBI, Washington, D.C., FBI, St. Louis."

It is a teletype.

9:50 p.m. Urgent 5-31-68 JLS.
To Director, Memphis and Springfield.
From St. Louis (944-775).
MURKIN—Summary.
Re-Deleted.

Reinterviewed. Photo of blank blank exhibited. Positively identified same as being of person who visited him July sixty-seven, told him he and Ray had robbed Alton, Illinois, bank, and gave $250. Identified positively as person who visited him May 13-14 last with blank was then advised that person was in jail at times of robbery and alleged visits sixty-seven.

Blank hesitated, then said had realized past eight days he had give FBI quote bumsteer unquote and quote bum beef unquote on Alton Bank and blank whose name he then recalled, stated had been thinking about it and decided it was another blank—

Last name unknown, in parenthesis.

whose identity would be known only to Ray, who had visited and told him of Ray participation in Alton robbery. Was reminded that if he had lied about blank he might also be lying about Ray participation. He insisted the otherwise unknown blank had visited him in sixty-seven as previously stated and told him of Ray participation in robbery. Could think of no one other than Ray would would know this individual's identity.

Then an entire paragraph is deleted.

It says:

Re ex-con blank.

Ex-con blank has previously advised of ex-con whose identity he had not been asked to reveal from whom he had received impression that Ray had been seen briefly in St. Louis by him two weeks following MSP escape. On last interview blank revealed identity of this person as blank. Blank interviewed. Was in MSP blank to blank, unable to recall Ray but believed photo vaguely familiar. Believed Ray must have spent much time in solitary or would know him. Positively denied having seen

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Ray after escape or having any knowledge of whereabouts. Volunteered recent conversation with blank concerning Ray in which they both unsuccessful in recalling Ray at MSP. Remembered they speculated on methods he might use to escape.

There is a following page, page 3.

Re Jerry Raynes, Carol Pepper, John Larry Ray. Sources and spot checks disclosed no significant activity.

Subject armed and dangerous.

Drops down and says, "Following MSP escape, one last interview revealed identity of this person as blank blank."

And then: "Blank interviewed."

I would request this be admitted. I would also request that if the committee has a copy which is unexcised or if it has the names of the people in here, that they be provided us so that we may assist in this inquiry.

Chairman STOKES. The document that you have just read is already one of the documents the Chair has ordered made a part of the complete file with reference to all FBI documents relating to the Alton bank robbery, and therefore has already been made a part of this record.

Proceed, Mr. Speiser.

Mr. SPEISER. Mr. Ray, I would like you to focus your attention on the reduced photograph of the chart that appears over to your right. Notice several facts that are depicted on that chart. There are two people in the bank with masks and hats, one had a shotgun and that person stood guard, and one had a pistol, and he was the one who retrieved the money. Masks and clothes worn in the crime were discarded near the scene. The second chart that is exhibited over there shows the relationship of the Alton Bank and the short distance between that bank, where the evidence was discarded, and your uncle's home.

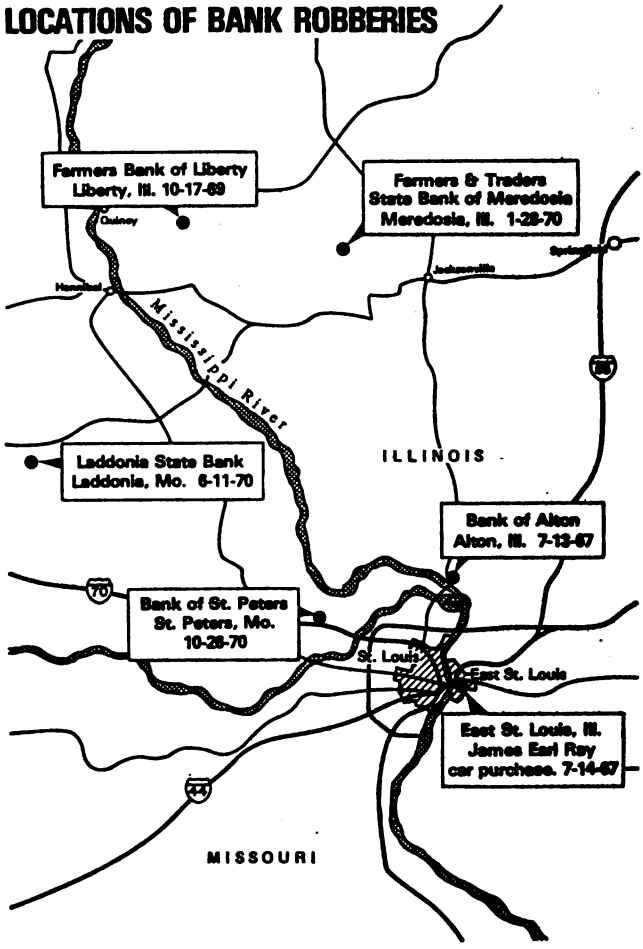
At this time, Mr. Chairman, I would request that certain additional charts be exhibited, these charts having previously been entered into the record. These exhibits are as follows: MLK exhibits F-648, F-649, F-650, F-651, and F-652.[1] And last, MLK exhibit F-653, which is the last chart appearing on the right, which shows the geographical relationship of five of these six banks to one another. I would ask at this point that MLK exhibit F-653 be incorporated in the record.

Chairman STOKES. Without objection, so ordered.

[MLK exhibit F-653 follows:]

[1] See text, supra, at 16, 17, 18, 19, and 20.

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MLK EXHIBIT F-653

Mr. LESAR. May I note a couple of observations?

Mr. SPEISER. Let me just make one more point.

We have reduced photocopies of these exhibits, and I would request that the clerk furnish your client at this time.

Mr. LESAR. Yes. I want to raise a couple of questions after you finish. Are you finished?

Chairman STOKES. Do you have an objection to raise to the Chair? The Chair is not going to entertain observations.

Mr. LESAR. Yes. I have a number of objections to raise.

Mr. SPEISER. I have not asked the question yet.

Mr. LESAR. I am objecting to the admission of these exhibits in evidence, although since they were admitted prior to our appearing here——

Chairman STOKES. Mr. Lesar, these exhibits have already been made a part of the record.

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Mr. LESAR. I would move to strike them. They are prejudicial and highly suggestive in some ways, and yet if you look at them there are all kinds of questions that just pop out.

Chairman STOKES. At this point, sir, you may register your objection.

Mr. LESAR. Let me state the factual basis for it. My objection is that here it says on the one hand it has the residence of James Earl Ray for mid-1940's, it has the Bank of Alton, Ill., over here. We don't know that the Bank of Illinois even existed in the mid-1940's. This map does not tell that. It says residence of William Maher, 1945, 1967. When in 1967, before or after the bank was robbed?

Chairman STOKES. Sir, all your objections to the introduction of these exhibits pursuant to your motion to strike are hereby noted in the record, and at this point counsel is requested to proceed to any question he has relative to these documents.

Mr. SPEISER. Thank you, Mr. Chairman. These charts, six in number, are based upon information retrieved by local police departments and the Federal Bureau of Investigation in connection with their investigation of each one of those bank robberies beginning with the Bank of Alton robbery and the succeeding five robberies reflected by those charts.

Mr. LESAR. I note for the record there is no scale of miles reflected on the chart.

Mr. SPEISER. I am making a representation in connection with the Alton bank robbery, the distance between the bank, Mr. Maher's residence, and the evidence—where the evidence was retrieved.

Mr. Ray, I remind you that your testimony is being solicited solely for assistance to this committee and that the statute of limitations covering each and every one of those bank robberies has expired, that in addition to that fact you have been granted immunity, so keep that in mind when you are responding to my questions, please.

Mr. RAY. Yes, sir.

Mr. SPEISER. Mr. Ray, focusing upon the second chart which is the chart depicting the robbery of the Farmers Bank of Liberty, Ill. Did you partake in the robbery of that bank?

Mr. LESAR. Objection, Mr. Chairman. I have the basic objection that I am going to make. But before I make it, I would request under the Watkins ruling that the committee state the purpose of this line of inquiry.

Chairman STOKES. Counsel may state the purpose of the line of inquiry.

Mr. SPEISER. The line of inquiry is several-fold, Mr. Chairman. First of all, this committee has reviewed each and every one of these robberies and determined that the modus operandi which transpired in each and every one of these robberies that took place subsequent to the capture of James Earl Ray were practically identical to the robbery modus operandi in the Bank of Alton which took place in July 1967 while James Earl Ray was a fugitive. So we feel that the robberies that we are about to question Mr. John Ray about, that occurred postcapture of James Earl Ray,

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serve as a good indicator of earlier conduct of James Earl Ray and perhaps the witness John Ray.

In addition, we have evidence, which I will confront Mr. Ray with as soon as I get to the questions, which would suggest Mr. Ray partook in these robberies, so another purpose for which these questions will serve will be to ascertain the credibility of the witness John Larry Ray.

Our committee's mission is multifold. One is to investigate the Federal Bureau of Investigation, and one line of inquiry will be to determine whether the FBI properly handled the investigations of the Bank of Alton robbery and the other robberies. So that is the nature of my inquiry.

Mr. LESAR. Counsel, the mandate of the committee, as I recall it, is to investigate the circumstances surrounding the assassination of Dr. Martin Luther King which ccurred on April 4, 1968. It seems apparent that bank robberies which occurred after James Earl Ray was arrested and convicted have no pertinence or relevance or materiality to that inquiry, so I am objecting, first and foremost, on the simple ground that it is not relevant, it is beyond the scope of this committee's inquiry.

Second, I am objecting because there are representations made that the modus operandi here is similar, and yet it is apparent from our examination of the documents that were provided us, after working hours last night, that there are differences in the modus operandi; in fact, there is, among other things, a 2-year gap between the Alton, Ill., bank robbery and the rash of these bank robberies which occurred in 1969 and 1970.

Chairman STOKES. Your objection is overruled. Counsel's objections are noted for the record.

Proceed, Mr. Speiser.

Mr. LESAR. May I state my advice to my client? I am advising my client to refuse to answer the question.

Mr. SPEISER. Mr. Ray, my pending question to you is, did you partake in the robbery——

Chairman STOKES. Mr. Speiser, suspend for a moment.

Mr. LESAR. Mr. Chairman, I neglected to state a couple of additional points that I wish to make in my objection. One of these is that these questions were previously asked to Mr. Ray in executive session. At that time I felt that I had no recourse but to advise him, even though I felt it was unconstitutional and improper and beyond the scope of this committee's inquiry, to answer those questions. The record of his answers is already contained in these transcripts, and you have the information available. So there is no purpose being served other than sheer harassment and intimidation by pursuing this line of inquiry at this time.

Chairman. STOKES. Counsel has stated his objections. They will be made a part of the record. The Chair at this point rules Mr. Ray's testimony on this issue is both relevant and material to the committee's inquiry. As has been stated by counsel for the committee, it is relevant and material because of three separate issues on which it is substantially based:

First, it is material for the committee to ascertain whether John Ray participated in the Bank of Alton robbery in 1967. If John Ray participated in the Bank of Alton robbery, the possibility that the

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robbery was the source of James Earl Ray's finances, either by John giving James some of the proceeds or James' direct participation in the robbery, might be probed in depth by the committee.

Demonstrating subsequent similar acts to the Alton robbery by John Ray materially affects the committee's determination as to whether he committed the Alton robbery.

Second, it is material for the committee to assess the credibility of John Ray on all the pertinent issues he has been asked to testify upon. These issues would include, for example, John's knowledge of James' escape from Missouri State Prison, the number of times the two of them might have met subsequent to that escape, as well as his participation in the Bank of Alton robbery.

Third, the committee is mandated to determine the adequacy of all prior investigations conducted by the Federal Bureau of Investigation and the Department of Justice into the assassination of Dr. King. John Ray's testimony concerning these bank robberies is material to determine if the bureau and department adequately and properly investigated all possible connections John Ray may have had to James or to the assassination.

For example, the select committee must determine whether the Department of Justice task force report in 1977 was deficient in failing to probe the possibility of John Ray's involvement in the bank robbery as evidence of his participation in the Alton robbery.

Accordingly, since the testimony sought is both relevant and material to the committee's inquiry, the objections of counsel are hereby overruled, and the Chair directs Mr. Ray to answer the question.

Counsel's other objections go to the weight of the evidence, not its admissibility, and will be considered by the committee at an appropriate time.

The witness is directed to answer the question.

Mr. SPEISER. I will restate the question, Mr. Ray.

Mr. RAY. I would like to ask him a question. I would like to comment on his question.

Chairman STOKES. Mr. Ray, at this time you just answer the counsel's question. If you have something after that, the Chair will entertain your question.

Mr. SPEISER. On October 17, 1969, the Farmers Bank of Liberty, Ill., was robbed. My question to you is, did you participate in the robbery of that bank?

Mr. RAY. I would like to confer with counsel for a minute.

Mr. LESAR. Your Honor, he had already testified that he has not participated in any bank robberies. He has answered questions about this and every other bank robbery in executive session. The committee's purposes, if they are within the scope of the committee's mandate, which I do not believe they are, have already been fulfilled. Therefore there is no purpose. I note that when this committee held——

Chairman STOKES. Mr. Lesar, the Chair provided you adequate opportunity in support of your objection to argue to the Chair. Subsequently the Chair has ruled. The witness has been directed to answer the question. The witness has been directed to answer the question.

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He has now conferred with you and is being directed to answer the question. The Chair does not care to hear from counsel further. The witness is directed to answer the question.

Mr. LESAR. Let me say——

Chairman STOKES. Maybe you don't understand. The witness is directed to answer the question.

Mr. LESAR. I object.

Chairman STOKES. Your objection has been overruled. The witness at this point is being directed to answer the question and the Chair will not entertain any further objections from you.

Mr. LESAR. Mr. Chairman——

Chairman STOKES. Mr. Ray, do you understand at this point that unless counsel complies with the order of this Chair, that you will not be represented in this room by him? Do you understand that?

Mr. RAY. What he is trying to ask you is, he would like to have a 5-minute recess to talk this over.

Chairman STOKES. He said objection; he didn't say anything about requesting a recess.

Mr. LESAR. But you didn't let me. You overrode me. You have not let me get a word in edgewise all morning, and I think it is sickening.

Chairman Stokes. You are a disgrace.

Mr. LESAR. I would ask you to recess and make that statement outside where you do not enjoy congressional immunity and while we are about that, Mr. Blakey——

Chairman STOKES. The motion for a recess at this time is denied.

Sir, you are directed to answer the question.

Mr. LESAR. Mr. Chairman, I think the Chair's remarks place counsel for James Earl Ray—excuse me, for John Ray—in a position which may be untenable, and I would request a ruling from the Chair as to whether or not I can properly continue to represent John Ray.

Chairman STOKES. The Chair at this time, pursuant to counsel's request, will request the chairman of the subcommittee to assume the chair.

Mr. LESAR. I do not think that answers the question. I am placed in a position where I have a very difficult decision to make. My client has an extraordinarily difficult decision to make. He has already spent 3 months in jail because on June 7, Mr. Blakey of this committee represented to the parole commissioner that the committee had conclusively established that my client was involved in these bank robberies. The wording of the statement, which was read this morning for Mr. Blakey by Mr. Wolf, is at variance with that.

Mr. FAUNTROY. Mr. Lesar, inasmuch as I am now chairing the hearings, I am going to grant you the request for a 5-minute recess. The committee is recessed for 5 minutes. I am going to remind all persons in the room that, pursuant to requests of the Office of the U.S. Marshal, no person is to stand while the witness is exiting the room.

The committee is recessed for 5 minutes.

[Recess.]

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Mr. FAUNTROY. The committee will resume at this point. And I caution and respectfully request that all persons in the room will be seated preparatory to the return of the witness and his counsel.

May we now have the witness.

The requested recess having been granted, I yield now to counsel to continue questioning of the witness.

Mr. LESAR. Excuse me, Mr. Chairman. I wish to raise a couple of matters, and then the questioning will proceed.

Mr. FAUNTROY. I take it that you have an objection to——

Mr. LESAR. It is in the nature of an objection. I have two or three things.

One is, first, I would request a ruling from this Chair whether or not I can continue to represent Mr. Ray and to properly advise him, given the extreme hostility and disparaging attitude that has been expressed toward me by members of this committee, who have, for what I regard as quite proper and diligent representation of my client. To be quite honest with you, I feel very helpless because my client is being railroaded, he has been prejudicially damaged by statements to which we have no opportunity to respond, or to produce evidence, or to produce witnesses, or to raise any proper questions about.

My client—so that I would make that—I would request a ruling on that.

In addition, I would also request that the remarks by the former presiding chairman, Mr. Stokes, about me, characterizing me, be stricken from the record. I think that it was highly unprofessional for a distinguished Member of Congress to make such remarks about counsel.

Mr. FAUNTROY. Let the Chair state in response to your first objection that the Chair will not rule that the committee——

Chairman STOKES. Does the chairman recognize me?

Mr. FAUNTROY. Does the gentleman wish to be recognized?

Chairman STOKES. Yes, Mr. Chairman.

Mr. FAUNTROY. I recognize the distinguished chairman of the full committee.

Chairman STOKES. Mr. Chairman, as chairman of the full committee, the Chair did address some remarks to counsel for the witness, which remarks are regrettable, and I would at this time request leave of the Chair to, and unanimous consent, to withdraw those remarks from the record.

Mr. FAUNTROY. The unanimous consent request has been made by the distinguished chairman.

Without objection, the request is granted.

Now, with respect to your objection, on the grounds of the——

Mr. LESAR. Excuse me.

Mr. FAUNTROY. Do you have another objection to raise? You told me you had two or three.

Mr. LESAR. Yes. Well, I think I have an earlier ruling which was never ruled upon and I request a ruling on it. It is in the form of an objection to the narration. I think I made a motion to strike the narration which was read into the record today.

I construe it, quite frankly, as——

Mr. FAUNTROY. When did you make that motion?

Mr. LESAR. Well, I think sometime back.

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Mr. FAUNTROY. Let me deal with each objection that you have as you raise it.

Mr. LESAR. Right.

Mr. FAUNTROY. Now, would you refresh the Chair's memory as to what the first objection you raised was since we have resumed this session.

Mr. LESAR. The first request was a ruling on whether or not I could continue as counsel. The second one was that there be a motion that the remarks about me by Chairman Stokes be stricken from the record.

The second motion has been acted upon. The first has not.

Mr. FAUNTROY. All right.

Mr. FITHIAN. Mr. Chairman?

Mr. FAUNTROY. If the gentleman would allow me just to rule on his objection.

With respect to your first objection relative to your competency to represent the witness, I would rule that you are perfectly acceptable to the Chair to represent the witness.

However, the Chair would accept your tender of withdrawal if you wish so to do.

Your second objection had to do with the statement made by the chairman of the full committee which, as you know now, has been stricken—those statements have been stricken from the record.

Do you have other objections before I yield to counsel for questioning of the witness?

Mr. LESAR. Well, I want to explain——

Mr. FAUNTROY. Do you have any objections?

Mr. LESAR. Well, my explanations are objections, yes.

Mr. FAUNTROY. Are you objecting to the fact that you are not able to testify here?

Mr. LESAR. No, I am not objecting to that.

Mr. FAUNTROY. What is your objection?

Mr. LESAR. Well, I guess my objection is one that I feel——

Mr. FAUNTROY. How many more objections do you have, so that we can allocate our time?

Mr. LESAR. Well, let me finish. Let me just outline what I would like to say and——

Mr. FAUNTROY. No. If you have an objection, give it to us, and I will rule on the objection.

Mr. LESAR. Well, I think it would be helpful to the committee if I could explain some circumstances which have arisen vis-a-vis me and my client.

Mr. FAUNTROY. Does this relate to an objection you plan to raise?

Mr. LESAR. No, it relates to the question that you posed to me, that you put on my back, which was whether or not I felt I could—I wished to withdraw.

Mr. FAUNTROY. I made a very specific response to your specific request as to whether in the opinion of the Chair you were competent to represent the witness. The answer is, in the opinion of the Chair, you are competent to represent the witness.

Is there any other objection before we return to the business at hand which is the interrogation of the witness?

Mr. LESAR. Well, I am not sure that competence is really the ruling that I requested.

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Mr. FAUNTROY. What ruling did you request? Maybe I didn't understand your question.

Mr. LESAR. The question is whether or not I have been placed in an untenable position because of the threatening and intimidating remarks of the Chair which influence and I think are calculated to influence my judgment as to what I can do on behalf of my client.

Mr. FAUNTROY. I understand your objection now. The specific answer to your question is that in my judgment you are not—you have not compromised your ability to represent the witness.

Mr. LESAR. Now, I wish to explain. Before we left, I had advised my client——

Mr. FAUNTROY. Do you have any other objections?

Mr. LESAR. I wish to explain my client's position on a difficult question which has arisen as to whether or not——

Mr. FAUNTROY. May I have for the record the last question posed to the witness, posed to refresh the witness as to what we are asking of him now?

Mr. Speiser, you may pose the question.

Mr. SPEISER. Thank you, Mr. Chairman.

If you would permit me, if I can make one statement prior to posing that question, in response to a point made by Mr. Lesar, we are not at this point attempting to ask Mr. Ray to state publicly what he stated privately to us. We are not here for that purpose. We are asking Mr. Ray questions similar to those that were posed to him in executive session——

Mr. LESAR. Identical, I believe.

Mr. SPEISER. Excuse me?

Mr. LESAR. Identical, I believe.

Mr. FAUNTROY. Proceed.

Mr. LESAR. Not similar, identical.

Mr. FAUNTROY. If you want to address the committee, counsel, kindly address the Chair.

Counsel, would you proceed to pose the question?

Mr. SPEISER. I am asking these questions—we are asking these questions to you, Mr. Ray, because we have uncovered evidence subsequent to your appearance before this committee in executive session. That evidence suggests that you testified falsely and perjuriously before this committee in executive session. That is the reason why we are repeating the questions, certain questions, to you at this time.

Now, the question I posed to you is that on October 17, 1969, the Farmers Bank of Liberty, Ill., was robbed. Did you participate in the robbery of that bank?

Mr. LESAR. Objection. Until—I would like to explain that Mr. Ray has decided now to answer the question. I want to explain——

Mr. FAUNTROY. What is your objection about his answering?

Mr. LESAR. My objection is that I should be allowed to explain why he has changed his—why he has refused to accept my advice.

Mr. FAUNTROY. Mr. Lesar, this is a hearing called to hear testimony from Mr. Ray. If Mr. Ray's decision is to answer the question, I direct now that he answer it.

Mr. Ray, will you answer the question?

Mr. LESAR. It is relevant, I think, however, to whether or not I should continue to represent him perhaps. And I would——

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Mr. FAUNTROY. You will have 5 minutes at the end, as you know, to amplify, modify or otherwise——

Mr. LESAR. That's meaningless and we both know it——

Mr. FAUNTROY. Mr. Lesar, two people cannot talk at the same time. Will you allow me to speak?

Mr. LESAR. Yes.

Mr. FAUNTROY. You understand that as counsel for the witness, who is here to testify, you will have an opportunity at the conclusion of the testimony to summarize, modify, or otherwise amplify the testimony of the person whom you represent.

I, therefore, now direct the witness to respond to the question posed by counsel.

Mr. Ray——

Mr. RAY. Excuse me a minute.

Yes. Please reread the question.

Mr. SPEISER. You want me to repeat the question again?

Mr. RAY. Yes.

Mr. SPEISER. On October 17, 1969, Farmers Bank of Liberty, Ill., was robbed of $10,995. My question to you is: Did you participate in the robbery of that bank?

Mr. RAY. I did not participate in that bank robbery.

Mr. SPEISER. When I say participate, I mean either be present in the bank during the course of the robbery or be outside of the bank and assisting the perpetrators of the crime in their getaway.

Did you play any function in either one of those roles?

Mr. RAY. I did not participate in any way.

Mr. SPEISER. Do you know James R. Rogers?

Mr. RAY. Yes.

Mr. SPEISER. How do you know Mr. Rogers?

Mr. RAY. Through association in the tavern I had. He is a carpenter.

Mr. SPEISER. He is a what?

Mr. RAY. He is a carpenter and I employed him to remodel the tavern I owned.

Mr. SPEISER. I would like to advise you, Mr. Ray, Mr. Rogers has testified before this committee and——

Mr. LESAR. Excuse me. We have not been provided with any testimony of Mr. Rogers. Could we please see it?

Mr. SPEISER. May I finish my question?

Mr. Rogers has testified before this committee that he participated in the Farmers Bank of Liberty, Ill. robbery with you, that just the two of you robbed that bank.

In view of Mr. Rogers' testimony, do you still assert that you did not participate in the robbery of that bank?

Mr. LESAR. Objection.

Mr. FAUNTROY. The Chair will hear the counsel's objection.

Mr. LESAR. Yes.

The objection is that we have not been provided with any testimony of Mr. Rogers, and I would ask at this time that it be provided us.

Mr. FAUNTROY. The request is granted. Will counsel please provide the witness and his counsel with a copy of the testimony of Mr. Rogers.

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I direct the clerk to show the witness the relevant testimony from Mr. Rogers.

Mr. SPEISER. For your edification, Mr. Lesar, I do not have copies of the transcript. But I will give you the transcript itself and ask that you read pages 10 and 11 which reflects the testimony of Mr. Rogers on June 8, 1978, where he was questioned about the subject bank robbery.

Mr. FAUNTROY. Do I understand from counsel that this testimony was taken under oath?

Mr. SPEISER. Yes, Mr. Chairman. This testimony was taken in executive session, under oath.

Mr. LESAR. Excuse me. You said——

Mr. SPEISER. Pages 10 and 11.

Have you had an opportunity to read pages 10 and 11?

Mr. LESAR. Just about finished.

Mr. SPEISER. Are you ready to respond to the question?

Mr. LESAR. Yes, I think he is ready to respond to the question. Let me—could I——

Mr. FAUNTROY. Does counsel have objection?

Mr. LESAR. Just a request that he restate the question.

Mr. FAUNTROY. Will counsel for the committee restate the question?

Mr. SPEISER. My question is, having had the opportunity to read the sworn testimony of James Rogers who testifies that he and you robbed the Farmers Bank of Liberty, Ill., having had an opportunity to read that testimony, is it still your position that you did not participate in that robbery?

Mr. RAY. First, can I ask a question myself concerning, you know—instead of answering yes or no, can I explain about anything pertaining to any bank robbery instead of saying yes or no?

Mr. SPEISER. Feel free to.

Mr. RAY. James Rogers said—he testified that I helped him rob this bank; right? Is that what you said?

Mr. SPEISER. Yes, sir.

Mr. RAY. James Rogers, you see, has a bad heart, and he is under Federal parole for bank robbery. And I believe when he saw this committee, incarcerated me in solitary confinement for 60 or 70 days, he probably would testify to anything.

So I would say Jim Rogers is testifying falsely.

Mr. SPEISER. So, again, just for the report, your testimony is that you did not participate in that bank robbery?

Mr. RAY. No.

Mr. LESAR. Mr. Chairman——

Mr. FAUNTROY. Does the gentleman have an objection to raise?

Mr. LESAR. Yes, I have an objection that these two pages have not been admitted into the record, and I would request that they—in fact, I would request that the entire transcript be admitted into the record.

Mr. FAUNTROY. I would be very happy to honor the gentleman's request that the relevant pages which were given to you be made a part of the public record as MLK exhibit F-667. But not the entire executive session.

Mr. LESAR. It would seem to me that the entire thing would be relevant. But I understand the Chair to have ruled otherwise.

Mr. FAUNTROY. Thank you. Then you understand.

[The information follows:]

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MLK EXHIBIT F-667

Executive Session Transcript
Testimony of James Russell Rogers
June 8, 1978

Mr. Eberhardt. Who obtained those weapons?

Mr. Rogers. Carl Kent and I.

Mr. Eberhardt. Did John Larry Ray have a weapon during the Bank of Hawthorn robbery?

Mr. Rogers. No.

Mr. Eberhardt. Are you sure of that?

Mr. Rogers. He was not even close, he picked us up on the highway.

Mr. Eberhardt. Now what other bank robberies have you been involved in with John Larry Ray?

Mr. Rogers. It was a small bank in Illinois, I cannot remember the name of it.

Mr. Eberhardt. Let me see if I can refresh your recollection. The Farmers and Traders Bank of Meredosia, Illinois.

Mr. Rogers. Yes.

Mr. Eberhardt. That was it. That bank was robbed on January 28, 1970. Does that refresh your recollection?

Mr. Rogers. Yes.

Mr. Eberhardt. Was John Larry Ray involved in that bank robbery with you?

Mr. Rogers. Yes.

Mr. Eberhardt. What role did he play?

Mr. Rogers. He drove the car.

Mr. Eberhardt. Who else was involved in that?

Mr. Rogers. Ronald Goldstein.

MLK Exhibit F-667

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Mr. Eberhardt. Anybody else?

Mr. Rogers. No, that's it.

Mr. Eberhardt. Were weapons used in that robbery?

Mr. Rogers. Yes.

Mr. Eberhardt. Did John Larry Ray have a weapon during the Farmers and Traders Bank robbery?

Mr. Rogers. No, he didn't. He was just setting in the car.

Mr. Eberhardt. Did he obtain the weapons that were used by you and Mr. Goldstein during the robbery?

Mr. Rogers. I really don't remember who obtained the weapons used in that bank robbery.

Mr. Eberhardt. Was there any other bank robbery in which John Larry Ray was involved along with you?

Mr. Rogers. Yes, one other little one.

Mr. Eberhardt. Another one, the fourth one that you were involved with John Larry Ray?

Mr. Rogers. Yes.

Mr. Eberhardt. Do you recall the name of that bank?

Mr. Rogers. A little town, 350 population.

Mr. Eberhardt. Let's see if I can refresh your recollection again. Does the Farmers Bank of Liberty, Liberty, Missouri, refresh your recollection?

Mr. Rogers. Liberty, Missouri, no. Liberty, Illinois.

Mr. Eberhardt. Liberty, Illinois.

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Mr. Rogers. Yes.

Mr. Edgar. Would counsel yield at that point?

Mr. Eberhardt. Yes, certainly.

Mr. Edgar. Could we take a three and a half to five minute recess.

Mr. Eberhardt. Certainly.

(Whereupon, a brief recess was taken.)

Mr. Fauntroy. The hearings will now resume and counsel may continue to question the witness.

Mr. Eberhardt. Mr. Rogers, let me go back over the last bank robbery series of questions that I have of the Farmers Bank of Liberty bank robbery which occurred on Ocrober 17, 1969. Do you recall that you were involved in the Farmers Bank of Liberty robbery on that date?

Mr. Rogers. I want to say I know the bank but I don't remember the name of the town so I am not sure it is Liberty.

Mr. Eberhardt. I think I misspoke, in fact I am sure that I did. The Farmers Bank of Liberty is in Liberty, Illinois, and it was robbed on October 17, 1969.

Mr. Rogers. I was not sure of the name.

Mr. Eberhardt. I apologize for confusing the states.

Do you recall robbing the bank that was called the Farmers Bank of Liberty?

Mr. Rogers. Yes, if it is in Illinois.

Mr. Eberhardt. Does the name Liberty refresh your

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Mr. FAUNTROY. So that counsel may now proceed? We have questions.

Mr. LESAR. Yes.

Mr. SPEISER. Thank you.

Mr. FAUNTROY. Counsel, proceed.

Mr. SPEISER. With respect to the third bank, the Farmers & Traders State Bank of Meredosia, Ill., did you participate in the robbery of that bank?

Mr. RAY. No; I did not.

Mr. SPEISER. Do you know who robbed that bank?

Mr. RAY. I do not.

Mr. SPEISER. I would like to advise you, Mr. Ray, that we have received testimony again from Mr. Rogers and from a Mr. Goldenstein who also admits participating in that bank robbery. Both of them have testified that they robbed that bank together with you and Jerry.

In view of their testimony, do you still continue to deny that you participated in the robbery of the Farmers & Traders State Bank of Meredosia, Ill.?

Mr. LESAR. Objection. We have not been provided with copies of that testimony. May we have that?

Mr. FAUNTROY. I am very pleased to sustain counsel's objection. Provide him with a copy of the relevant testimony.

Mr. LESAR. We will be provided with a copy?

Mr. FAUNTROY. Do you have another objection?

Mr. LESAR. No. My understanding is we are going to get it.

Mr. FAUNTROY. I made a simple statement. Provide him——

Mr. LESAR. I was distracted at the moment.

Mr. FAUNTROY. I am sorry. Excuse me.

Mr. SPEISER. Mr. Chairman, I have no problem in furnishing Mr. Lesar with the evidence that is the basis of my question. I am only posing that evidence, not to prove the substance of the offense, but merely to attempt to assist Mr. Ray in refreshing his recollection.

I don't personally feel that it is necessary to show Mr. Ray each and every one of these documents if his continued position is that he did not participate in the bank robberies.

Mr. LESAR. May I state my objection to that line of reasoning?

Mr. FAUNTROY. He has addressed the Chair. The Chair does rule that the witness be provided with the statements made by persons implicating him in the relevant robbery, and we will await his response as to whether he was involved, whether he wants to change his testimony. Let him see the page.

Mr. SPEISER. Thank you, Mr. Chairman.

With respect to Mr. Goldenstein's statement, that appears in MLK exhibit F-663,[1] which I request the clerk to furnish the witness at this time with respect to the statement of Mr. Rogers that appears in the executive session testimony of Mr. Rogers on page 9.

Mr. LESAR. You are referring to the same transcript you previously gave me?

Mr. SPEISER. Page 9.

Mr. LESAR. Before the witness answers the question——

Mr. FAUNTROY. Do you have an objection?

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[1] See text, supra, at 24.

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Mr. LESAR. Yes. I have an objection that I have been allowed to review these pages, but I would appreciate being provided copies so that we may review them during the proceedings today, particularly during the recess when it occurs.

Mr. FAUNTROY. Yes. We will be very happy to do that. And I do anticipate your requesting that this be made part of the record, the specific pages referenced.

Mr. LESAR. Yes.

Mr. FAUNTROY. Now, will the witness respond to the questions by counsel?

Counsel, would you repeat the question so that he may be sure that he is answering the right question?

Mr. SPEISER. Mr. Ray, in view of the statement of Mr. Goldenstein which you have before you, and the testimony of Mr. Rogers that they both participated in the robbery of the Farmers Bank of Meredosia, Ill., with you and Jerry Ray, do you continue to deny that you partook in that robbery?

Mr. LESAR. Objection.

Mr. FAUNTROY. The objection is heard.

Mr. LESAR. Yes. The counsel has, I believe, represented MLK F-663 as a statement of Mr. Goldenstein. Actually, it appears to be the statement—the statement appears to have been drawn up by Mr. Conrad Baetz, not by Mr. Goldenstein. It is not notarized or under oath. It is also hearsay.

And, in addition, as I have previously stated, Mr. Baetz is under a cloud. And I do not feel that evidence of this character should be accepted in evidence by this committee.

Mr. FAUNTROY. The objection is sustained. I will request counsel to rephrase his question.

Mr. SPEISER. Certainly, Mr. Chairman.

MLK exhibit F-663—and I beg your pardon, Mr. Lesar—is a report prepared by Mr. Baetz, not drawn up by Mr. Baetz—a report prepared by Mr. Baetz, based upon an interview he had with Mr. Goldenstein. It is not under oath—the report.

Now, in view of this report, and in view of the sworn testimony of Mr. Rogers, I again propound the question to you, Mr. Ray, did you participate in the robbery of the Farmers Bank of Meredosia, Ill.?

Mr. RAY. I did not participate in the robbery of that bank in Meredosia.

Mr. SPEISER. Did you participate in the robbery of the Laddonia State Bank in Laddonia, Mo.?

Mr. RAY. I did not participate in the robbery of the Laddonia State Bank.

Mr. SPEISER. Did you participate in the robbery of the bank of Hawthorne, Fla.?

Mr. RAY. Hawthorne, Fla.?

Mr. SPEISER. Hawthorne, Fla.

Mr. RAY. No. But James Rogers was convicted of it, and a guy named Carl Kent. There is another guy in the Federal penitentiary who claimed they robbed this bank.

Mr. SPEISER. My question is, did you?

Mr. RAY. No.

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Mr. LESAR. I think he has said that. I think he is trying to be helpful and provide the committee with information about these banks. I think the committee should be very receptive to that.

Mr. SPEISER. The last bank I want to question you about, and this will be my last question to you, concerns the Bank of St. Peters, Mo.

Did you participate in the robbery of that bank?

Mr. RAY. I would like to explain that more—since I am convicted of this bank robbery here, right. I should have the opportunity to explain this more fully.

I was charged with picking up a certified individual in court—his name is Ronald Seibert Goldenstein—who stated I participated in this bank, this third bank. Ronald Goldenstein was tried as the principal, and I was tried as the aider and abetter.

There was two other principals missing. One was James Allen Benny and Jerry Lee Miller, but the court said James Allen Benny was deceased, and Jerry Lee Miller was—could not be located. So they tried me for picking up on the highway Ronald Seibert Goldenstein. They conduct—they conduct a legal search and seizure hearing in the courtroom of the Federal District Judge William H. Webster, who is now the Director of the FBI. The head of the office of the FBI, of the Federal Bureau of Investigations in St. Louis at the time, was J. Wallace LaPrade, who subsequently took office in New York City. They didn't have no evidence that Goldenstein robbed the bank, but they gave him a suitcase full of money. While they was conducting this illegal search and seizure, Goldenstein would not take to the stand to explain the only evidence was this suitcase full of money. So, the prosecuting attorney said it was found in his room, so his room was, he was arrested in the Cornelius Hotel in Portland, Oreg. Prior to—his arrest—prior to his arrest—prior to his arrest, Ronald Goldenstein in the Cornelius Hotel, and James Benny and another suspect was shot to death in the hotel and, on the, over—the night before James Benny asked for a prostitute to be sent to his room, and the prostitute—James Benny woke up that night and caught the prostitute leaving his room with a suitcase full of money. Subsequently, the next night, James Benny gave Ronald Seibert Goldenstein his suitcase full of money, and while he go downstairs and drink in the tavern. And subs—and subs—then James Benny had a fight in the lobby with the prostitute's boyfriends, because Benny has slapped her around when he caught her stealing his suitcase full of money.

Well, in the meantime, James Benny called upstairs to Ronald Goldenstein to help him out in the fight. So, then James Benny got shot in the lobby hotel and Goldenstein was in the adjoining lounge and the barmaid said, "hide in the back room or you may get shot, too".

Then the police came and they searched the hotel and found a suitcase full of money belonging to Benny in Goldenstein's room. Then later they found Goldenstein hiding in the back room of the tavern. OK, well, the police made a record of the suitcase full of money found in Goldenstein's room which belonged to Benny, so, when they got in the police station, the FBI came into the act. They found out that the suitcase of money did not belong to Goldenstein, but it belonged to Benny. They also found out that Gol-

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denstein was not arrested in the tavern, but he was arrested in the back room of this tavern, so the FBI called Goldenstein up to their office, and told him that they was going to legalize his search under the hot pursuit doctrine, and then they was going to say a cop was involved, that Goldenstein went upstairs to his room with a gun in his hand in order to introduce this money in the trial as evidence against Goldenstein, to be used against me as an aider because I did not have standing to object. Goldenstein, the FBI told Goldenstein in the Portland, Oreg., FBI office that he could not take the stand during the evidentiary hearing; he could not take the stand during the trial, but he must pose as this principal. So, the FBI told Goldenstein if—if—if he opened his mouth, they would try him for murder and robbery of Benny, since he had Benny's suitcase, the money in his room. So, so they, when they went ahead and conducted the evidentiary hearing, and the trial in St. Louis, and Goldenstein was held under threat not to take the stand when they legalized his search under the hot pursuit doctrine and the police came back to make up a story, and police officer Davis Union of the Oregon, Portland, Oreg., police was forced to say that he, that the desk clerk told the police officer that Goldenstein ran up the stairs, and to legal—they legalized his search under the hot pursuit doctrine.

The FBI also told Goldenstein that as soon as he would be convicted as the principal and me as an aider that his case would be reversed by the U.S. Court of Appeals, and they would turn him out. While I was in Leavenworth Federal Penitentiary with Goldenstein, he gave me this story.

Then, sure enough, his case was reversed by the U.S. Court of Appeals, and the principal—and he—and he was released, which left me as an aider, the only prisoner in the U.S. Federal prison system, probably throughout the world, charged with picking a man up on the highway who was found not guilty of robbing a bank, especially, especially when, especially—and 2 years later they claim they found the other principal in Fresno, Calif., a Jerry Lee Miller, the last of the principals, so they transferred his document, court documents, from St. Louis to Fresno, secretly, and had him plea to 18 months to robbing the St. Peters' Bank robbery.

The last principal in Fresno, Calif., pled guilty to 3 years. Within a couple of months, it was reduced to 18 months.

This is a transcript of Jerry Lee Miller's, as an exhibit. The judge in this case, Hon. M. D. Crocker, and he's noted for fixing income tax trials on certain people, he's, him and this assistant attorney, the attorney is noted—it is interesting to notice here that when his sentence was reduced to 18 months, as he received a 3 years' sentence, previous 3 years' sentence, they didn't mention his past record. It is just as if he was——

Mr. FAUNTROY. The Chair notes counsel is advising his witness.

Mr. LESAR. I have suggested because this is a highly unusual transcript—it is fairly brief—that he just read parts. I find it an astonishing document.

Mr. FAUNTROY. Mr. Ray may continue testifying, if you have no objection.

Mr. LESAR. Mr. Chairman, just very briefly, this is the proceeding that took place at Fresno, Calif.

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Mr. FAUNTROY. Why don't you just advise him to tell us that.

Mr. LESAR. Well, I think you lose the flavor and the incredulous nature of the proceeding if you don't——

Mr. FAUNTROY. If he testifies?

Mr. LESAR. No, if you don't read it verbatim.

Mr. FAUNTROY. Let him read it verbatim.

Mr. LESAR. Fine. He can read it.

Mr. RAY. OK. I read the transcript of the testimony in the courtroom of the Honorable Judge M. D. Crocker. An assistant attorney—it says Fresno, Calif., Thursday, January 9, 1973, 10 a.m. The Bank of St. Peters actually was robbed in 1970. This is approximately 2 years or a few years later:

The CLERK. Docket No. F-1775-Criminal, *United States* v. *Jerry Lee Miller*, hearing on probation report and for judgment—

I might add, Jerry Lee Miller pled guilty under Federal—the Federal rules transfer you from one court to another court in a different part of the country.

The Court, speaking to, speaking to Mr. Nunez for the defendant, the attorney of Jerry Lee Miller——

The COURT. Mr. Nunez, what would you like to say concerning sentencing in this case?

Jerry Lee Miller's lawyer, Mr. Nunez stated:

Your Honor, I've read the report of the probation officer and have discussed the contents of the report briefly with Mr. Miller. It is a very favorable report and, obviously, we are pleased with it.

The probation officer is recommending that Mr. Miller receive a period of incarceration and, under the circumstances, we would both agree that this is probably what would have to happen. I think, though, that there are many, many pluses in Mr. Miller's life for the last two years, at least, which would indicate that this period should be a minimal one.

As the report indicates, he is married and very happily. His wife is in court and I have discussed this with her. She has stated to me that she intends to stand by Mr. Miller, regardless of what happens in court here today, and both of them have expressed an interest in restitution, if this would be a court order, and she has indicated that she will work with him until that money was paid back.

There is a list of several employers who Mr. Miller has worked for for the last couple of years, and at least a good part of them indicate that they would consider rehiring him and it is especially impressive that he was around a lot of money and had access to means of stealing if this had been in his mind, and, obviously, this did not happen.

I personally would hope that the court would give him a very minimal sentence, although I do realize this must happen, and if the court would sentence him under Section 4208(a) of the United States Code so that he could be released at any time the Parole Board determines that he is safe and could return to society as a responsible member thereof.

Mr. FAUNTROY. Would the witness suspend for just a moment? I would be very pleased to entertain a motion to have the entire statement submitted for the public record at this time, and in the hope that we could save some time in reading. However, I will not deny you the right or privilege of reading it all.

Mr. RAY. The most important part is coming up.

Mr. FAUNTROY. OK.

Mr. RAY. The court, speaking to Mr. Jerry Lee Miller, who pled guilty to robbing the St. Peters Bank:

The COURT. Yes. Mr. Miller, what would you like to say in your own behalf concerning your sentence?

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The DEFENDANT. Well, your Honor, I think the probation officer has covered it pretty well in his report, as Mr. Nunez has explained it, and I think he covered it pretty well.

Well, since I have been out here and married I have tried and have done everything I can to live in society and not get in trouble.

The COURT. Apparently you have done very well at that. You haven't had any problems for 2 years.

That is certainly in your favor, plus the fact that you have admitted your involvement in this matter, which is always a plus factor in considering your sentence.

Mr. Couris,—the United States Attorney—do you have anything in behalf of the Government, to say in behalf of the Government?

Mr. COURIS. I have only one comment, your Honor, and not to take anything away from Mr. Miller as to what he has done since he has been out here, I would only point out that he was released on parole in June of 1970 and then in October he committed this act, 3 months later, and in February he was sentenced with the others involved back in Missouri, a sentence which is around 16 or 18 years.

I am not saying that is what he should receive in this case, but I only point out to the court in consideration of the sentence here.

The COURT. Yes. That is a factor that I am considering, Mr. Miller, and that is, if I were to give you too light a sentence here would probably take you back as a parole violator and also on the forged documents, so by giving you some time here, I think those matters will be dropped, but I have no control over them otherwise.

Anyway, in view of all of the plus and minus factors here, I am going to sentence you to 3 years in custody of the Attorney General, and I will make it under the provisions of 4208(a)(2), so that you may be paroled at any time.

I hope you will be able to get along well so you can return reasonably soon and continue your good life.

Mr. NUNEZ. Your Honor, thank you very much.

The COURT. You are welcome.

Mr. LESAR. Mr. Chairman?

Mr. FAUNTROY. Does the counsel wish to address the Chair with respect to an objection?

Mr. LESAR. I wish—you indicated earlier you would entertain a motion to put it in the record. I will so move, and I would also request at the same time that I be able to provide just some brief information about Jerry Lee Miller that I have on my own obtained sometime back about his very extensive criminal record prior to this very lenient sentencing out in California, later reduced to 18 months apparently, and also to the fact that I have become aware fairly recently that——

Mr. FAUNTROY. The Chair will be very pleased to entertain and approve and rule favorably upon the motion to enter the statement in the record as MLK exhibit F-668.

[MLK exhibit F-668 follows:]

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MLK Exhibit F-668

5110 United States Court House
1130 "O" Street
Fresno, California 93721
August 28, 1973

Mr. John Larry Ray, No. 86798
Post Office Box 1000
Marion, Illinois 62959

Dear Mr. Ray:

Pursuant to your letter of August 15, 1973, I am enclosing the original of the proceedings had in the sentencing of Jerry Lee Miller on January 9, 1973, in the Eastern District of California, before Honorable M. D. Crocker, District Judge.

You requested an estimate of the charge for the transcript, but since the transcript is enclosed, the charge will be $5.00, five pages, which charge is set by the Judicial Conference of the United States.

I trust this is the transcript you desire and you may send the $5.00 at anytime it is convenient to you.

Very truly yours,

Kenneth W. Smith
Official Reporter

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ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HONORABLE M. D. CROCKER, DISTRICT JUDGE

UNITED STATES OF AMERICA, Plaintiff,	)	
v.	)	No. F-1775-Criminal
JERRY LEE MILLER, Defendant.	)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Fresno, California

January 9, 1973

APPEARANCES:

For the Plaintiff: DWAYNE KEYES, Esq.
United States Attorney
THOMAS T. COURIS, Esq.
Asst. United States Attorney
4005 Federal Building
1130 "O" Street
Fresno, California 93721

For the Defendant: RALPH NUNEZ, Esq.
403 T. W. Patterson Building
Fresno, California 93721

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FRESNO, CALIFORNIA, TUESDAY, JANUARY 9, 1973; 10:00 A.M.

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THE CLERK: Docket No. F-1775-Criminal, United States v. Jerry Lee Miller, hearing on probation report and for judgment.

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MR. NUNEZ: Your Honor, I've read the report of the probation officer and have discussed the contents of the report briefly with Mr. Miller. It is a very favorable report and, obviously, we are pleased with it.

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THE COURT: Yes. Mr. Miller, what would you like to say in your own behalf concerning your sentence?

THE DEFENDANT: Well, your Honor, I think the probation officer has covered it pretty well in his report, as Mr. Nunez has explained it, and I think he covered it pretty well.

Well, since I have been out here and married I have tried and have done everything I can to live in society and not get in trouble.

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I hope you will be able to get along well so that you can return reasonably soon and continue your good life.

MR. NUNEZ: Your Honor, thank you very much.

THE COURT: You are welcome.

(Other ex parte matters).

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REPORTER'S CERTIFICATE

I hereby certify that I am a duly appointed, qualified and acting official court reporter of the United States District Court for the Eastern District of California.

I further certify that the foregoing is a true and correct transcript of the proceedings had in the above-entitled cause on the date specified therein, and that said transcript is a true and correct transcription of my stenographic notes.

Dated at Fresno, California this 28th day of August 1973.

Official Reporter

EXHIBIT

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Mr. FAUNTROY. And we will be very pleased to receive as a part of your summation not only a statement but any other documents which you may wish to submit, as counsel, as a part of summation. Do you understand that?

Mr. LESAR. I have an objection to that because I don't think it suits your purposes. I wish to inform you——

Mr. FAUNTROY. Mr. Lesar, we have procedures which we follow for the hearing which the Chair is obligated to uphold, and I am; and unless you have an objection to your client now answering the question, which is tendered to him by counsel——

Mr. LESAR. I have an objection.

Mr. FAUNTROY. I will direct the witness to conclude his answer to the question.

Mr. LESAR. I have an objection for this reason, Mr. Chairman.

Mr. FAUNTROY. What is the objection and then tell me the reason for it.

Mr. LESAR. The objection is that the committee is proceeding without allowing me to inform it of the existence of files on Mr. Miller which it may not be aware of.

Mr. FAUNTROY. The Chair has indicated to counsel that he will be very happy to receive anything that the counsel——

Mr. LESAR. I do not have——

Mr. FAUNTROY. Just a moment. Any information which counsel may wish to tender the committee at the appropriate time. Now, the appropriate time is at the conclusion of the testimony of the witness. The witness has not yet completed his testimony; a question is pending to which he has given a rather long answer, one which has been indulged by the Chair and the committee at length. I will be very pleased to accept anything you have to say at the appropriate time. Will the witness now conclude his answer to the question posed by counsel for the committee?

Mr. RAY. So, Mr. Goldenstein told me, as I have stated—he stated his trial was fixed, and he posed as the principal; he was held on a trap while they legalized his search under the hot pursuit doctrine not to take the stand, and the case was reversed by the U.S. Court of Appeals, which subsequently he stated was going to release him to the streets, which they did. That the person involved, that was involved in this fixing this trial was, like I mentioned, was a Federal District Judge, William H. Webster. Subsequently, he was promoted to the Director of the FBI for fixing this trial. J. Wallace LaPrade, he was also involved with Judge William H. Webster, and subsequently was made head of the FBI in New York City, and while both these conspiratories was engaged in fixing my trial to convict me of a felony, both of them was, themselves, engaged in committing felonies and J. Wallace LaPrade was committing burglaries around the St. Louis area and got charged while he was head of New York FBI office. Judge William H. Webster, he was engaged in a felony.

Mr. FAUNTROY. Mr. Ray, I think we are probably going back over testimony which you have already given in answer to this question of witness, and I would just like to know specifically, is it your testimony that you did not participate in the robbery of the Bank of St. Peters, Mo.?

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Mr. RAY. Well, the reason I asked permission to go into lengthy detail and the reason I went into lengthy detail is because, you see, when you're convicted of a bank robbery at a fixed trial it is my opinion you haven't been convicted of the bank robbery.

Mr. FAUNTROY. Yes, but did you rob it?

Mr. RAY. I did not rob the Bank of St. Peters, Mo.

Mr. FAUNTROY. Thank you.

Mr. RAY. When I asked permission at the beginning of the questions on the bank robbery, he said I could give my whole answer and not be limited to yes or no.

Mr. FAUNTROY. Oh, yes, but I have done that. If you wish to continue to explain your answer that you did not rob the Bank of St. Peters, you may do that.

Mr. RAY. That is OK.

Mr. FAUNTROY. All right.

Counsel, do you have other questions of the witness?

Mr. SPEISER. Mr. Chairman, at this time I have concluded my questioning.

Mr. FAUNTROY. Counsel having concluded his questions of the witness and the committee members now are prepared to question the witness, the Chair will call a recess until 2 p.m. I remind now all persons in the room of the request made by the Office of the U.S. Marshal that you remain seated while the witness exits the hearing room.

[Whereupon, at 12:45 p.m., the subcommittee recessed to 2 p.m.]

AFTERNOON SESSION

Mr. FAUNTROY. The committee will now come to order.

Pursuant to the request of the Office of U.S. Marshal, I am going to ask that all persons in the room will be seated and remain seated until the witness is properly placed at the witness table.

Will we kindly call the witness to the table.

The Chair now yields to the distinguished chairman of the committee, the gentleman from Ohio, for such time as he may require for examination of the witness.

Chairman STOKES. Thank you, Mr. Chairman.

Mr. Ray, are you familiar with the Grapevine Tavern in St. Louis?

Mr. RAY. Yes, sir.

Chairman STOKES. Would you give us the street address of the Grapevine Tavern.

Mr. RAY. Yes, but can I ask a question concerning—see, I had a lot of documentary evidence in my house in St. Louis which backed up my testimony here, and the FBI and U.S. Marshal did not let me bring this evidence up here, so you stated. At least you stated once here today that you want to have the full scope. And I was incarcerated so many days in solitary confinement—because you want full scope, you said. Also, you went in front of the U.S. Congress and wanted to cite me and my sister for contempt of court because you want the full facts.

What I would like to know, did you get all this information in the U.S. Department of Justice, the FBI and Federal judge locked

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up in the National Archives, all these papers that have been submitted? If so, could I have a copy?

Chairman STOKES. I suppose he must be addressing the Chair.

Mr. FAUNTROY. Excuse me, Mr. Ray. I thought you were answering a question tendered by the gentleman from Ohio.

Mr. RAY. Yes.

Mr Fauntroy. You were making an inquiry of the Chair?

Mr. RAY. I am requesting all evidence, if you want a full scope on, so I know all evidence is put in. They got all these papers locked up in the National Archives that might free me, and my relation with Government persecution—they beaten, and torture, and incarceration, and solitary confinement.

Mr. FAUNTROY. I am not clear on how that responds to the question that was tendered to you. That aside, let me see if I understand what you said. What papers are you requesting from the National Archives?

Mr. RAY. All the papers for the simple reason that he——

Mr. FAUNTROY. All of what papers?

Mr. RAY. Pertaining to the King and the Rays and to prove the innocence of the Rays for the simple reason he stated in front of the U.S. Congress, and so forth, he hadn't the full scope.

Mr. FAUNTROY. Let me state to you, Mr. Ray, that your question to the Chair does not appear to be relevant to the question tendered you by the chairman of the committee, and I request that you answer his question.

Mr. RAY. What question did he answer?

Chairman STOKES. My question, Mr. Ray, was the address for the Grapevine Tavern in St. Louis, Mo.

Mr. RAY. 1982 Arsenal.

Chairman STOKES. What was that, sir?

Mr. RAY. 1982 Arsenal.

Chairman STOKES. Can you tell us when the tavern opened up?

Mr. RAY. January 1, 1968. 1968.

Chairman STOKES. When did it close?

Mr. RAY. I have no idea. I sold it. You mean when I got rid of it?

Chairman STOKES. Yes, sir.

Mr. RAY. Well, see, I got rid of it two or three different times. The first time I got rid of it was around May or June, about 5 or 6 months later. The reason I got rid of it was, if you are acquainted with the facts, the tavern was in my sister's name because I was convicted of a felony, so the FBI came to the tavern and said if I didn't say where James Earl Ray was they was going to prosecute my sister for getting a Federal tax stamp for me so she could commit a fraud against the U.S. Government. So I more or less got rid of the tavern to keep her from being imprisoned on something she unknowingly got involved in.

Chairman STOKES. That was the first time you got rid of it?

Mr. RAY. That was around June or something in that neighborhood.

Chairman STOKES. In 1968?

Mr. RAY. Yes.

Chairman STOKES. Did you reacquire it again?

Mr. RAY. Yes.

Chairman STOKES. When was that?

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Mr. RAY. Well, I got rid of it to Naomi Regazzi, and her son drowned in the St. George River and she had a nervous breakdown and went to sanitarium, so I had to retake it back over. That was around in the neighborhood of September, a couple of months later.

Chairman STOKES. In 1968?

Mr. RAY. Yes.

Chairman STOKES. How long did you keep it that time?

Mr. RAY. I am not sure. It just seemed like a couple months. I can't be positive how long I kept it.

Chairman STOKES. You think somewhere around December 1968?

Mr. RAY. Well, I sold it to George Vista but I don't know the date. I can't—I don't know.

Chairman STOKES. Was that the last time you owned it?

Mr. RAY. Well, the last time—do you know the date? Do you have the date on you?

Chairman STOKES. I am trying to find out. You said that you had owned it and sold it and got rid of it, you acquired it again and got rid of it. I am just trying to find out from you when you last sold the business.

Mr. RAY. I have no recollection. I can't—it changed hands three times. The last time we had it, I believe it was George Vista, and they got notarized documents where I sold it, and I think they are in your possession.

Chairman STOKES. You say it changed hands three times; is that right?

Mr. RAY. Well, Naomi Reggazi to George Vista, and it might have changed hands to, well, no, there is another girl involved, Donna P-a-u-l, Paul—but I did not sell it to her, I don't think. I believe George Vista sold it to her.

Chairman STOKES. Did you have money invested in the Grapevine Tavern?

Mr. RAY. Yes.

Chairman STOKES. Tell us how much you had invested in it.

Mr. RAY. I didn't actually have too much. It's mostly in the lease. I didn't have nothing, actually. You see, I leased the building and most all the equipment is there, so most of my investment was bar stools and I think a beer box and cash register and something else.

Chairman STOKES. How much cash money? Did you have any cash money invested in the business?

Mr. RAY. Not too much. Time you buy your total stock—not too much. You start out small and work up.

Chairman STOKES. I understand. I just want to get an idea from you about how much you are talking about in terms of actual dollars.

Mr. RAY. Well, I can't say. I cannot remember; something happened. Whisky went up and so forth, and I can't remember how much money I spent on them. I can't even remember how much I paid for the lease.

Chairman STOKES. When you first bought the business, did you have to put some money into the business?

Mr. RAY. No; it was an empty building, and I had to—used to be a tavern. It was empty. I didn't pay nothing for it.

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Chairman STOKES. So that I understand your testimony, you cannot give us any estimate of what kind of money you personally had into it?

Mr. RAY. Well, I just say maybe now, $2,000, $800 to $2,000, in that neighborhood, I guess.

Chairman STOKES. Can you tell us where you acquired that amount of money?

Mr. RAY. Well, everybody works, and I worked 3 or 4 years at the White Pine Golf Club as a bartender, and different places. And I have been working all my life, so it's nothing to acquiring a couple thousand dollars.

Chairman STOKES. So, then, these were from savings?

Mr. RAY. Yes. What did you say, sales?

Chairman STOKES. No, savings.

Mr. RAY. Oh, yes.

Chairman STOKES. Savings from your work employment?

Mr. RAY. Yes.

Chairman STOKES. Did Carol Pepper have any association with the Grapevine Tavern?

Mr. RAY. Well, the only thing, she got the license in her name but she was scared to go into a tavern after—shortly—due to intimidation of the Federal Bureau of Investigation, and the tavern was in a rough neighborhood, which I was unaware of when I opened up there, so she wouldn't come around. She had no—she received no profit from it, if that is what you are insinuating, from the Grapevine.

Chairman STOKES. She received no profits from the Grapevine? Is that your statement?

Mr. RAY. I can't recall her receiving any profits. I have gave her money to, say, get license in her name, or maybe $100 or something. But as far as she received income from it, there's no income.

Chairman STOKES. Did the business begin to suffer some loss right after Dr. King's death and the general knowledge that you were James Earl Ray's brother?

Mr. RAY. I would have to say due to trouble I had to stay closed sometime, too, you know—I would have to say—well, I can't say. Sometime it would be busy and sometime it would be nobody else there. You had a rougher element.

Chairman STOKES. Let me, for the purpose of refreshing your recollection relative to the answer to this question, refer you to MLK exhibit F-655, which is a copy of one of the pages from your executive committee testimony. I believe counsel and you have this document before you, MLK F-655, at page 59. Do you have that document? I would ask that it be placed in the record at this time.

Mr. FAUNTROY. Without objection, so ordered.

[MLK exhibit F-655 follows:]

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Mr. Eberhardt. When did you begin to run the Grapevine Tavern?

Mr. Ray. On New Years Day 1968.

Mr. Eberhardt. And how did that business do?

Mr. Ray. Well, it didn't do nothing.

Mr. Eberhardt. Didn't do very well?

Mr. Ray. No. Well, it started to do good until the King deal came along and then it folded up.

Mr. Eberhardt. King was killed on April 4th, '68 and James was identified as Deric Starvo Gault, according to all the media counts on April 19, 1968. You say the business kind of fell off after that.

Mr. Ray. Fell off when it first came out who I was.

Mr. Lesar. I think there are some other circumstances that you may want to go into as to what caused the business to fold up.

Mr. Ray. Gentlemen, I will say that.

Mr. Lesar. Why don't you go ahead and explain what happened.

Mr. Ray. I opened New Years Day, so it takes about ---

Mr. Eberhardt. I am sorry, it is not significant in terms of my line of questioning. I am trying to ascertain how the business was doing. I don't really want to know the reasons ~~fixes it as~~ the date of approximately King's ~~assassination~~.

He is going to have the opportunity, as the Chairman

MLK EXHIBIT F-655

Mr. RAY. It is being brought to us. Thank you.

Chairman STOKES. Mr. Ray, I would just refer you to about midway of the page where the following language appears:

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Mr. EBERHARDT. King was killed on April 4, 1968, James was identified as Eric Starvo Galt, according to all the media accounts on April 19, 1968. You say the business kind of fell off after that?

Mr. RAY. Fell off when it first came out who I was.

Do you recall that question and that answer in your executive session?

Mr. RAY. Yes, sir.

Chairman STOKES. Is that true?

Mr. RAY. That was in April—see, there's more to this transcript than this one page. They went over this same question you went over several times and maybe bring money—write checks up here from banks and stuff, and this has all been clarified through four or five testimonies. Now you are going back to the same testimony, because there is a question mark before on this that I think that someplace has been clarified, if not in this page, in the rest of the record.

Chairman STOKES. All I am trying to get at here—there is nothing mysterious about my question—I am just trying to find out from you if, after it was learned that you were James Earl Ray's brother, whether you attribute any falloff or loss in your business because of that.

Mr. RAY. I would have to—I guess there was. This was in April? I would guess it fell off. See, I didn't have it—that was in April, I got rid of it in June, 2 months later, so I can't explain what happened in a 2- or 3-month period, I got rid of it to Naomi Regazzi in July. You're picking out 1 month there. Sometimes you juggle 1 month, you balance out another month. So how could I actually say what actually——

Chairman STOKES. Mr. Ray, who was in charge of your or in possession of your checkbook?

Mr. RAY. I was in charge of possession of my checkbook.

Chairman STOKES. Who wrote checks on the business?

Mr. RAY. Well, I think when I sold it to Naomi Regazzi, I can't be positive but seems like I might have let her write checks. I signed them and maybe she—I feel maybe she signed them or something. I don't know.

Chairman STOKES. Can you tell us what bank the checks are written on?

Mr. RAY. Jefferson Gravois is one, and maybe Mercantile—maybe Mercantile Bank in St. Louis or Manufacturers, whichever one it was.

Chairman STOKES. Mr. Chairman, I have one or two questions to pose to the witness in this particular area. And prior to posing the question, I would say to the witness and his counsel that the questions are being predicated upon the following information, that this committee has copies of the bank statements for the Grapevine at the Jefferson Gravois Bank for the period January 1968 until June 1968. Our analysis of those checks shows that until April 11, 1968, only one or two checks over $100 were drawn for cash. From April 11, 1968, through June 5, 1968, there were seven checks made out for cash of $100 or more, and one made to Carol Pepper, all of which totaled $1,700.

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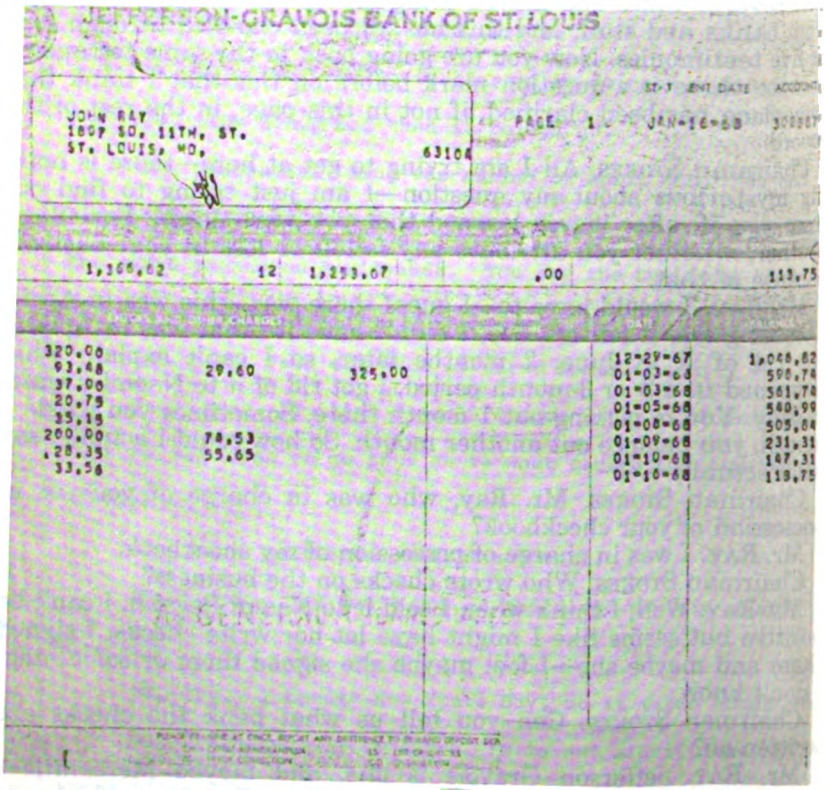
This same time frame roughly corresponds with the period between Dr. King's assassination and James Earl Ray's capture, April 4, 1968, and June 8, 1968.

Counsel for the witness and the witness are in possession of MLK exhibits F-666A through G, which are the canceled checks on that account, which I ask the Chair to enter into the record at this time.

Mr. FAUNTROY. Without objection, it is so ordered.

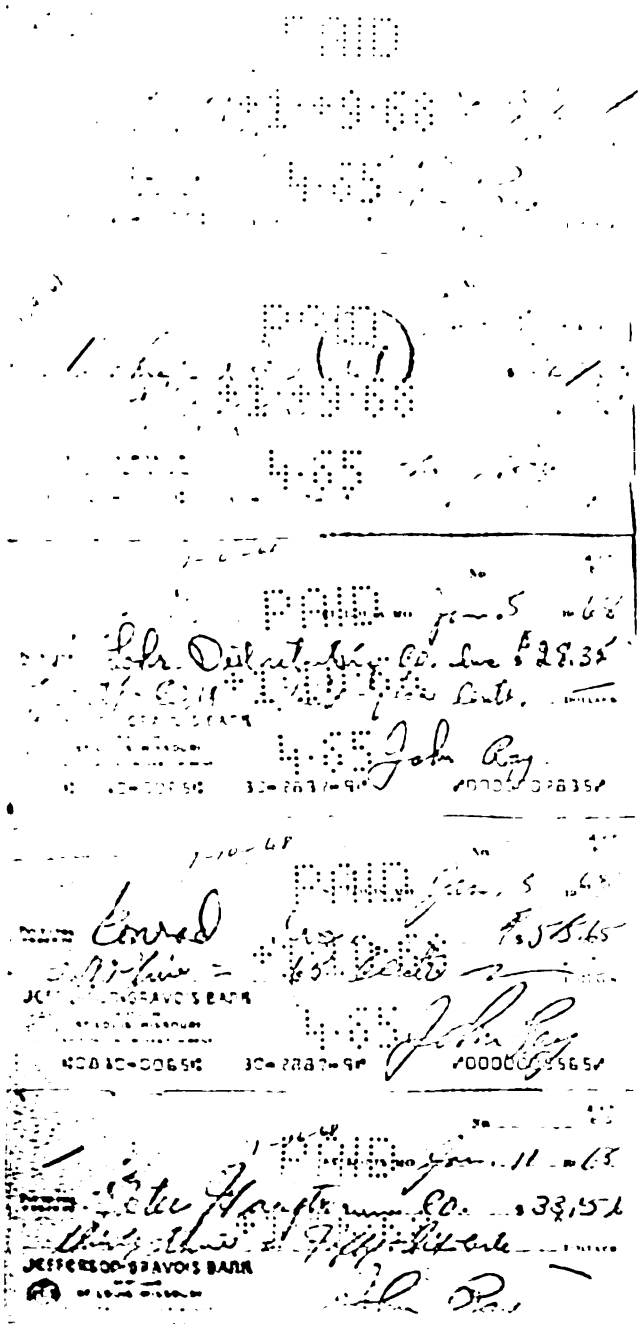
[MLK exhibit F-666A follows:]

MLK EXHIBIT F-666A

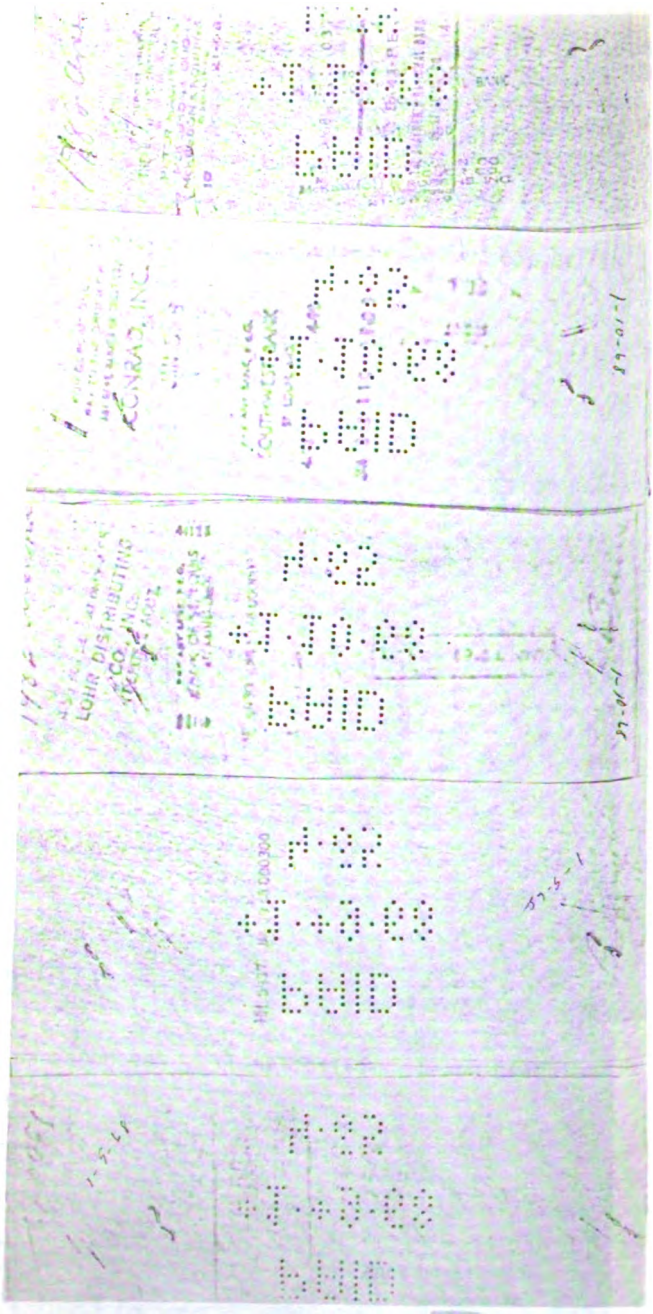


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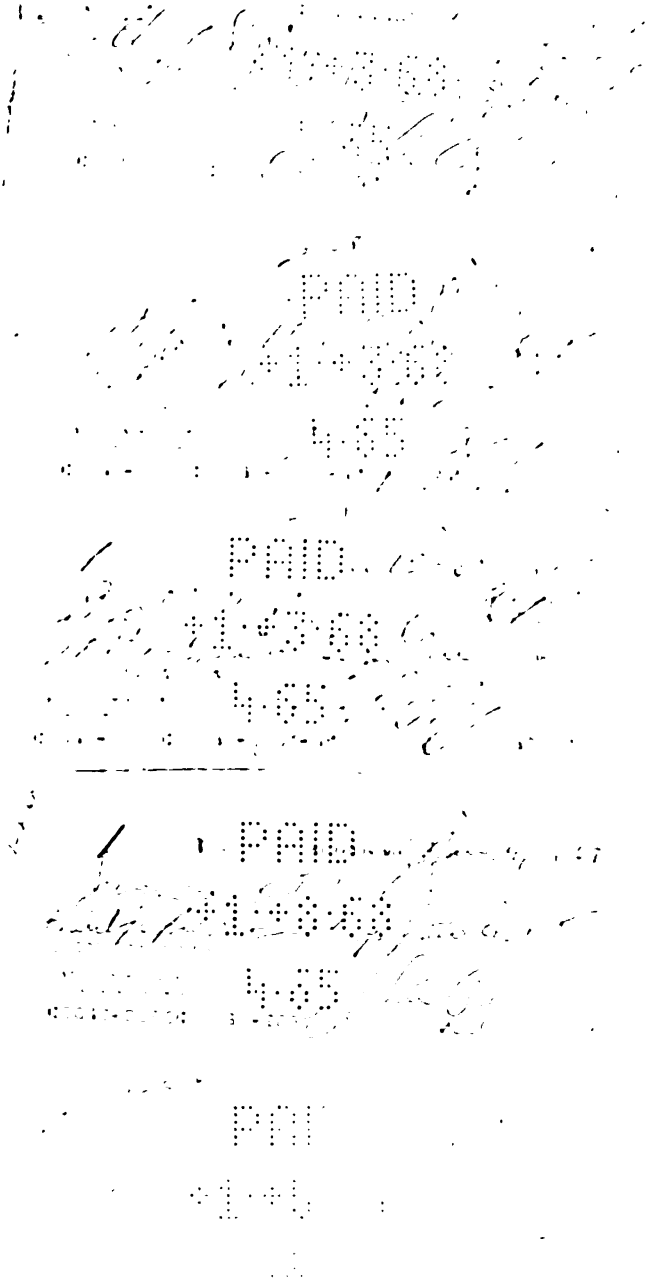


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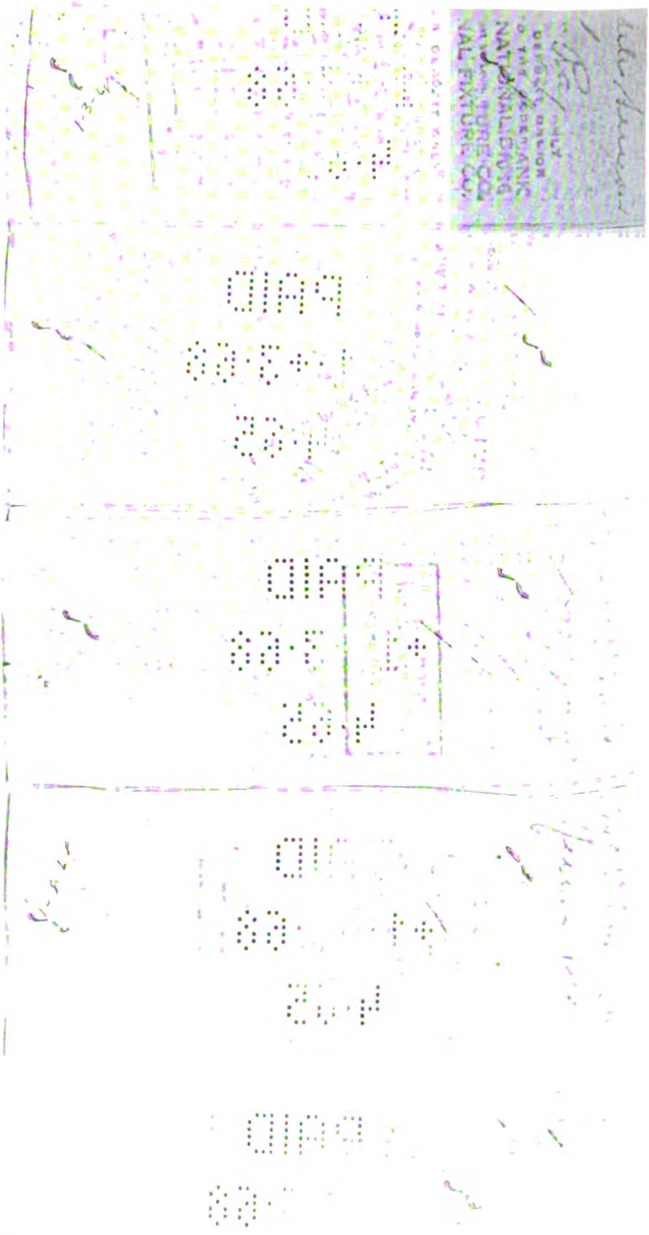


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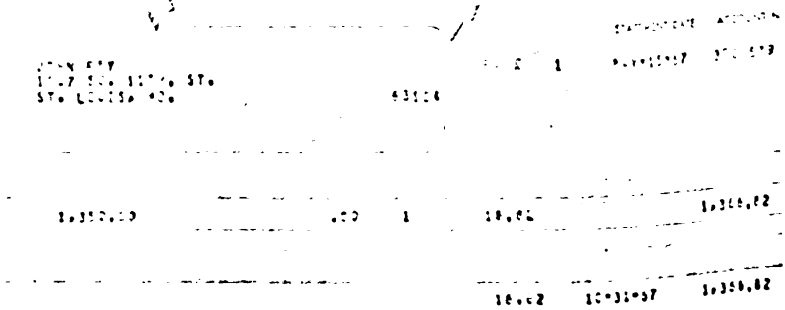
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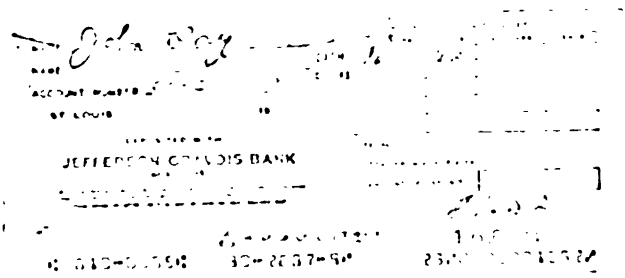
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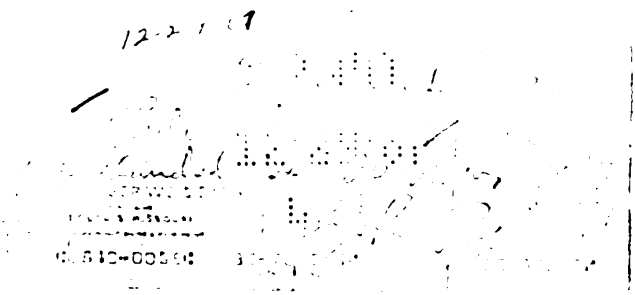


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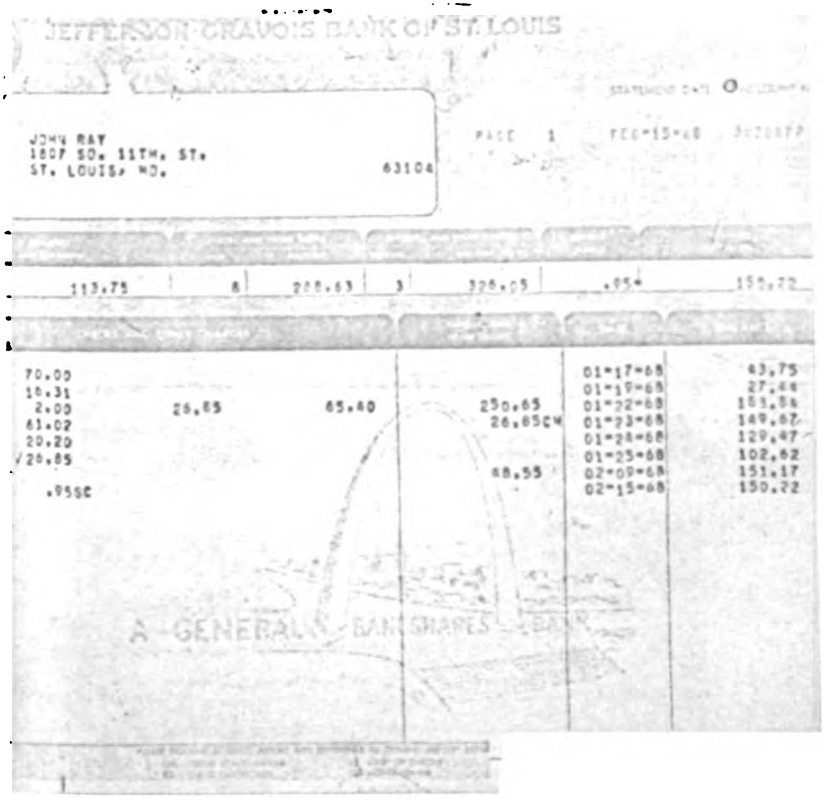
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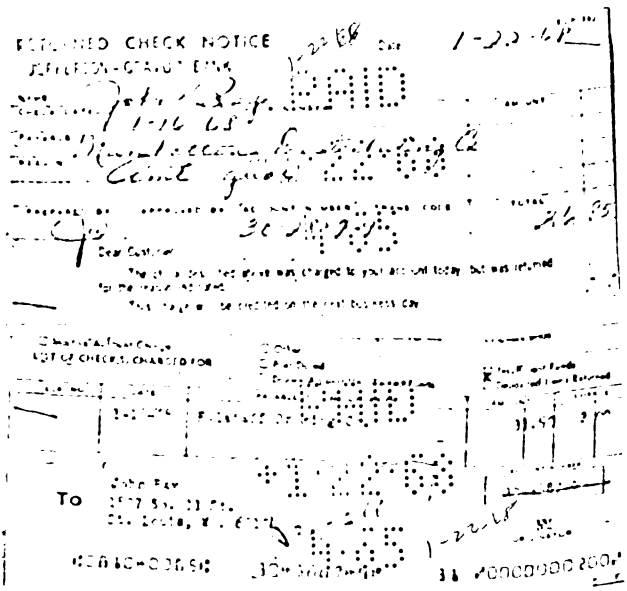
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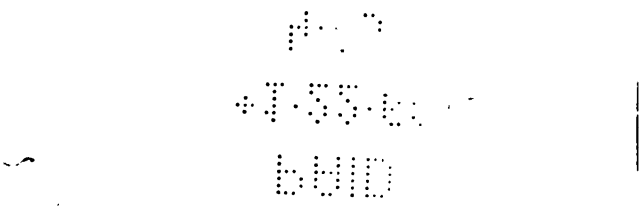
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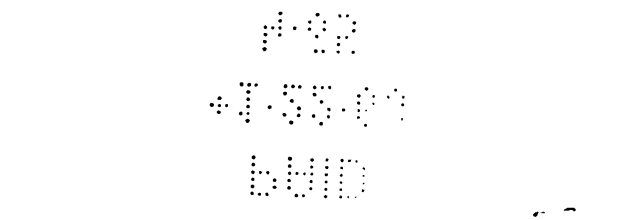


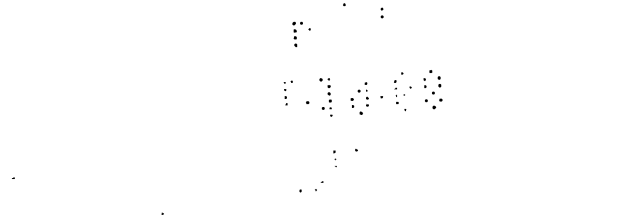
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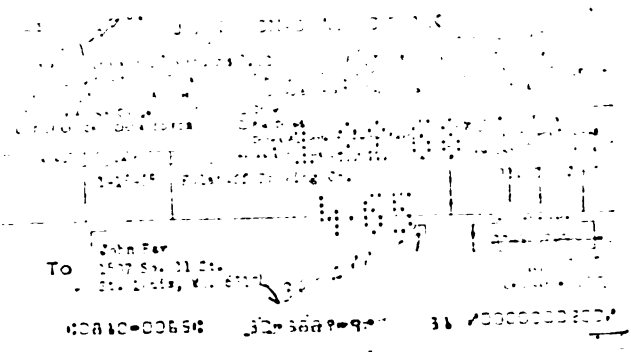
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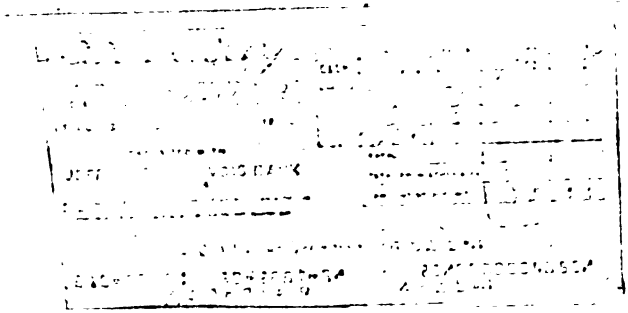


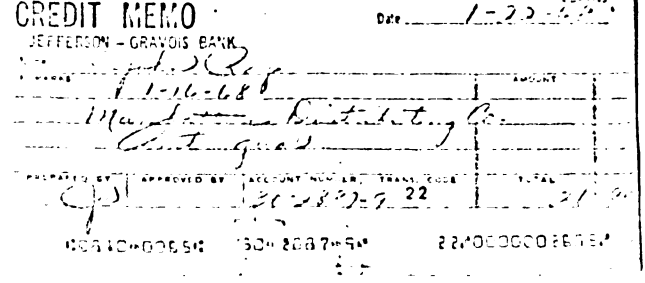


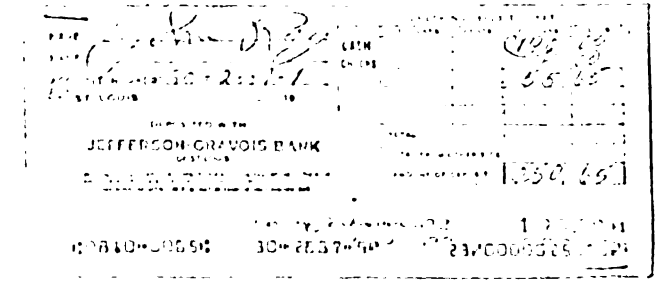


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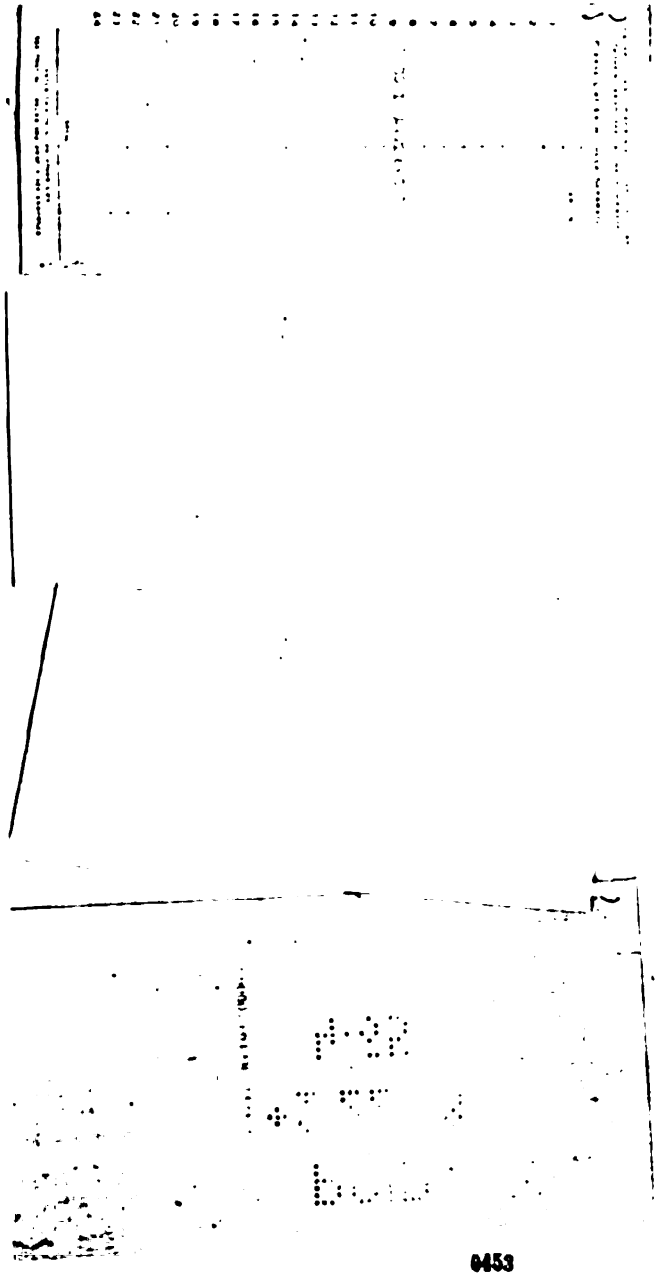




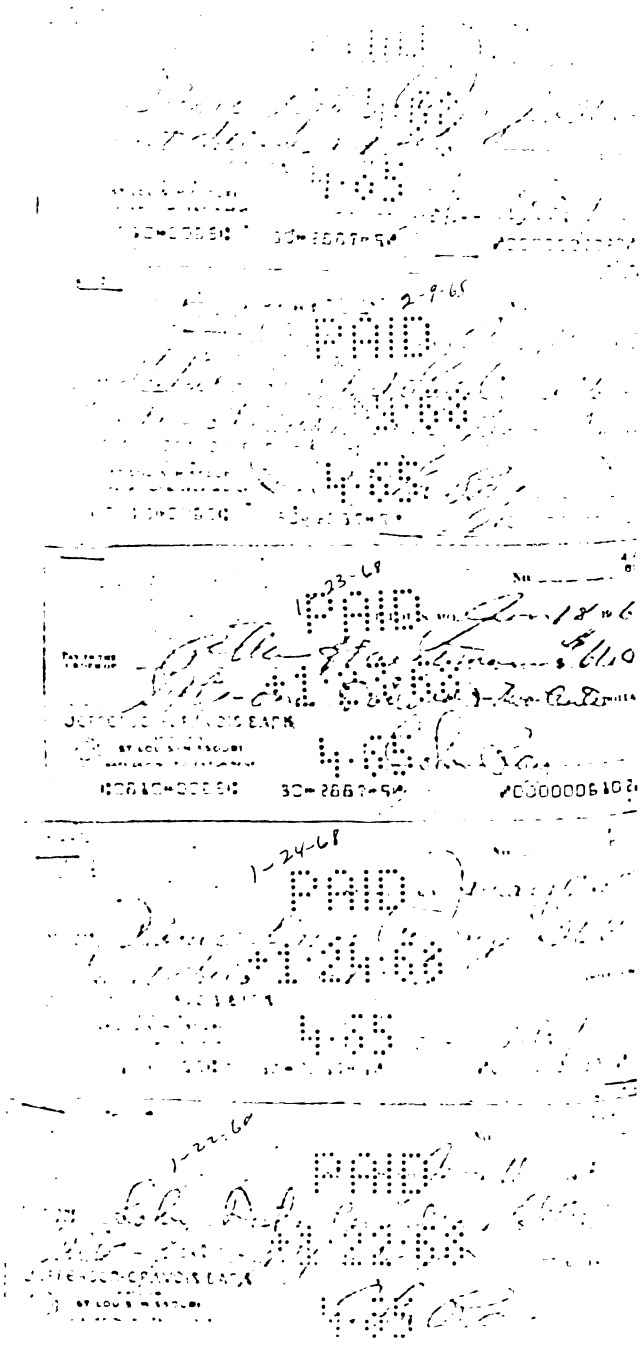




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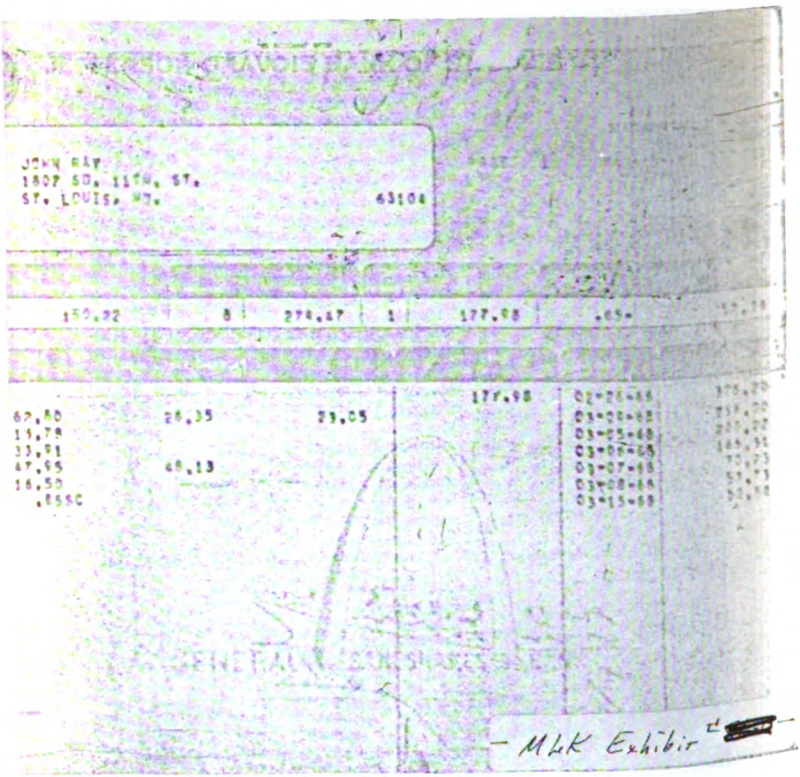


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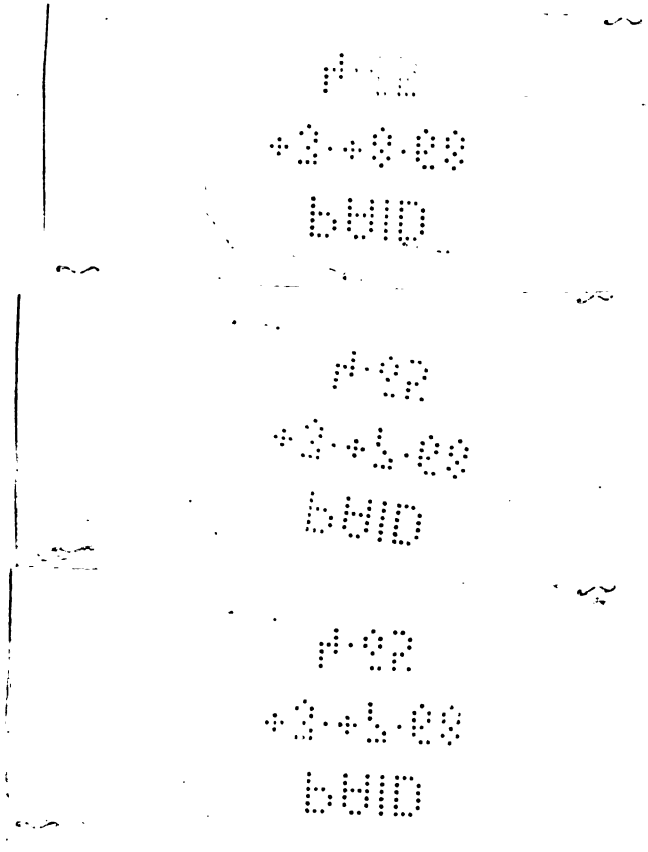
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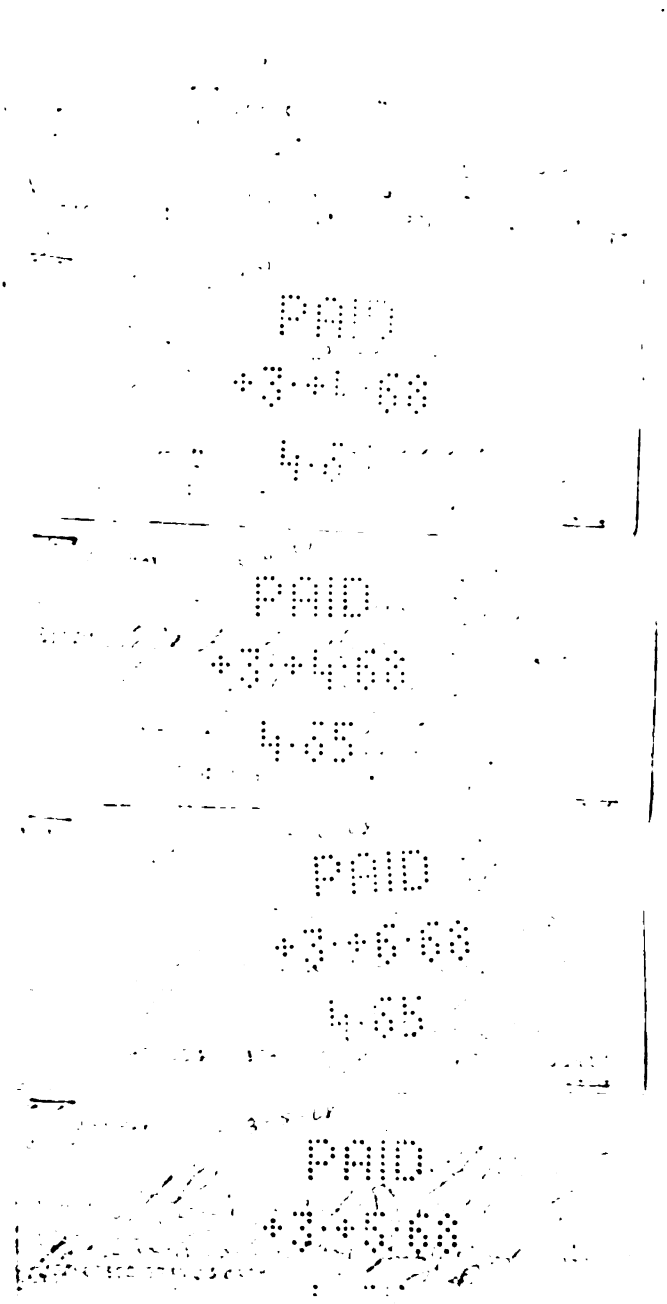
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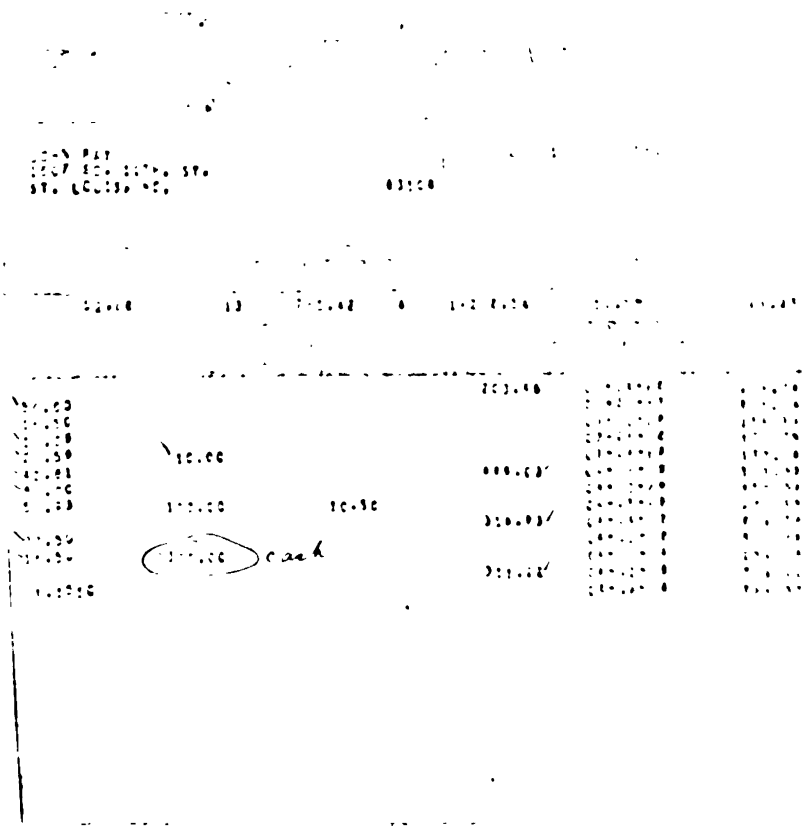
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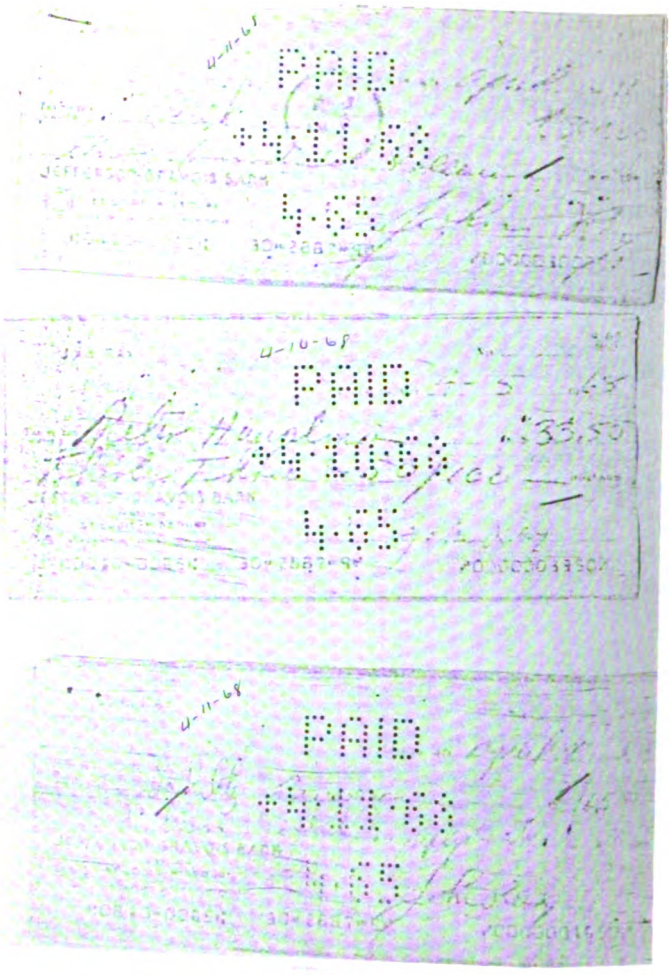


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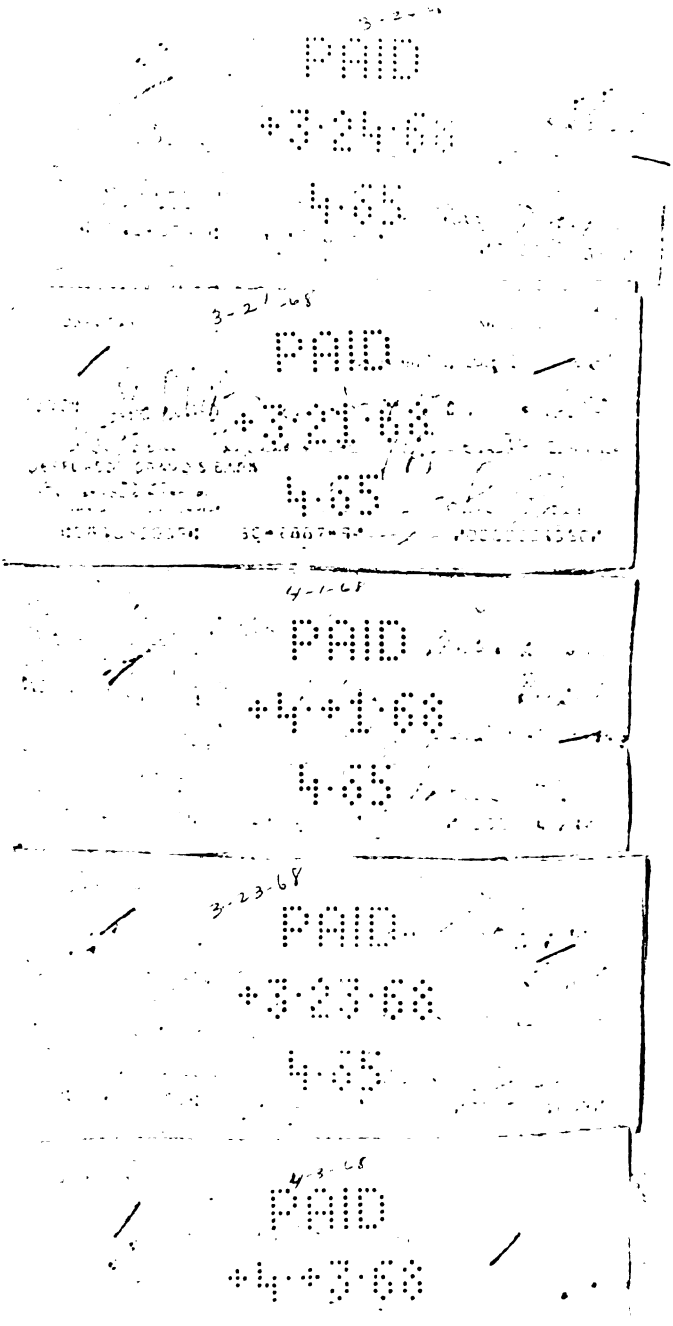




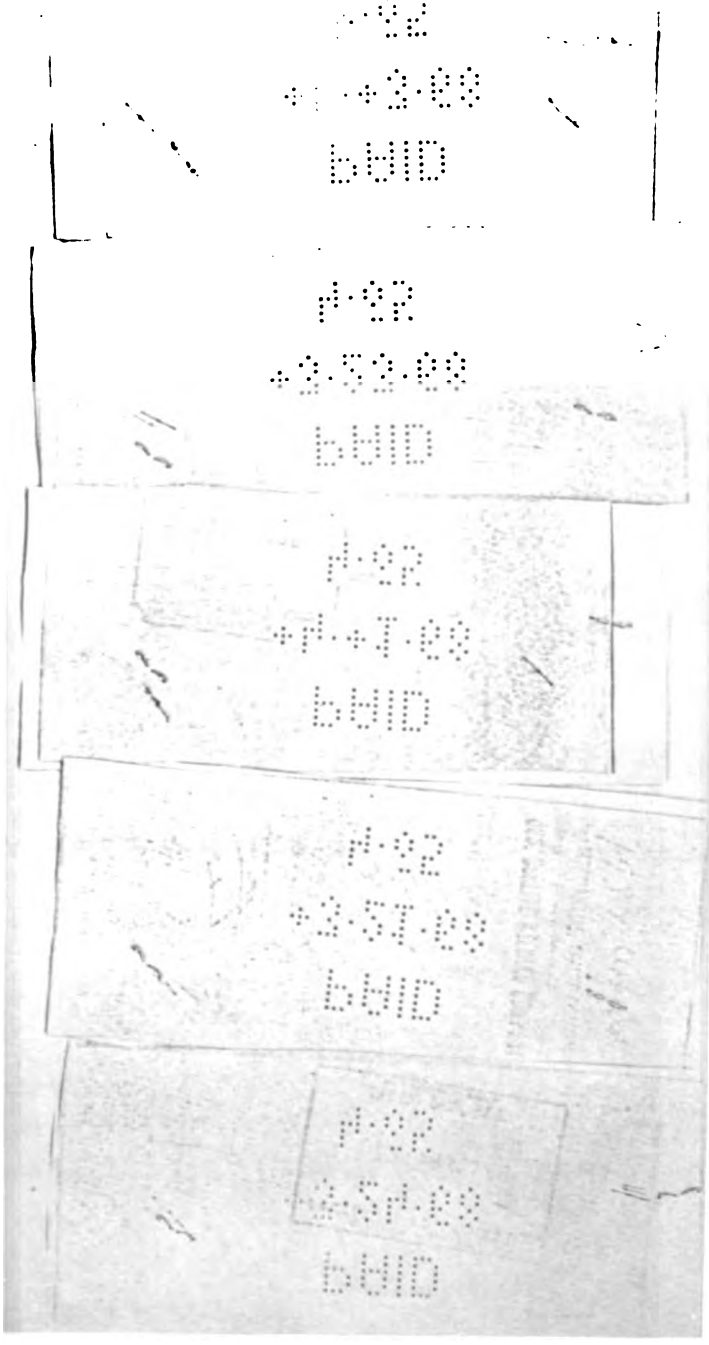
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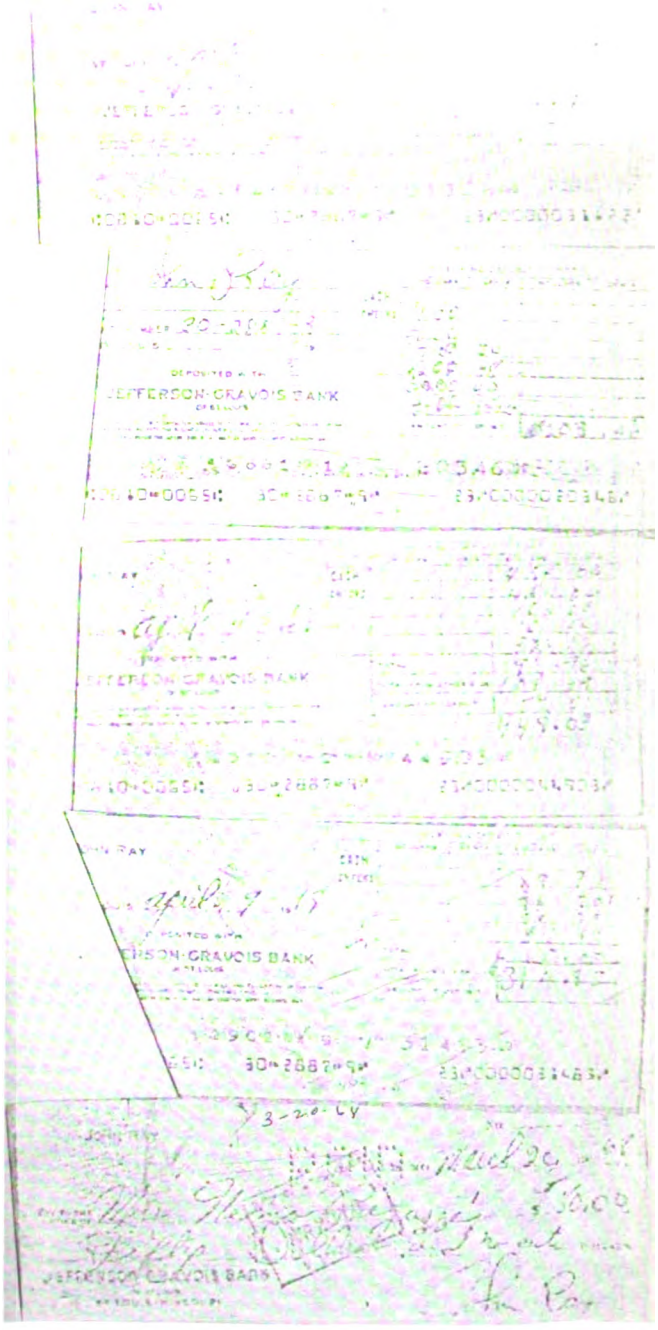
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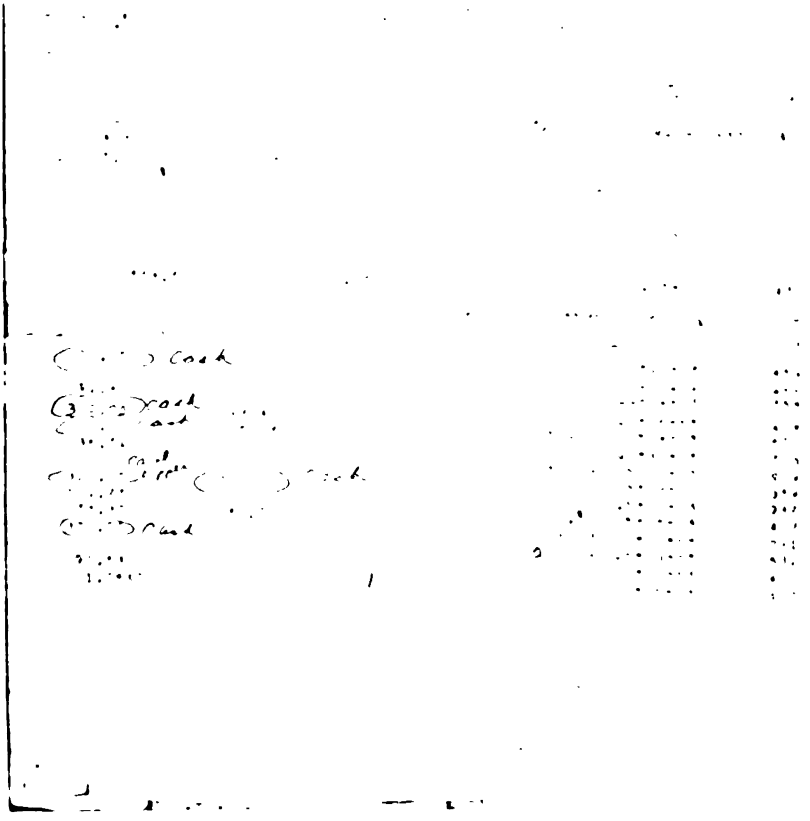


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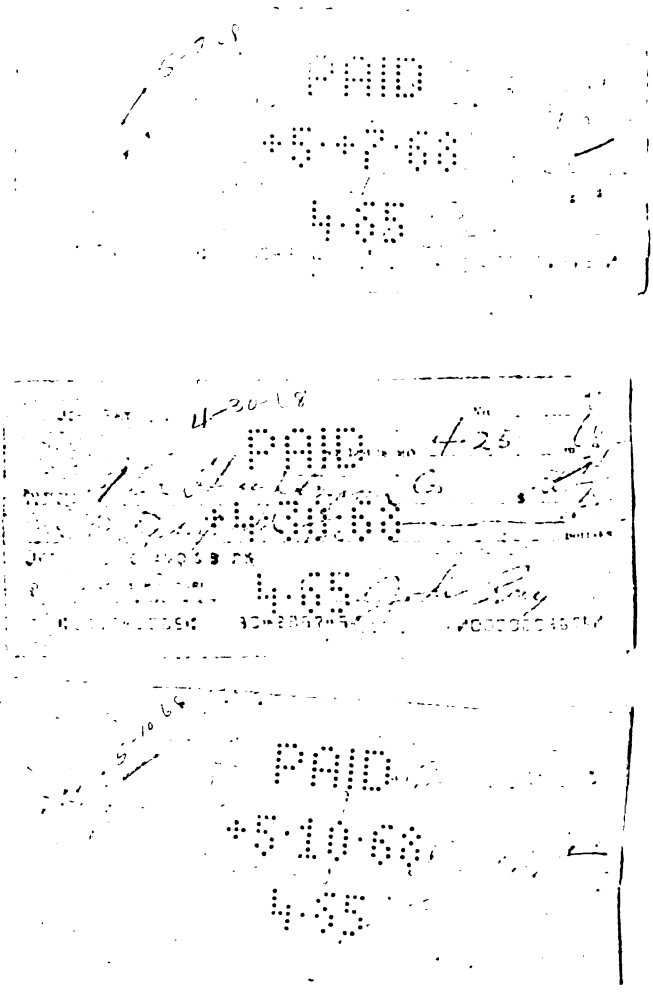


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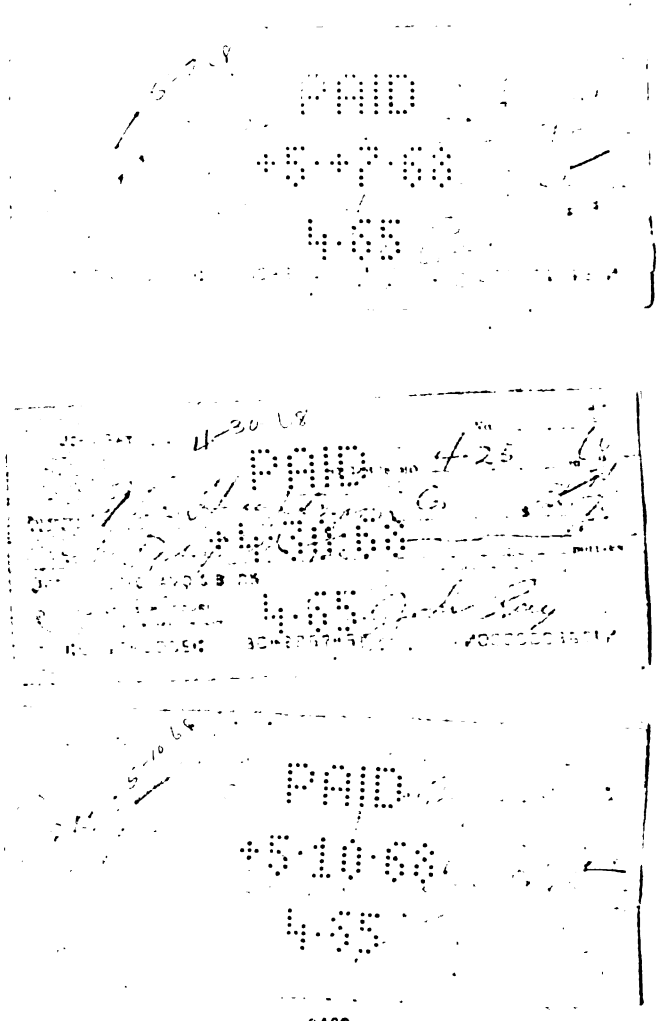
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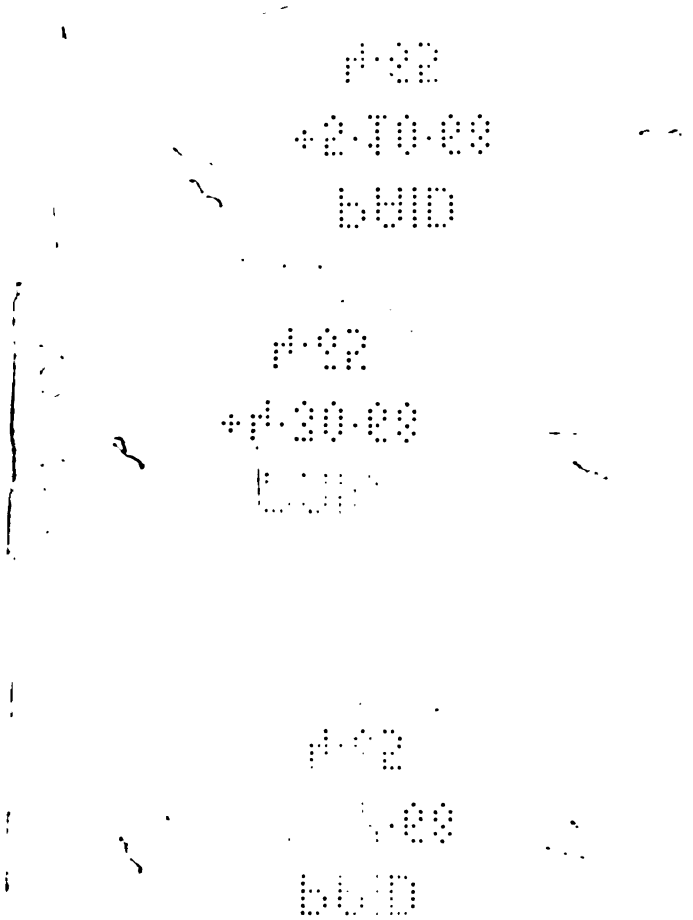
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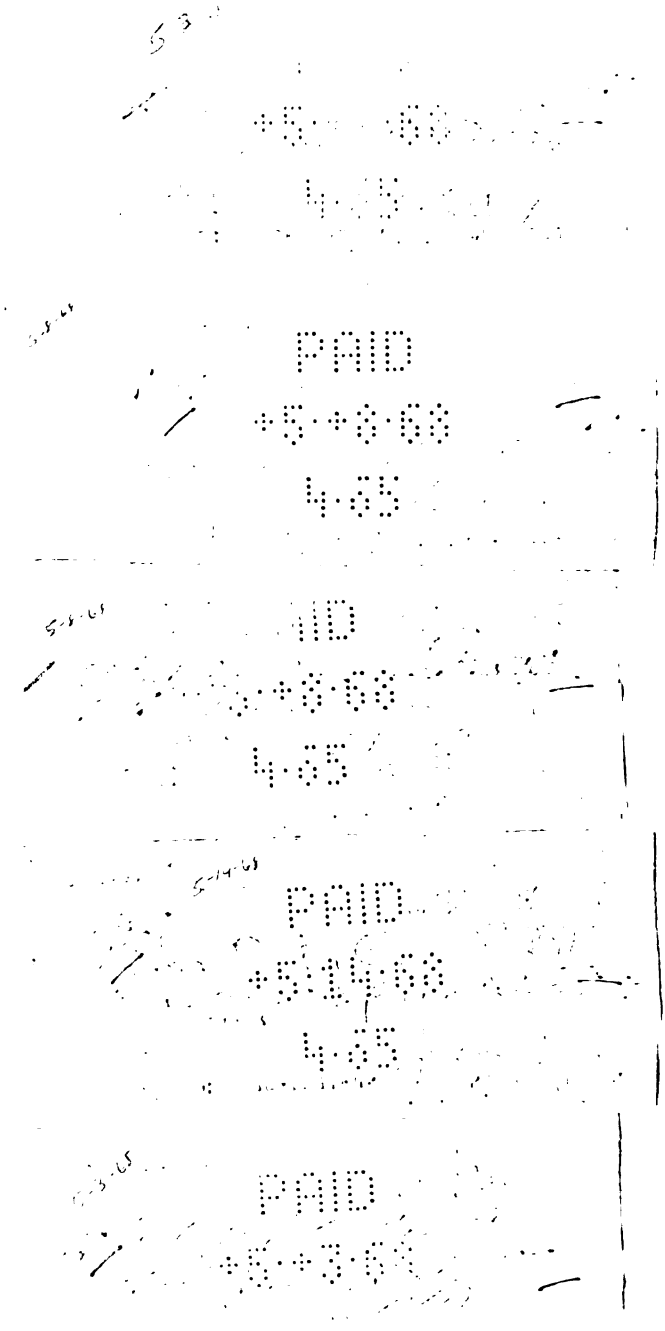
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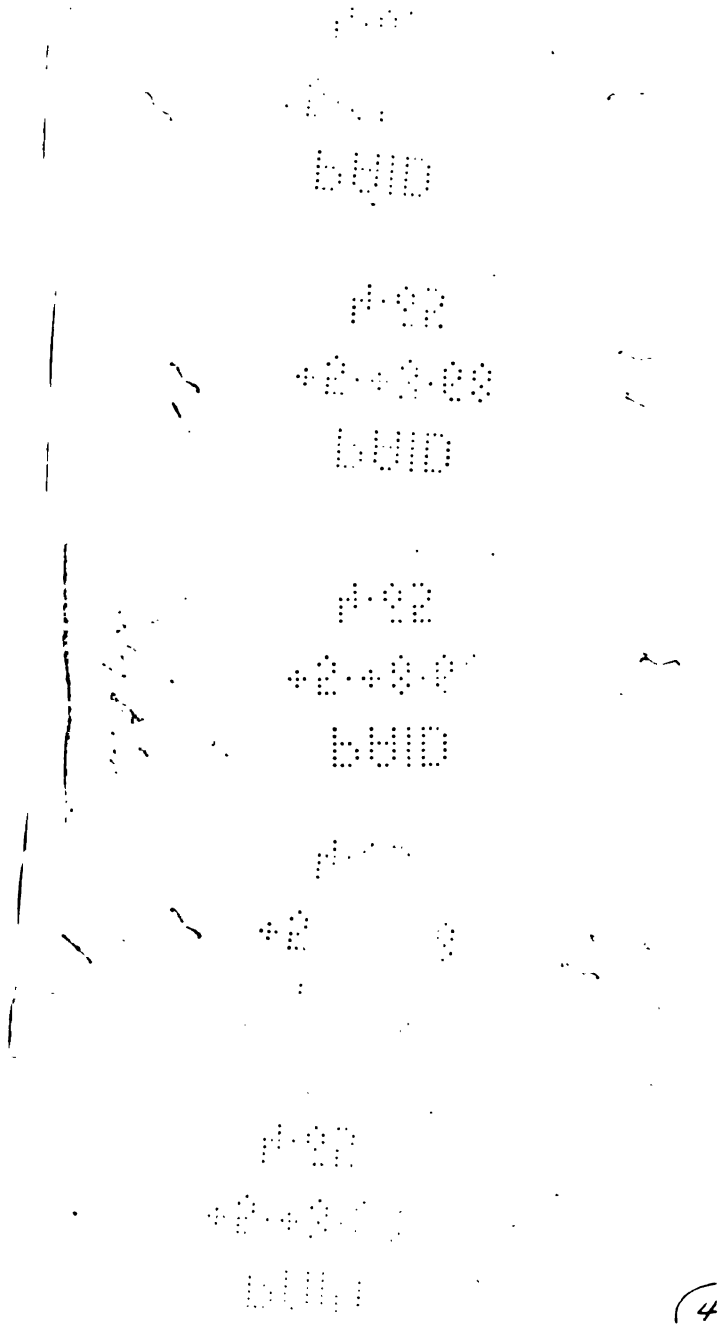
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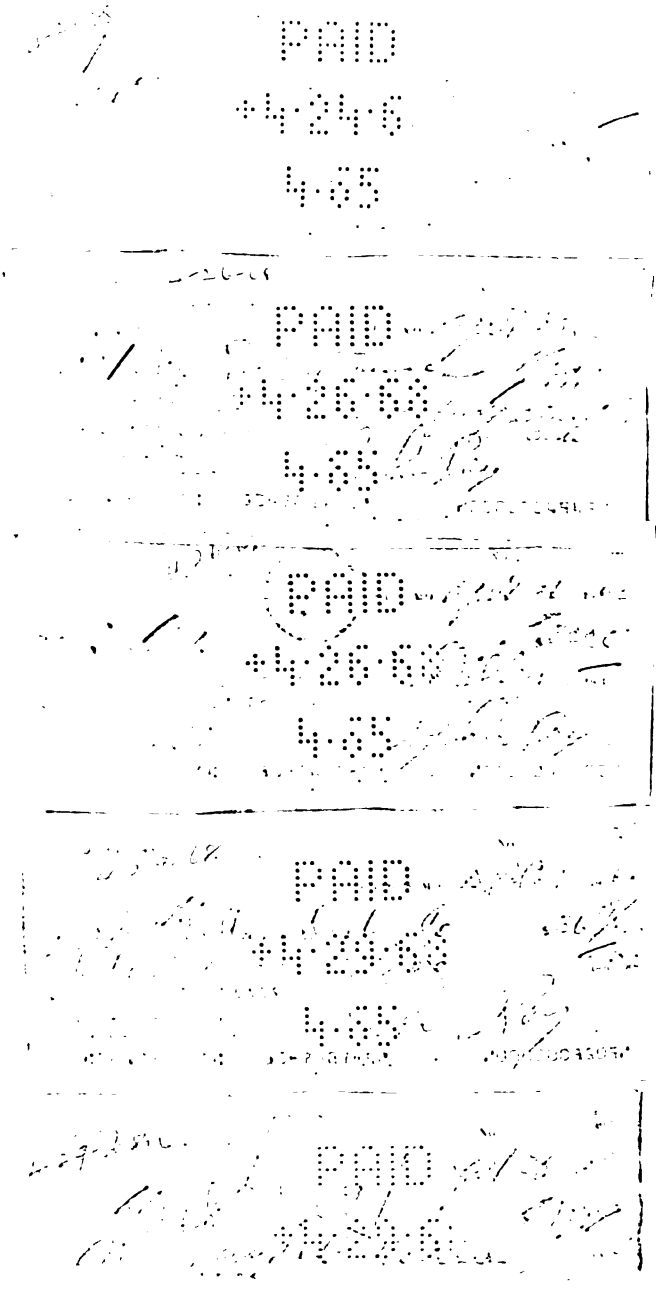


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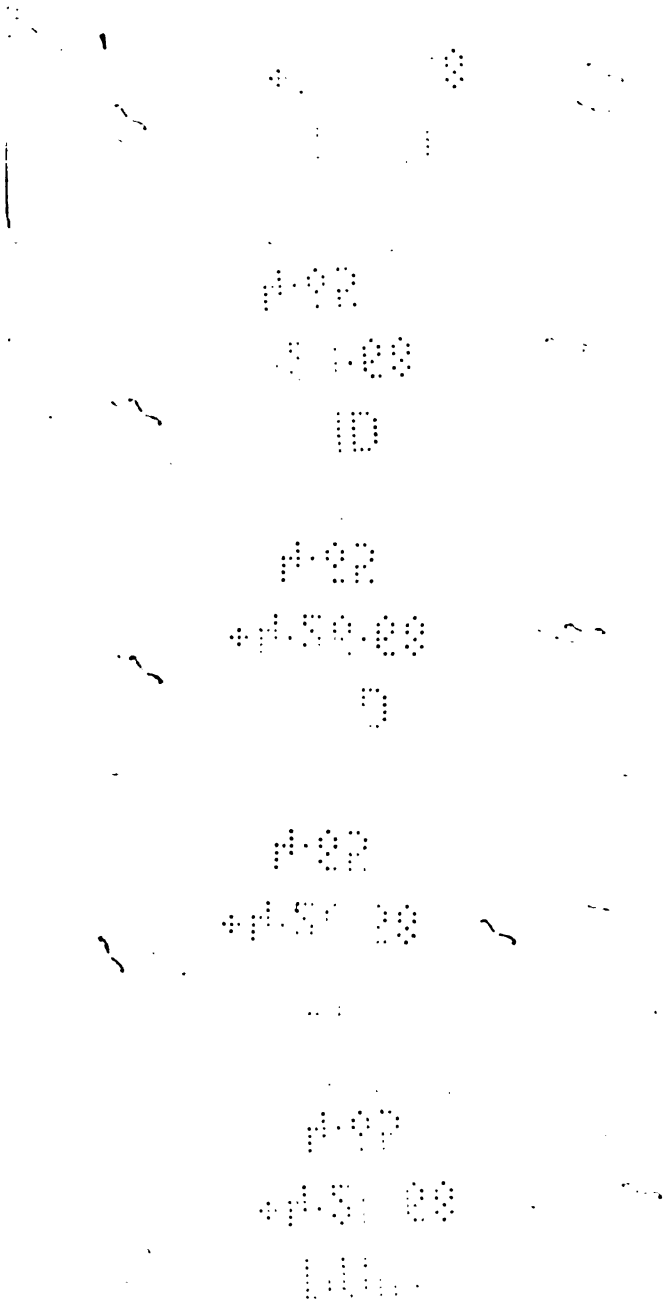


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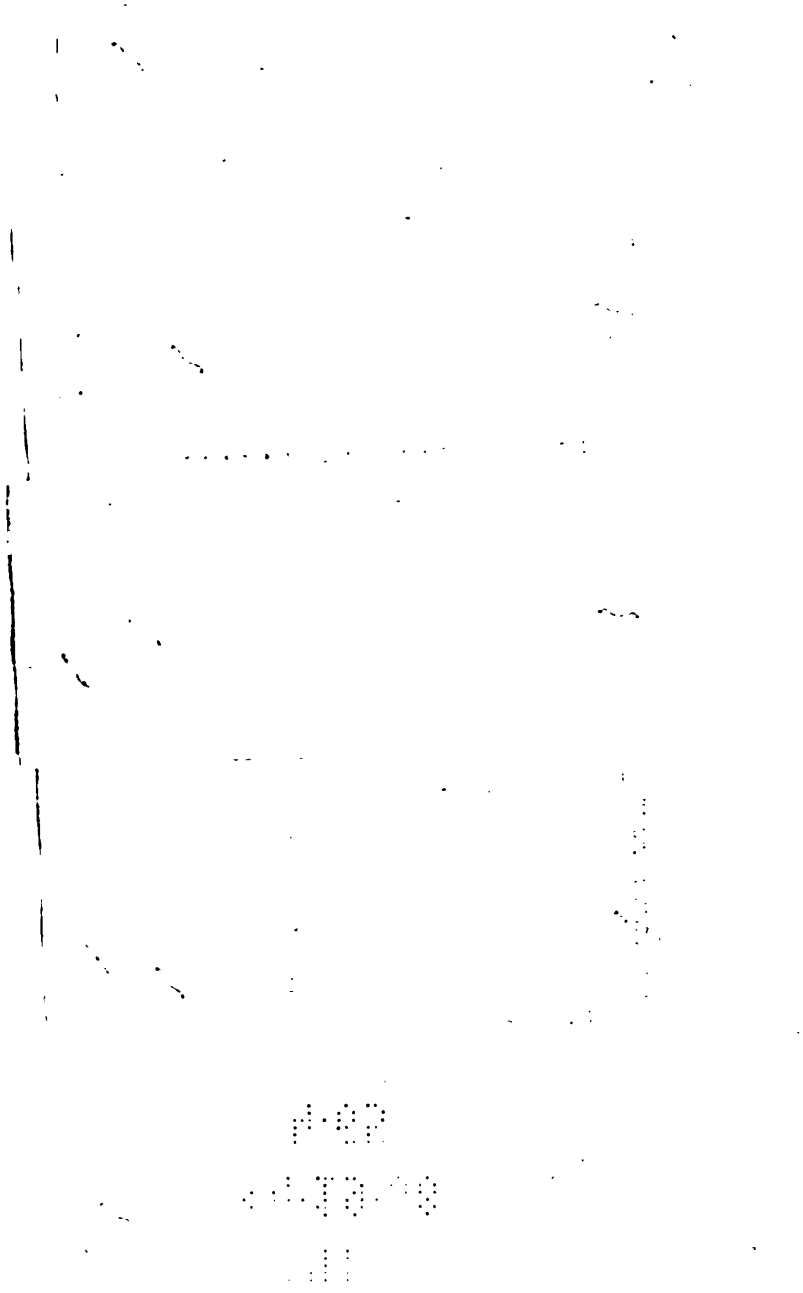
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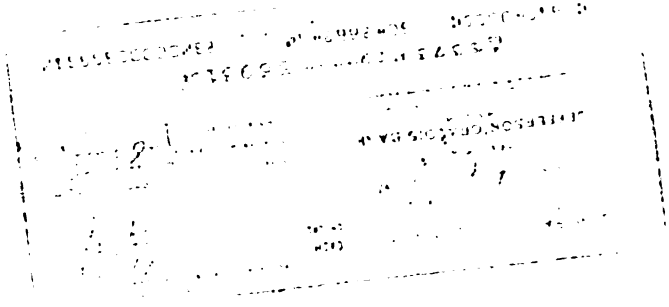
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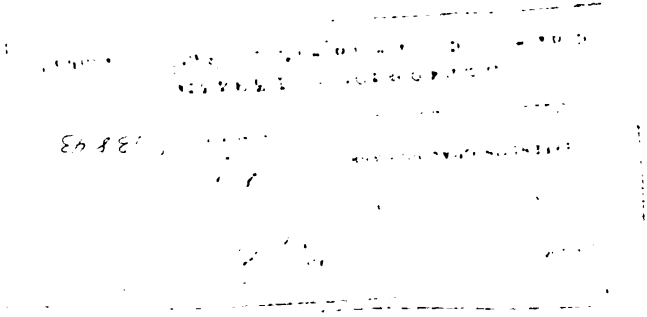


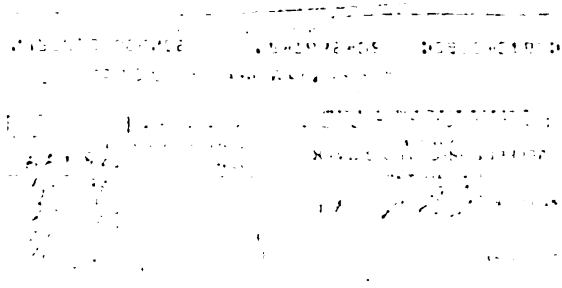
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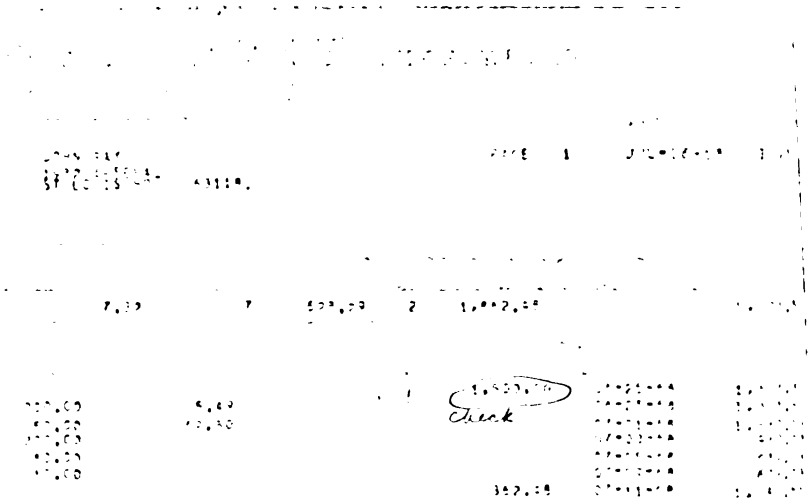
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MLK Exhibit F-666F



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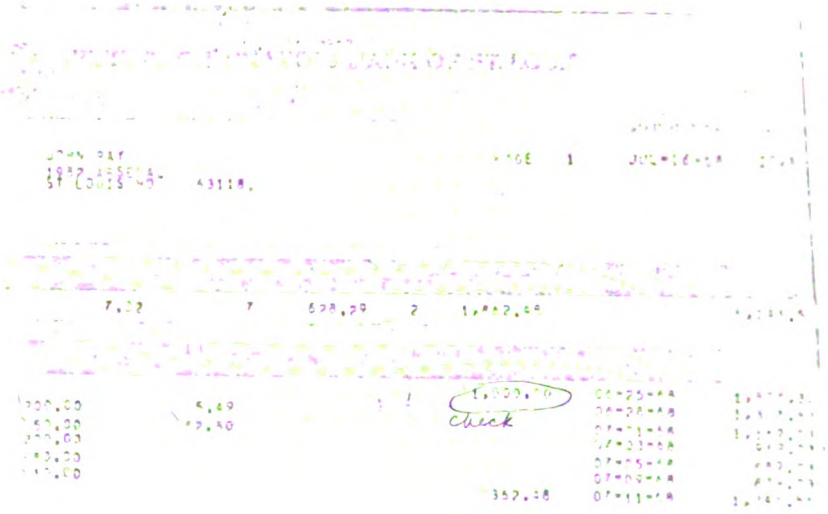
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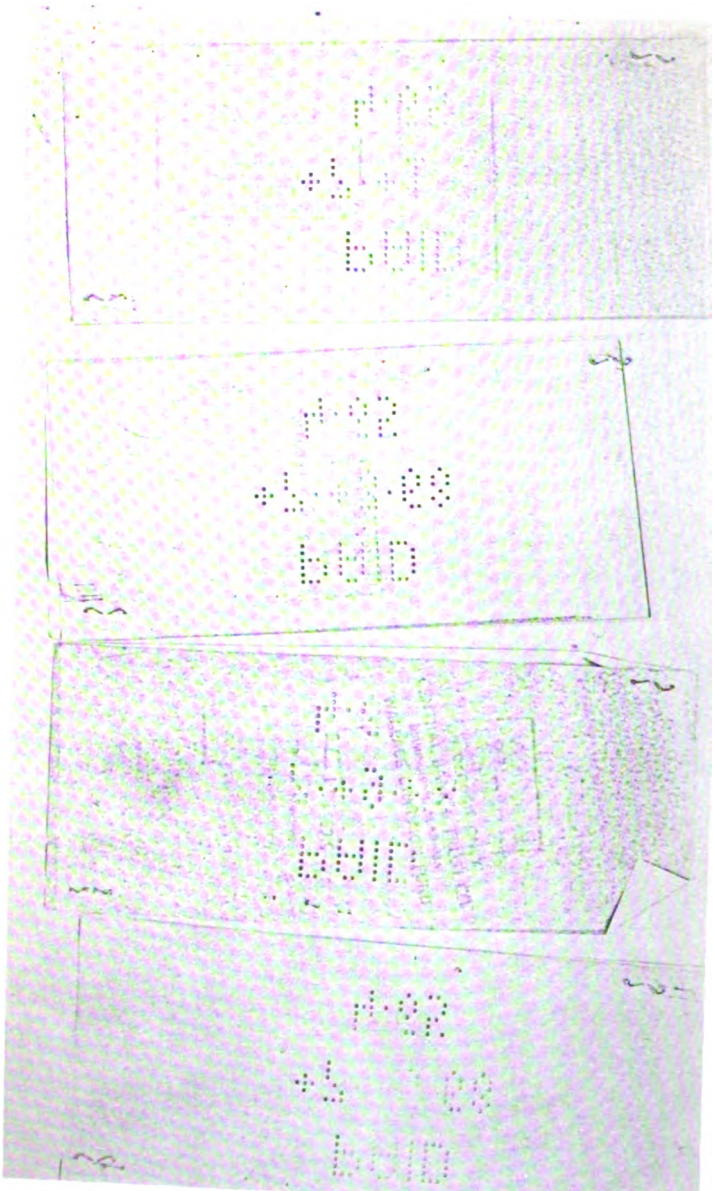
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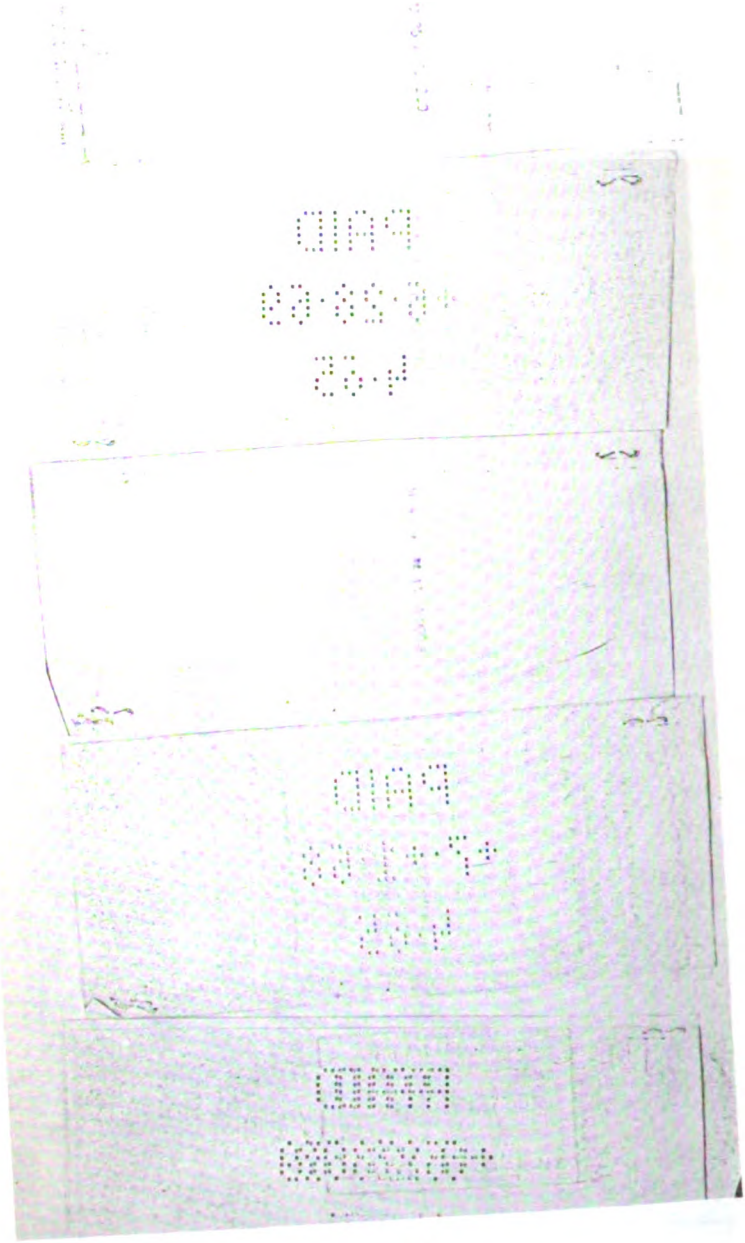
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Chairman STOKES. My question to the witness would be this: Can you tell us the purpose for which these checks were made out for cash that I have just referred to?

Mr. LESAR. Mr. Chairman, I would object or at least request that we be provided with pages of the executive session transcript where we went into this in great detail and we attempted to reconstruct what was happening with John Ray's business. I notice on this MLK F-655, which is page 59 of that transcript, right after the part that Congressman Stokes read, I said: "I think there are some other circumstances that you may want to go into as to what caused the business to fold up."

In my recollection, there was quite a lengthy discussion of various factors that would explain the cash withdrawals. I recall——

Mr. FAUNTROY. Yes, but we have to start someplace, and I wonder if you might not allow your client to start by answering the direct question which the Congressman has tendered him.

Mr. LESAR. I think the problem is one of refreshing his recollection.

If you recall, my recollection is that at the first hearing at which he was asked about this, we did not have any information upon which he could reconstruct his finances of a decade ago. We then requested that information. It was provided to us, and the next day we were able to get a better picture of what happened.

Mr. FAUNTROY. Now let me, I have heard the objection and you have explained it. I am prepared to rule on it. I do overrule your objection and ask that the witness respond to the question tendered by Chairman Stokes.

Mr. LESAR. Mr. Chairman, one other——

Mr. FAUNTROY. Does counsel wish to raise another objection?

Mr. LESAR. Yes, I do. I think that under the rather unusual circumstances which exist, that there is a need for John Ray to refresh his recollection as to what his testimony was in executive session. The reasons for this——

Mr. FAUNTROY. May I ask that we establish with Mr. Ray that he does know the answer to the question.

Mr. Ray, would you answer the question that Chairman Stokes has asked you, and if you would have him to repeat the question, we would be very pleased to do that.

Mr. RAY. OK. Repeat the question.

Chairman STOKES. Certainly I would be glad to. The question I think is rather narrowly drawn. The question is: Can you tell us the reason for which those checks were drawn to cash?

Mr. RAY. I cannot recall unless I see the prior testimony, because I had trouble with this once before and after I went through all the checks, right checks, I produced the evidence which showed—accounted for all the money.

Mr. LESAR. Now that he has answered the question, may I speak to the objection that I was making?

Mr. FAUNTROY. Just a moment. If you would just suspend for the moment before raising your objection.

Chairman STOKES. It appears that his answer, as I understand it, was that he cannot recall unless he had an opportunity to refresh his recollection through the executive transcript. Is that correct?

Mr. RAY. That is correct, yes.

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Chairman STOKES. Perhaps if I pose another question, Mr. Chairman, it may help to refresh his recollection.

Mr. FAUNTROY. If you will be kind enough to pose that.

Mr. LESAR. Mr. Chairman, I am willing to let him do it——

Mr. FAUNTROY. Thank you for allowing that.

Just a minute. I am accustomed to conducting hearings in the following fashion and I think it might facilitate the smooth movement of this hearing. When you have something to say as counsel, if you will address the Chair and state that you have an objection, the Chair will respond by saying the objection is heard, I will listen to your objection in a simple statement and will allow you to explain your objection until such time as I think I understand it and am in position to rule on the objection.

Do I understand you have an objection?

Mr. LESAR. Yes.

Mr. FAUNTROY. The objection is heard.

Mr. LESAR. The objection is that, one, Mr. Ray has been denied any opportunity to see these transcripts since 4 months ago. Since that time, he has suffered a series of blackouts. I have just learned of this myself. He has been treated medically and given electroencephalogram tests.

Mr. FAUNTROY. Is that your objection? What is your objection?

Mr. LESAR. My objection is to having him proceed without allowing him to refresh his memory of his prior testimony because of the circumstances which have been forced upon him, one, by the refusal of this committee to provide him with a transcript of that testimony so he can provide it; and second, the medical circumstances which have occurred since that date.

Mr. FAUNTROY. I have heard your objection and I will——

Chairman STOKES. Mr. Chairman, it won't be necessary. I will withdraw the question and move on to another area.

Mr. FAUNTROY. Thank you. Therefore it will not be necessary to rule, as I was about to rule, on your objection, and I yield back to the chairman of the committee to continue his interrogation of the witness.

Chairman STOKES. Thank you, Mr. Chairman.

Mr. Ray, what were the hours the Grapevine Tavern was open?

Mr. RAY. Well, mostly from 7 or 8 in the morning until 1 or 1:30 in the nighttime—a.m.

Chairman STOKES. The next morning.

What hours did you work in the tavern?

Mr. RAY. Well, I didn't have no certain hours. I just come in—sometimes I come in at 8 and stay all the rest of the day until the night. Sometimes I come in at 2. I didn't have no set hours. If the barmaid didn't work, I worked in her place.

Chairman STOKES. Can you name for us your employees at the Grapevine Tavern?

Mr. RAY. Employees?

Chairman STOKES. Employees.

Mr. RAY. Well, I guess Naomi Regazzi. Let's see, I had barmaids. I don't know—who maybe worked 1 day—I don't recall the name. But offhand, when I took over again, I had Wanda C-r-e-w-s. And one time my brother Jerry worked a day, I think, or a couple of weeks.

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Chairman STOKES. Have you now given us all of the employees of the bar?

Mr. RAY. No. I might have missed some. I might have missed one or two. Some people works 1 day and 2 days and, you know, so forth.

Chairman STOKES. I am trying to get your best recollection.

Mr. RAY. That is my best recollection.

Chairman STOKES. All right. You mentioned Miss Regazzi, Naomi Regazzi.

Mr. RAY. Yes.

Chairman STOKES. Is she the wife of Robert Regazzi?

Mr. RAY. She said she used to be married to him. So I don't know.

Chairman STOKES. Mr. Ray, in what type of neighborhood was the Grapevine Tavern?

Mr. RAY. I say workingman's neighborhood.

Chairman STOKES. Sort of a blue-collar neighborhood?

Mr. RAY. Yes, blue collar.

Chairman STOKES. Can you give us some idea of the type of clientele, the patrons who came into your tavern?

Mr. RAY. Well, I say brewery workers and construction workers—truck drivers, people like that.

Chairman STOKES. Was the tavern at all integrated? Did blacks come into the travern?

Mr. RAY. No.

Chairman STOKES. The answer was no?

Mr. RAY. No. No tavern down there is—I don't know any tavern in South St. Louis that was integrated. I don't know any tavern in North St. Louis that's integrated by whites in a colored community.

Chairman STOKES. Can you tell us where you were living at the time that you owned the Grapevine Tavern?

Mr. RAY. Well, one time I was living on Cherokee, 2000. I believe that was the address. Another time on South California. Another time above the tavern, 1980 Arsenal, upstairs.

Chairman STOKES. Mr. Chairman, I have a few questions to put to the witness in another area. And prior to going into that area, I would want the record to specifically show the questions being asked of this witness relative to Gov. George Wallace and the American Independent Party are intended in no way to reflect or make any aspersion whatsoever either upon Gov. George Wallace or his supporters or those persons who are members of the American Independent Party. The questions will be framed narrowly and for the specific purpose of questioning this witness relative to himself, his brothers and certain patrons of the Grapevine Tavern, all of which has been made a part of the record in this case.

Mr. FAUNTROY. The Chair makes due note of that statement and it is, of course, included in the record.

Chairman STOKES. Mr. Ray, you do recall that Gov. George Wallace was the Presidential candidate on the American Independent Party ticket, do you not?

Mr. RAY. Yes, sir.

Mr. FAUNTROY. Can you tell us whether or not you supported Mr. Wallace's bid for President by campaigning for him, attempting to

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register voters for the American Independent Party, or by distributing Wallace campaign literature from the Grapevine Tavern?

Mr. RAY. I did not—I don't actually know what you mean by campaign. What actually—how do you refer to campaign? You mean knock on doors or stuff like that?

Chairman STOKES. Well, from the tavern let's say, did you have posters, bumper stickers, buttons, other things of that sort which you had gathered and put in the Grapevine Tavern?

Mr. RAY. I believe I registered——

Chairman STOKES. I am sorry?

Mr. RAY. I believe I registered maybe one or two persons. Also I believe only one time I got a group of Wallace bumper stickers, and so forth, from his headquarters—not positive—I think twice. I sold them at a profit. I get them for a quarter apiece and sold them for a half-dollar, something like that. The reason mostly Wallace—my tavern was not a Wallace headquarters. I also had maybe Democrats, and Bucy the alderman, Democratic tickets, and also I had a Wallace sign on the window and I believe Democratic Bucy. One primary reason on the Wallace was the policemen in the third district, which was Wallace supporters, third district police station, they would let you stay open—me—from 1:30 to 6 in the morning because they was Wallace supporters and the other taverns in the neighborhood they close them up at 1:30 so my angle more or less was not so much for Wallace but kind of a money angle. You understand what I am speaking of?

Chairman STOKES. Sure.

Mr. RAY. I also admired Wallace not for race views but also admired people that had opposite views of Wallace. So it wasn't no racial—not on supporting Wallace.

Chairman STOKES. So, then, there would be nothing unusual about the fact that the 1968 Presidential campaign would be a subject of discussion in the Grapevine Tavern?

Mr. RAY. Oh, all political campaigns are subject to discussion. There's a lot of people in South St. Louis who do not like Wallace, and so there wouldn't be lot of discussion. Average amount of discussion. Because everybody was discussing probably the third-party movement.

Chairman STOKES. Let me ask you about your brother James. Were you aware that James Earl Ray was also a Wallace follower and supporter and that he had worked to secure voter registration for Wallace in California while he was a fugitive out there?

Mr. RAY. Only whatever——

Mr. LESAR. Mr. Chairman, objection to the question. I would ask that the committee produce any evidence that it has that James Earl Ray worked for the Wallace headquarters in Los Angeles.

Mr. FAUNTROY. Counsel is aware that the question was whether the witness was aware of it.

Mr. LESAR. But if the question is based on a misstatement of fact, it is an improper question.

Chairman STOKES. Mr. Chairman, perhaps we can resolve it if we furnish the witness with MLK exhibit F-642, which I ask be entered and made a part of the record at this time.

Mr. FAUNTROY. Without objection, so ordered. Will the witness refer to that exhibit, please.

[The information follows:]

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Brother Surprised at Arrest

ST. LOUIS POST-DISPATCH
JUNE 9, 1968 PAGE 31A

Thinks Ray Could Have Been Hired

By MANUEL CHAIT
Of the Post-Dispatch Staff

A brother of James Earl Ray, accused of assassinating the Rev. Dr. Martin Luther King, said here yesterday that he hoped his captured brother "lives to stand trial."

John Larry Ray, who manages a south St. Louis tavern for his sister, said, "If my brother did kill King he did it for a lot of money — he never did anything if it wasn't for money—and those who paid him won't want him sitting in a courtroom telling everything he knows."

John Ray declined to speculate on who might have paid his brother to commit the act. "If he does live to stand trial, I would like to see him get the same sentence as the guy who killed Rockwell."

(He was referring to the 20-year sentence imposed Aug. 31 on John Patler for the ambush killing of George Lincoln Rockwell, American Nazi party leader.

Called About Capture

"A friend of mine in Canada called me around noon to tell me they had caught my brother in London," said Ray. "I wasn't surprised that he was in London but I was surprised that he got caught. I knew he wasn't dead."

Asked why his brother was running if he was not guilty, as alleged, John Ray replied, "He still has 13 years waiting for him to do at Jefferson City on that 20-year sentence for robbery. That's enough reason."

James Ray escaped in April 1967 from the Missouri Penitentiary after serving seven years. Before his escape in a bread truck, Ray had made two unsuccessful attempts.

Wallace Backers

John Ray said he last saw his brother at the prison. "He and I both are strong supporters of George (C.) Wallace (former governor of Alabama and a states' rights candidate for president), so maybe we talked about him a little." Ray insisted, however, that his brother was not a member of any racial hate group.

John Ray, 38 years old, described his 40-year-old brother as "hot-tempered toward anyone that got on him." John Ray said that he and another brother, Jerry, 32, Chicago, were the closest to James Ray among the 10 sisters and brothers in the family.

"James would do anything for us and we, for him. But he wasn't particularly sociable with strangers," said Ray.

Reference To Army

Ray recalled a reunion in 1949 at the family hoe Quincy, Ill., when James came from Chicago for several days.

"But that was after the war and Jim was a changed man," Ray said "before he went into the Army he didn't drink or smoke and was a hard worker. After he came back, he drank and didn't believe in working. The Army changed his whole outlook on life."

Ray said that his brother, who was given a general discharge from the Army in 1948 "because of ineptness and lack of adaptability for military service" greatly admired the German people and had set out to serve in Germany when he entered the Army in February 1948. "He was stationed in Nuremberg during the trial of German leaders after the war," Ray recalled.

John Ray and his sister, Mrs. Carol Ann Pepper, are the only members of the Ray family living in the St. Louis area. Ray has managed the tavern since it was opened around the first of the year. He said that he had been a bartender for many years.

John Ray, who refused to be photographed, resembles his brother. Each has receding brown hair, stands about 5 feet, 10 inches and is broad-shouldered.

Plans to Visit Brother

John Ray said that he intended to visit his brother as soon as he was returned to the United States. "I don't think he'll live to stand trial, though, and even if he does, it will be cut and dried."

The sentence of James Ray to the Missouri prison as a habitual criminal was the last disposition in a criminal record that dated from 1948, when Ray was convicted of burglary in Los Angeles and sentenced to 30 days in the county jail.

He later served terms in the Illinois prisons at Joliet and Pontiac for robbery, and in the federal penitentiary at Leavenworth, Kan., for forging a postal money order.

Returned to St. Louis

James Ray made his way back to St. Louis in August 1959 and rented an apartment in the 3000 block of Park avenue. It was in that building that Ray was arrested in October, minutes after he and an accomplice had robbed a Kroger grocery on Ohio avenue.

Ray, who attempted to avoid capture, was subdued after a detective struck him on the head with his service revolver. On the fifth day of his trial before Circuit Court Judge John C. Casey, Ray again tried to escape. He was caught by a sheriff's deputy in an elevator at the end of a corridor in the Municipal Courts building. The pattern continued at the Missouri Penitentiary, where Ray's third effort to escape was successful.

MLK EXHIBIT F-642

Mr. RAY. MLK F-642?

Chairman STOKES. MLK F-642, which is a St. Louis Post-Dispatch article dated June 9, 1968. It is page 31A. I would refer the witness, Mr. Lesar, to the second paragraph under the caption "Wallace Backers," that portion which says:

> John Ray said he last saw his brother at the prison and "he and I both are strong supporters of George C. Wallace," former governor of Alabama, a States' Rights candidate for President, "so maybe we talked about him a little."

Mr. RAY. Maybe, maybe.

Mr. LESAR. That does not say that James Earl Ray worked for Wallace. I just point that out, that my objection seems to have had some validity.

Chairman STOKES. Mr. Chairman, my question was simply whether or not he was aware of it. If the witness is unaware, then he ought to be able to state that.

Mr. LESAR. Oh, but you were asking him if he was aware of something—that is not a fact.

Mr. FAUNTROY. The Chair is prepared to rule. And he overrules the objection and directs the witness to answer a simple question tendered him by Chairman Stokes.

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Mr. LESAR. Could you repeat the question for us?

Chairman STOKES. I will rephrase it.

Mr. FAUNTROY. Does the witness need the question to be restated to him?

Mr. RAY. Yes; he can restate it.

Mr. FAUNTROY. Thank you.

Will the chairman kindly restate the question.

Chairman STOKES. I will be glad to, Mr. Chairman.

Mr. Ray, were you aware of the fact that your brother, James Earl Ray, was a strong supporter of Gov. George Wallace?

Mr. RAY. Well, if this is true, he might have been—if this newspaper article is true, it is possible. Maybe he told me on a visit. But I can't recall offhand something that happened 12 years ago, a statement which maybe my brother made.

Chairman STOKES. Well, do you recall having talked with this particular newspaper reporter?

Mr. RAY. Manuel Chait; yes, sir.

Chairman STOKES. And in talking with him, is there any reason to believe that you did not say what he said that you said in this article?

Mr. RAY. No, I probably said this. Of course, he's a pretty honest writer.

Chairman STOKES. Thank you.

Now, did you and James ever discuss the campaign of Gov. George Wallace, either before or after his escape from Missouri State Prison?

Mr. RAY. I can't recall ever—excuse me—ever discussing—maybe if I visit, or he is incarcerated in prison, anybody might have said something about it. But nothing specific. Whatever conversation carried on between me and James about Wallace, supporting Wallace, rather.

Chairman STOKES. The answer is you can't recall anything specific?

Mr. RAY. No.

Chairman STOKES. But you possibly did discuss it?

Mr. RAY. It is possible, yes. But in prison interviews you don't talk too much about politics and stuff. You know, you talk about family and stuff.

Chairman STOKES. Can you identify for the committee by name any Wallace campaign backers who frequented the Grapevine Bar on a regular or occasional basis.

Mr. RAY. Campaign backers? Campaign what?

Chairman STOKES. Wallace campaign supporters or backers.

Mr. RAY. Well, I imagine supporters was in there. People, you know, buy bumper stickers or something. There is no organizers to the best of my knowledge ever came into the tavern.

Chairman STOKES. Do you know where the South St. Louis American Independent Party headquarters was located in 1968?

Mr. RAY. 1968 what?

Chairman STOKES. In 1968?

Mr. RAY. 1968?

Chairman STOKES. Yes.

Mr. RAY. Well, there was one on Gravoise—someplace on Gravoise. I saw it out there. But I don't know the address.

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Chairman STOKES. Nowhere any others were located?

Mr. RAY. No.

Chairman STOKES. Did you know Glen Shrum who was in charge of the South St. Louis AIP office?

Mr. RAY. I read about him in the newspaper. That is all. I read his name in the newspaper once in a while.

Chairman STOKES. But your answer is you did not know him?

Mr. RAY. No.

Chairman STOKES. Did you know Floyd Kitchen, the St. Louis AIP organizer?

Mr. RAY. No, not to my knowledge. I read about him, too.

Chairman STOKES. But you didn't personally know him either?

Mr. RAY. No.

Chairman STOKES. Mr. Ray, at this time I want to direct your attention to Martin Luther King exhibits F-580, F-580A, F-580B, F-580C, which I will also ask to be displayed for the witness.

Mr. Ray, can you see these exhibits?

Mr. RAY. Yes, sir.

Chairman STOKES. OK.

The three photographs there represent photographs taken this year of the location where the Grapevine Tavern was situated.

Do these photographs accurately reflect the location of the Grapevine Tavern?

Mr. RAY. Yes, sir.

Chairman STOKES. And can you see the map there?

Mr. RAY. Yes, I can see the map.

Chairman STOKES. Does that map accurately reflect the location of the Grapevine Tavern as you recall it?

Mr. RAY. Yes.

Chairman STOKES. Now, this photograph, or these photographs, rather, were taken from the doorstep of 2105 Arsenal Street. I wonder if you recall who resided at that address?

Mr. RAY. You mean the Grapevine Tavern?

Chairman STOKES. Yes. Who resided at the address 2105 Arsenal Street?

Mr. RAY. I do not know. It says here Stanley and Viola Anderson.

Chairman STOKES. OK. You have anticipated my next question which was whether or not you knew Viola Anderson and her husband, Stanley, who resided at the address across the street from which this photograph was taken.

Mr. RAY. I am well aware of them living there because they had signs in their windows and stuff in the yard.

Chairman STOKES. Were you aware of the fact that their home also served as the South St. Louis neighborhood meeting place for the American Indpendent Party? Did you know that?

Mr. RAY. No. Well, I know—I didn't know it was a headquarters or nothing. The only thing I knew was about the signs in the yard and I think she or he was some type of maybe a recruiter, by hearsay.

Chairman STOKES. OK.

Did you ever attend any meetings in their home?

Mr. RAY. No.

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Chairman STOKES. Have you ever been in their home for any reason?

Mr. RAY. No.

Chairman STOKES. Did you know the Andersons to see them?

Mr. RAY. Yes, I saw them out in front of the house, driving past.

Chairman STOKES. Did you ever see them in the Grapevine Tavern?

Mr. RAY. Not to my knowledge, no. You see, I have to explain, their class of people probably wouldn't associate with this class of people here. This class of people in my tavern was more or less a rougher element. And the Wallace supporters was more or less the law and order type of person. You understand what I mean. There was a dividing line there. These people here was working—a lot of different people come in there, a rougher type of crowd. I wouldn't have no reason to go over there, and she wouldn't have no reason to come over here.

Chairman STOKES. I see.

Mr. Ray, now I would like to direct your attention to Martin Luther King exhibit F-571 which has been previously entered into the record and ask that this exhibit be appropriately displayed to the witness.

Mr. Ray, this is a photograph of an individual previously identified in these proceedings as being Mr. John Kauffmann. Do you know this individual?

Mr. RAY. No, not to my knowledge. I never saw him before.

Chairman STOKES. To the best of your knowledge, you have never seen him before?

Mr. RAY. No.

Chairman STOKES. Now, at this time I would like to direct the attention of Mr. Ray to Martin Luther King exhibit F-572, also previously identified and made a part of the record here. I ask that it be displayed for the witness.

Mr. Ray, this is a photograph previously identified in these proceedings of a Mr. John Sutherland. I will ask you to look at this photograph and tell us whether or not you know this individual.

Mr. RAY. I can't recall ever seeing him either.

Chairman STOKES. Beg pardon?

Mr. RAY. I can't recall ever seeing him either.

Mr. LESAR. He can't recall ever seeing him either.

Chairman STOKES. I see. Thank you.

Did you ever meet with anyone by the name of John Sutherland?

Mr. RAY. No. I can't recall.

Chairman STOKES. Mr. Ray, when you traveled to California, in the summer of 1967, did you spend any time in San Diego?

Mr. RAY. Yes. I was down there a week or so.

Chairman STOKES. And did you visit there with an individual named William K. Scheerer who resides in the San Diego area?

Mr. RAY. No.

Chairman STOKES. You did not?

Mr. RAY. No.

Chairman STOKES. In 1967 and 1968, Mr. Ray, did you know any members of the Citizens Council of St. Louis?

Mr. RAY. To my knowledge, no.

Chairman STOKES. I beg your pardon?

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Mr. RAY. To my knowledge, no. For instance, somebody, you know, might have been a member of the Citizens Council, maybe. But not to my knowledge.

Chairman STOKES. That is all I am asking. Any persons who came to your knowledge who were members of that group.

Mr. RAY. No.

Chairman STOKES. Then in terms of any of them frequenting the Grapevine Tavern, if they did, you didn't know they belonged to this organization?

Mr. RAY. No.

Chairman STOKES. Now, I will ask that the witness be shown MLK exhibit F-660, that it be appropriately displayed. I also ask that it be entered into the record of these proceedings.

Mr. FAUNTROY. Without objection, so ordered.

[The information follows:]

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MLK EXHIBIT F-660

Chairman STOKES. This individual, Mr. Ray, has been previously identified in these hearings as Mr. Russell Byers. I will ask you to look at him and tell the committee whether or not you have ever met him.

Mr. LESAR. Objection, Mr. Chairman. Could Congressman Stokes state when the picture was taken?

Mr. FAUNTROY. A request has been made for information.

Chairman STOKES. I am informed by counsel, chief counsel for the committee, that it is a recent photograph.

Mr. LESAR. It is. All right.

And, second, it is my recollection, Mr. Weisberg and I were here with John Ray at a time when Mr. Byers was called into testify. It is Mr. Weisberg's recollection that he did not have glasses at that time; is that correct?

Mr. FAUNTROY. Quite frankly, Mr. Lesar, I don't recall myself.

Mr. LESAR. I don't either.

Mr. FAUNTROY. And, therefore, I don't understand its relevance.

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Mr. LESAR. The relevance is that ordinarily when you attempt to get an identification of someone who knew someone, you take a picture of the person as he was at the time someone——

Mr. FAUNTROY. Are you objecting to the question on the basis of that?

Mr. LESAR. I have established a couple of facts. I think I won't object any further.

Mr. FAUNTROY. Oh, thank you.

Now, will you answer the question?

Mr. RAY. I do not recall ever meeting that person either.

Chairman STOKES. Mr. Chairman, I have one other photograph I would like to have displayed, shown to the witness. It is MLK exhibit F-661. I ask that it be displayed, and made a part of this record.

Mr. FAUNTROY. Without objection, so ordered.

[The information follows:]

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MLK EXHIBIT F-661

Chairman STOKES. Mr. Ray, that is a photograph of a gentleman previously identified as John Paul Spica. The question to you is whether or not you know this individual?

Mr. RAY. No.

Mr. LESAR. Again, Mr. Chairman, just for the record, is that a current photograph or a photograph as of what time?

Mr. FAUNTROY. Counsel, you slept that one.

Mr. LESAR. I slipped that one?

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Mr. FAUNTROY. You slept it. The witness has answered the question.

Mr. LESAR. I understand. I said just for the record. I just want to have an accurate record reflecting when the photograph was taken.

Mr. FAUNTROY. Well, that objection is overruled.

Would the chairman continue?

Chairman STOKES. Thank you, Mr. Chairman.

Let me ask you this, Mr. Ray. Are you aware of the fact that John Paul Spica was an inmate at the Missouri State Prison at the same time your brother was an inmate there prior to his escape?

Mr. RAY. Just what I read in the newspapers.

Chairman STOKES. Mr. Chairman, I think I have just a couple of more questions.

Mr. Ray, was Dr. Martin Luther King ever the subject of discussions at the Grapevine Tavern?

Mr. RAY. Well, I imagine there was discussion. I expect there were discussions. I can't remember any offhand. The reason I imagine there was was that he is, well, a controversy figure. But it was no serious discussions to do bodily injuries or conspiracies, or any things of that manner. Not within my presence.

Chairman STOKES. I see.

Were there ever any discussions there about the trouble that the civil rights movement, which was being headed by Dr. Martin Luther King, was causing in 1968?

Mr. RAY. I expect that there was. But I can't recall offhand any specific incident.

Chairman STOKES. Were there ever at any time any conversations which you either participated in or overheard at the Grapevine Tavern where money was being offered to kill Dr. Martin Luther King, Jr.?

Mr. RAY. No.

Chairman STOKES. Thank you, Mr. Ray.

Mr. Chairman, I have no further questions of the witness. I yield back the balance of my time.

Mr. FAUNTROY. Thank you.

The Chair yields back the balance of his time and I would like to yield out of order to Congressman McKinney at this time for his 5 minutes.

Mr. MCKINNEY. Mr. Chairman, thank you very much. I am going to be extremely brief.

Mr. Ray, you and Mr. Lesar spent quite some time with me last April; is that not correct?

Mr. RAY. Correct.

Mr. MCKINNEY. I just wanted to establish that for the record so that the brevity of my questioning will not be considered as a lack of interest.

You have today disagreed with either the sworn statement or the committee reports on the remarks made by Mr. Goldenstein, Mr. Haynes, and Mr. Rogers, concerning bank robberies; is that not correct?

Mr. RAY. That is correct.

Mr. MCKINNEY. Mr. Lesar, you are a practicing attorney in the District of Columbia?

Mr. LESAR. Yes, that is correct.

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Mr. McKINNEY. Do you know where House Annex No. 2 is?

Mr. LESAR. Yes, I do.

Mr. McKINNEY. You have read the committee rules. Of that we are aware; correct?

Mr. LESAR. Yes.

Mr. McKINNEY. And you are aware of the fact that the committee rules state that testimony under the committee rules of executive session is available to anyone who should choose to read them at House Annex 2; right?

Mr. LESAR. I am aware of that, yes.

Mr. McKINNEY. How many times have you taken advantage of that opportunity?

Mr. LESAR. Well, let me see——

Mr. McKINNEY. An estimation is fine.

Mr. LESAR. Well, to the best of my recollection there was one attempt that was really frustrated because the committee required that I swear a secrecy oath not to reveal—or the staff did—that I would not reveal the contents of the transcript, and I refused to sign that, and advised my client, Carol Pepper, not to. And I would guess I have been over there maybe three times, probably three, to review transcripts, yes.

Mr. McKINNEY. You are aware of the House of Representatives interpretation of what an executive hearing is?

Mr. LESAR. No, I am a little puzzled about it because it has been represented here to me today that executive session transcripts are not made available to the witnesses. And yet I have one with me that was made available to a witness. And, in addition, you will recall, of course, that I protested quite strenuously against having those sessions held in executive session.

Mr. McKINNEY. Mr. Lesar, I am only too well aware. I was sitting, I believe, temporarily in the Chair for part of that time.

Did you request of this committee at any time previous to this Friday of this week that you receive any exhibits that we were going to put into the testimony today?

Mr. LESAR. I made——

Mr. McKINNEY. Not including your general request which wanted 50,000 odd pages of different documents. I am talking about specific things.

Mr. LESAR. No, I think that is a misrepresentation of what I asked for. I have—my guess is I have written six or seven letters over the past 3 or 4 months requesting different items, different documents. And I assumed that they probably covered the type of——

Mr. McKINNEY. Did you specifically ask earlier this week for any exhibits that would be used in today's questioning of your client?

Mr. LESAR. No, I did not.

Mr. McKINNEY. Thank you. That is all, Mr. Chairman.

Mr. LESAR. Except in response to that I would say that certainly the documents that you have introduced today by and large would have been covered by my request of November 2. And you could certainly have provided those to me at any time you so desired.

Mr. McKINNEY. I think for the record it should clearly state that my question was: Was the request made that any documents we

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would specifically use in the questioning of your client on this specific day, were they asked for? That was my question.

Mr. FAUNTROY. Thank you. The time of the gentleman has expired. I yield now 5 minutes to the distinguished gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. Ray, I would like to ask whether or not you are quoted correctly in a St. Louis Post-Disptach which is found in Martin Luther King exhibit F-642?[1] And if you will pull that out of the packet.

Mr. LESAR. Mr. Chairman, objection. He has already been asked that question and responded to it.

Mr. FITHIAN. Mr. Lesar, you haven't heard the question.

Mr. LESAR. You already asked the question.

Mr. FITHIAN. I understand you believe yourself omniscient, but I have not yet asked the question.

Mr. LESAR. Mr. Chairman, I made an objection——

Mr. FAUNTROY. Will the gentleman suspend for just a moment. Do you have an objection?

Mr. LESAR. I made one, and you have not ruled on it.

Mr. FAUNTROY. What is the objection?

Mr. LESAR. The objection was he stated a question which I believe my client answered previously in response to questions from Congressman Stokes.

Mr. FAUNTROY. Thank you. Your objection is overruled. Proceed.

Mr. FITHIAN. Since obviously the question had not been yet asked, I think that is indicative of the kind of delaying tactics used here today.

Mr. Ray, I would like to direct your attention to the first column of that article, the second paragraph, in which you say:

> If my brother did kill King, he did it for a lot of money. He never did anything he wasn't—if it was not for money. And those who paid him won't want him sitting in a courtroom telling everything he knows.

You are being quoted as having said that. What I would—my question is: Does that accurately represent what you told the reporter?

Mr. RAY. I expect so, yes.

Mr. FITHIAN. Thank you.

On down in that same column, towards the bottom of the page, after the subheading "Called About Capture", you are quoted again as saying:

> A friend of mine in Canada called me around noon to tell me they had caught my brother in London. I wasn't surprised he was in London, but I was surprised that he got caught. I knew he wasn't dead.

Does that approximately reflect what you told the reporter?

Mr. RAY. I expect I told him that, yes.

Mr. FITHIAN. Now, would you advise the committee the name of your friend in Canada to which you refer?

Mr. RAY. I do not have any friend in Canada. There is probably a reason behind that. But offhand, I don't know. The reason—one time I was going to get a passport to London. I don't know whether it is the same date. In this neighborhood of time. And the FBI

[1] See text, supra, at 589.

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stopped me from getting a passport some way. I am not sure how they did it. So this had something to do with me trying to get a passport through Canada. I can't recall. There is no friend called me.

Mr. FITHIAN. Is it your testimony, then, that you had at that time no friend in Canada?

Mr. RAY. That is right.

Mr. FITHIAN. Was your brother, Jerry in Canada at that time?

Mr. RAY. No, as far as I know he wasn't.

Mr. FITHIAN. And I didn't quite understand the other part of your answer to my last question, that is, whether or not—you said something about you were trying to get him a passport out of Canada.

Mr. RAY. No, I was trying to get a passport out of St. Louis. I made inquiries.

Mr. FITHIAN. For yourself?

Mr. RAY. Yes. And the FBI put a stop to it. So then I talked to this writer and he mentioned something about get a friend from Canada, or something.

Mr. FITHIAN. When you say get it for him from Canada, to whom are you referring?

Mr. RAY. For me, a passport for me. You see, I couldn't get none from the United States.

Mr. FITHIAN. And you were planning to travel where?

Mr. RAY. To London, if necessary, to see my brother.

Mr. FITHIAN. I see.

Now, if you will just move over to the second column, passing by that section that Mr. Stokes asked you about, and drop on down to the second to the last paragraph, you are quoted as saying:

> James would do anything for us and we for him. But he wasn't particularly sociable with strangers.

Mr. RAY. Well, that is a relation I guess. Nothing unusual about that.

Mr. FITHIAN. All I wanted to know is whether or not that was the statement you made to the reporter?

Mr. RAY. I can't remember all these statements. This is just a newspaper article.

Mr. FITHIAN. I understand that.

Mr. RAY. He tells you——

Mr. FITHIAN. What I really want to know is whether this reflected your own estimation in June 1968 when this article was written, whether that reflected what you felt your relationship with your brother was, that you would do anything for him?

Mr. RAY. I would say so to a news media if there wasn't. But it is true, yes. If it wasn't true, I probably would tell the news media—on something personal like that—if it wasn't true, I would say so.

Mr. FITHIAN. You would say so whether it was or wasn't true?

Mr. RAY. Yes, if it was true——

Mr. FITHIAN. Then, could you share the truth with the committee as to whether or not that does reflect your feeling towards your brother in June 1968?

Mr. RAY. I already answered yes to that.

Mr. FITHIAN. Thank you.

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One moment, Mr. Chairman.

I am advised by counsel that this article was printed within 24 hours of the time James Earl Ray was arrested in London. Therefore, if you have already tried to get a passport to London, were you already informed of the whereabouts of your brother?

Mr. RAY. I was informed by, I believe, the FBI, who informed me. I can't state when I was informed.

Mr. FITHIAN. But they couldn't have informed you before he was arrested.

Mr. RAY. I am not actually sure who informed me. It just seems like it was the FBI, it seems like it was the news media.

Mr. FITHIAN. Well, but my point is one of timing, as to when you knew the whereabouts of your brother.

Mr. RAY. I can't remember when I knew the whereabouts. Either through the news media or the FBI.

Mr. FITHIAN. But do you disagree with my interpretation that given the dating on this newspaper, you had to know about it before he was arrested?

Mr. RAY. Before he was arrested?

Mr. FITHIAN. Yes.

Mr. RAY. No; I don't—you see, you pick out a newspaper that is 10 years old, and try to make an issue out of something——

Mr. FITHIAN. Well, the only thing that is important here is the truth. What I want to know is when did you know about the whereabouts of James Earl Ray? And according to the printed date on this newspaper, and according to your testimony 3 minutes ago that you were applying for a passport, you had to know about it prior to James Earl's arrest.

Mr. RAY. I did not definitely state—I was actually applying for a passport and the FBI stopped the passport. But I cannot—I am just speculating here on this Canada deal, as I stated previously, because I cannot recall all these dates on here. Whether he was arrested or not, I don't know. But I didn't have no information where he was at until he was arrested.

Mr. FITHIAN. Let me turn to another area. I think I have the story on that, Mr. Chairman.

Mr. Ray, did you ever use any alias or any other name than John Ray?

Mr. RAY. John what, Ray?

Mr. FITHIAN. John Ray.

Mr. RAY. Yes; I used the name John Ryan, R-y-a-n.

Mr. FITHIAN. R-a-y-n-s?

Mr. RAY. I used that name, too.

Mr. FITHIAN. The use of John Rayns as an alias or as another name, is it true that you in fact secured a social security card under the name of John Rayns?

Mr. RAY. Yes.

Mr. FITHIAN. And our investigation indicates that James was employed at the Indian Trails Restaurant, and when he was employed there he worked under the name of John L. Rayns, and he had a social security card bearing the same number as the card issued to you under the name John L. Rayns.

Mr. LESAR. Object.

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Mr. FAUNTROY. The time of the gentleman has expired. I will entertain a unanimous consent——

Mr. FITHIAN. I would ask unanimous consent to proceed for 3 additional minutes.

Mr. FAUNTROY. Three additional minutes; and having done that, I will entertain an objection which has been heard from counsel for the witness.

Mr. LESAR. Yes. Objection. It is my understanding that the statement or the implication of the statement is that he had to have a card.

Mr. FITHIAN. If I may just clarify it for you, it was that he had a card bearing the number of the social security card that was under John L. Rayns' name. At least that is what I intended to ask.

Would you like to see Martin Luther King F-641 in your packet there? Mr. Chairman, I ask that this be incorporated into the record at this time.

Mr. FAUNTROY. Without objection, so ordered.

[The information follows:]

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landlady that I left my luggage in the bus station or something, and then I started checking for jobs, and I got a job through the Chicago Tribune in a restaurant. Do you want to go through all that?

Q. Yes, in Chicago, yes.

A. Well, I got the place, I went to work, it was the Indian Trails Restaurant in Winnetka, Illinois, a dishwasher, I think it was a dishwasher.

Q. What name were you using?

A. I was using one of my brother's old social security numbers, John, John L. Raynes I believe it was. I don't recall the social security number, I didn't have, I didn't have the card, I got the number off him. We interchanged these numbers all the time he used them, I used them so I used that social security number and --

Q. And that name?

A. John L. Raynes, yes.

Q. And had that been used before by your brother?

A. I suppose so. Not only by him but by other parties I assumed, he had 10 or 15 of them. Well there was nothing eventful in Chicago. I know I called up the Canadian Embassy and I contacted them several times, pule other foreign embassies trying to, checking on foreigh countries, possibly immigration. I wrote the Canadian Embassy, but I don't, I think I

Q. When you said called and wrote, for what purpose?

MLK EXHIBIT F-641

Mr. FAUNTROY. I'll not charge this time to your 3 minutes.

Mr. FITHIAN. Thank you, Mr. Chairman, for your generosity. MLK exhibit F-641.

This exhibit which you have before you, Mr. Ray, is a transcript of statements made by your brother, and he simply is alluding, as you see there in the text, to the use of:

* * * one of my brothers old social security numbers, John L. Rayns, I believe it was. I don't recall the social security number. I didn't have the card. I got the number off him. We interchanged these numbers all the time. He used them, I used them. So I used that social security number.

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Now, my question is, did you, prior to James Earl Ray's escape from Missouri State Penitentiary, furnish James either with your social security card or your social security number?

Mr. RAY. Well, it is possible. Sometime I might have gave him that number. But it is also possible he might have had the number because he remembered probably that number. I did not give him no social security card. I did not have one.

Mr. FITHIAN. But your testimony now is that you think he may have just remembered your social security number?

Mr. RAY. Or he might have asked me on a prior visit for the number or something.

Mr. LESAR. Mr. Chairman, just for the record I want to state, with regard to my previous objection, my objection was to the statement that he had a card, and the testimony given us indicates that he did not. It has been read into the record by Mr. Fithian. That is all.

Mr. FAUNTROY. Your objection and statement has been noted. Proceed, Mr. Ray. You were interrupted. Proceed.

Mr. FITHIAN. Were you finished?

Mr. RAY. Yes.

Mr. FITHIAN. Mr. Ray, what I am leading to is whether or not you knew that James Earl Ray was thinking of escaping from Missouri State Prison prior to his escape?

Mr. RAY. Well, he was always thinking of escapes, so it wouldn't be nothing new.

Mr. FITHIAN. So should I interpret that to mean, yes, you did know he was going to try to escape?

Mr. RAY. I can't answer. I am thinking he is probably trying to escape now. Ninety percent of prisoners incarcerated are trying to escape. Maybe not that high a percentage, but at least looking for a way out.

Mr. FITHIAN. I was wondering if we could just be a little more specific.

Did you know of any plan he had to escape from the prison?

Mr. RAY. I don't recall any.

Mr. FITHIAN. Mr. Chairman, I would ask the witness to refer to, again, a transcript of his brother's testimony, Martin Luther King F-635. Since I am not going to ask a question on this, I would just like to read that question and answer into the record at this point.

Mr. FAUNTROY. Without objection.

Mr. FITHIAN. James Earl Ray is being questioned. Come down to the point where he is referring to whether his brothers knew.

He said: "I don't know. I can't remember all of what I told them." The question was:

> What was the conversation on that day before you escaped?"
>
> I don't know. I don't remember what all I told him. But, I mean, they all knew, both Jerry and John knew that I was thinking about escaping. So it wouldn't have been no revelation if I—if I would have mentioned something.

I have no further questions, Mr. Chairman.

Mr. FAUNTROY. Thank you. The time of the gentleman has expired.

I now yield 5 minutes to the distinguished gentleman from Michigan, Mr. Sawyer.

Mr. Sawyer has no questions.

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Pursuant to our committee rules, we afford every witness an opportunity at the close of his testimony before the committee to summarize, amplify, or otherwise modify his testimony before the committee. And that opportunity is extended to you and or your counsel at this time.

Mr. Ray, I am awaiting your response.

Mr. RAY. Yes. My question goes back to that question I answered to Mr. Stokes a while ago. The U.S. Department of Justice and the FBI and a Federal judge locked up thousands of pages of evidence concerning King, Martin Luther King, and the Rays, and maybe a person who conspired to assassinate him.

It is my belief that since I have been locked in solitary confinement for 67 days, in three different Federal asylums, and many physical tortures by this Government, that they should release this information and the person who do not release the information, it seems like to me they would be covering up a murder. They would be covering up the murder of Martin Luther King.

And because I know when former President Nixon suspected of covering up a two-bit burglary, he was run out of the White House.

So by not releasing this information, I think this committee is maybe conspiring to, unknowing, maybe unknowing, of covering up this murder of Dr. Martin Luther King.

Mr. FAUNTROY. Let me state for the information of the witness and his counsel that the committee has gained access to an inventory of the materials to which you make reference. And we are in the process of assessing which of those materials may be of relevance to the investigation of the assassination of Martin Luther King, Jr.

Mr. LESAR. Mr. Chairman, I have a statement to make.

Mr. FAUNTROY. The Chair yields the balance of the 5 minutes to counsel.

Mr. LESAR. What is the balance?

Mr. FAUNTROY. I will tell you when you——

Mr. LESAR. Do I get the same kind of 5 minutes that Congressmen do?

Mr. Chairman, this committee has its genesis in false information circulated by an exploiter of assassination mythologies who sought to attribute the assassination of Dr. Martin Luther King, Jr. to the Federal Bureau of Investigation. That theory has now been discredited by this committee.

However, once established, this committee became the foremost purveyor of assassination theories. Through sensationalized but unfounded claims of evidence of various conspiracies, all presuming the guilt of James Earl Ray, the committee choreographed itself into an unprecedented $6 million budget.

Now, as the committee hears its last public witness, it is apparent that this vast sum of money has been entirely wasted. This committee appears to have developed no information of substance which has not previously been obtained under the Freedom of Information Act as a result of a citizen's lawsuit for the FBI's files of the case.

Pathetically, the committee now desperately seeks to establish on the basis of unfounded rumor, suspicion, speculation, unsworn statements and dubious testimony taken in star chamber proceed-

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ings, theories which the FBI itself discarded after thorough investigation.

The FBI files themselves contain information which show the crucial testimony before this committee was highly suspect or even fabricated. Yet, this committee has not provided such exculpatory information to those that it has put on trial.

An example of this is an FBI document dated July 17, 1968, which contradicts the testimony, the very damaging testimony before this committee, of the Scotland Yard warder, Mr. Eist. The pertinent part of that document reads,

> Subject, meaning James Earl Ray, refused to see two Scotland Yard officers June 14 last and said he would also refuse to see the FBI if they asked to see him. Yard officers made request to see him in an effort to ascertain his activities in London from May 17 to June 8. Subject not saying anything significant to warders as he now believes they are trying to extract information for the police.

Mr. LESAR. Another example which reveals the unfair tactics of this committee also explains why the committee refuses to make public John Ray's executive session testimony and which, excuse me, and which explains why the committee refuses to make public John Ray's executive session testimony is that it shows that counsel for the committee sought to entrap John Ray by misrepresenting the date of the letter James Earl Ray wrote mentioning J.B. Stoner, the head of the National State Rights Party, and then repeatedly sought to keep his counsel from stating the correct date.

Had the committee's representation gone uncorrected, John Ray would have been entrapped into testifying falsely that James Earl Ray knew J.B. Stoner before he was arrested in London on June 8, 1978 (sic).

The chief counsel of the committee has written that the purpose of the committee is to establish the ultimate truth about the assassination of Dr. King. Assuming that solving crimes is a proper congressional purpose—and I believe it is not—truth can never be established by the methods employed by this committee.

In time the American people will understand this, if they do not already.

I hope that Congress will never again attempt to hold another show trial such as we have seen from this committee.

Thank you, Mr. Chairman.

Mr. FAUNTROY. Thank you, and let the record show that you were afforded a full 5-minute period as counsel for the witness.

As we prepare for the next witness, may I simply ask counsel to return to the staff the executive testimony books which were provided you?

Mr. LESAR. It was taken up at lunch and not returned to me thereafter, so I don't have them.

Mr. FAUNTROY. Thank you. May I remind——

Mr. LESAR. Excuse me. We are supposed to get three pages of Mr. Rogers' testimony, I think, and I would like to receive those.

Mr. FAUNTROY. Yes. We will be sure to provide counsel and witness with those documents which have been made a part of the public record as a part of this session.[1]

[1] Following the testimony of John Larry Ray before the Committee on December 1, 1978, his attorney, James H. Lesar, submitted a report of Harold Weisberg, an investigator working with Mr. Lesar in his representation of Mr. Ray. Mr. Lesar, in an accompanying letter to Chairman Louis Stokes, described the report as an "analysis of the 'evidence' against John Ray." Mr. Weisberg's report follows:

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[Additional copy received to be inserted into the record.]

REPORT OF HAROLD WEISBERG

After much leaking to create a climate of public acceptability and later staff narration in substitution for evidence, the House Select Committee on Assassinations unveiled its case against John Ray as a co-conspirator in the assassination of Dr. Martin Luther King, Jr., when he testified in public on December 1, 1978.

The committee did not even bother to ask him whether or not he was part of the assassination or part of a conspiracy in it.

Throughout its life the committee pursued a series of mutually exclusionary conjectures about the King assassination. All are from FBI files, all were proven false by prior FBI investigation and all were in the public domain through Harold Weisberg's Freedom of Information lawsuit, C.A. 75-1996.

One of these phonied-up conspiracies, by Clifton Baird, himself a bombing suspect in school integration disturbances, was misused to obtain an extension of the committee's life. Thereafter, except for harassment and leaking that damaged a number of innocent Louisville, Kentucky, policemen and their families, the committee abandoned this conjecture. This abandonment coincides with Weisberg's giving the lawyer for these policemen the FBI's transcript of the tape recording Baird alleged held proof of an FBI offer to him of a half million dollars to kill Dr. King. In fact, there is no mention of the FBI. This was known at the time of the false representation to the Congress to have the committee continued. Despite this and with Baird an obviously undependable source, the committee harassed these innocent policemen for months and for all the headlines it would yield.

Another exploited irrelevancy involves the Powell brothers, Claude and Leon. Before the committee abandoned this irrelevancy, one of the brothers had been charged with contempt, a charge the House

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was called upon to vote, based on the committee's representation of the irrelevancy as relevant. Actually, it was all hype. Also hype was the committee's July 30, 1978, release of an artist's conception of the "Ralph" who supposedly sought to hire the Powells to kill Dr. King. This sketch release was just before the committee held the first of its few public hearings. The sensational news attention to the committee's public appeal for identification of the sketch was a bald promotion for the coming public hearings.

Another such story was manufactured by one Raymond Curtis. Curtis is a virtual hero in the "biography" of James Earl Ray by George McMillan. While the committee is not known to have made public use of the Curtis concoction, it did confront John Ray with McMillan's note. Unlike most writers, some of whom have gone to jail rather than surrender what they regard as their First Amendment obligations, McMillan gave his notes to the committee. Curtis's purposes also are disclosed by FBI records obtained by Weisberg in C.A. 75-1996. Curtis began with an effort to defraud Ebony magazine based on a false story of a "contract" offer to kill Dr. King. The FBI's records characterize Curtis as a pathological liar. This did not deter the committee's giving credence to the McMillan/Curtis theory, which became the committee's official conjecture, the basis of its Ray investigation.

(No public records of the committee disclose any investigation of the King assassination. Like the FBI before it, the committee conducted a Ray investigation instead.)

An ex-con who used the names of Myron Billett and Paul Bucelli fashioned one of the long series of similar fairy tales. The committee pursued only headlines in its attention to his fabrication. This unserious operation was during the time the committee was trying to

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persuade the Congress and the country that the committee was conducting active investigations.

Still another of these criminals' fabrications is the one selected from the many by the Department of Justice's Office of Professional Responsibility. OPR decided that it just had to have some criticism of the FBI's investigation in it, the fourth of the Departmental reviews of the FBI's performance. That one attributed the alleged "contract" of "bounty" to an unidentified businessmen's group. The "group" was not identified because it did not exist. Here again, the bad information is from the FBI's own records which in each case establish the untruthfulness of the allegation.

In fact, once Dr. King was killed the jails of the country were rife with these and similar fakes, made up by the Curtises for money and by others in hope of special treatment, like a reduction in sentence.

As the committee worked its way through the thicket of baseless, fabricated stories proven false by the FBI investigation, it used these known falsehoods for self-promotion and headlines. In this, the committeee did not disclose the FBI records as its source or the FBI's debunking of the concoctions. In the end the committee fixed up and diligently leaked "plots" which refute each other. The last "bounty" tale provided by the FBI, from the committee's own evidence, was made up by a notorious police character named Russell Byers in a successful effort to learn if one Richard O'Hara was an FBI informer. The other, also straight from FBI files which also reflect its impossibility, is that James Earl Ray's brothers, John and Jerry, combined in bank robberies to finance James Earl Ray. Ray escaped from the Missouri State Penitentiary at Jefferson City on April 23, 1967, the year before Dr. King was assassinated. The baseless notion was

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popularized for the committee in New Times by David Lifton and Jeff Cohen of the self-styled Assassination Information Bureau, one of the groups promoting assassination conspiracy theories.

Most of the committee's public hearings were not investigations under its Resolution. They were designed as put-downs of so-called conspiracy theorists. The clear intent was to lump all criticism of the official accounts of the assassinations of President Kennedy and Dr. King with the committee's selection of the most extreme and ludicrous "conspiracy theories.

That the committee itself became the most prominent of "conspiracy theorists" is exemplified by its Ray hearings.

Although the committee clearly directs criticism at the FBI, too, the fact is that there is virtually nothing - nothing substantive used in the public hearings - that did not come from the FBI's files. This means nothing not within the public domain through the Weisberg FOIA suit. Anyone can see these records in the FBI's public reading room.

Two of the more sensational examples of the committee's claiming the FBI's earlier work as the committee's investigative genius are an Atlanta laundry receipt in the name of James Earl Ray and his postal change of address from Los Angeles to Atlanta. With each, in making these records public, the committee merely eliminated the FBI file and Laboratory identifications. (In fact, the FBI obtained still another postal change of address from the files of a commercial forwarding service Ray also used.)

The committee's actual intent was disclosed in the midst of its public hearings by Congressman Richardson Preyer. In his September 24, 1978, appearance on the CBS-TV show, "Face the Nation," Congressman

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Preyer was asked about American public opinion. Congressman Preyer replied that although "The polls now show that 80 percent of the American people do not believe" the official accounts, "I think we have a very good chance of reversing the polls."

(In fact, the committee's leaks and public hearings had the opposite effect, according to the Harris poll published in the Washington Post of December 4, 1978. The number of Americans who believe there had been conspiracies "had grown from 44 percent in 1967 to 75 percent by this year.")

The allegation of a Ray family conspiracy in the King assassination provides the committee with a sheet to leeward, the appearance of something to show for its work, and a means of making unsubstantial criticism of the FBI, to whose work it has added nothing except the dignifying of conjecture, magnified by the sensations caused by the committee's own leaking. The committee also made a partial and one-sided presentation at public hearings all of which commenced with narrations of what the committee wanted to have believed and often were not factual or correct.

The allegations of a Ray family conspiracy require as a beginning what is not fact and what did not exist, Ray family closeness if not intimacy. Confronted with the total absence of any evidence that John and James Earl Ray were ever close, the committee merely pretended they were, wanting to believe it. In fact, they never were. In their adulthood they almost never saw each other. This is disclosed by the committee's own evidence. One example is Exhibit MLK F-614, a Missouri penitentiary prisoner visitor card in the name of John Ray. The committee represented that this card shows by his signature that John Ray visited James Earl Ray on April 22, 1967, the day before the

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escape. In fact, there is not a single signature after any of the nine visits recorded. There is no contradiction to the Ray family testimony, that Jerry Ray did not have a visitor's card and that he and others as well as John used the card obtained by John Ray.

So far from close to James Earl Ray was John that he did not even obtain permission to visit James at the Missouri penitentiary until James had been there for several years.

Whether or not John was in each case the visitor, as all the committee's own testimony states he was not, the actual number of visits is but a fraction more than a single visit a year. This is hardly family closeness.

In the absence of any evidence at all, the committee "narrated" Jerry Ray as the "Raoul" James Earl says was his criminal associate and financier, with the alternative that "Raoul" was a "composite" of John and Jerry. The allegedly wealthy co-conspirator and fellow bank robber Jerry Ray drove only a variety of troublesome secondhand cars from the time of James Earl's 1967 prison escape. When he worked, as he did regularly except when unusual public attention and committee pressure precluded it, he worked at only menial jobs. (The committee's withheld transcript of its interrogation of its own disaffected informer, Oliver Patterson, discloses that the committee saw to it, by subpoena and scheduling executive sessions to which he was not called, that Jerry was kept unemployed. Patterson charged the committee with improprieties. The committee "investigated" itself and after self-investigation reported its innocence to the Administration. Only after this self-investigation and report of its "results" did the committee get around to questioning Patterson, the sole complainant.) There is nothing in Jerry Ray's life or style of life indicative of his ever

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having had any of the alleged bank-robbery money. The committee has made no effort to show that he did. It merely assumed and alleged this, in contradiction to what it also withholds, the results of the FBI's investigation.

The committee also hauled Mrs. Pepper before executive sessions in April and May in its pursuit of the conjecture that she had been the beg woman in this alleged family bank robbing/King assassination conspiracy. As a result of her alleged cut in the alleged Ray bank robberies, Mrs. Pepper's home was so heavily mortgaged in early December 1978 that it could not be accepted as bail for John where a $350 bail bond would have sufficed.

Between the executive sessions of April and May, Chairman Stokes extended his remarks in the Congressional record to threaten Carol Pepper and John and Jerry Ray. To be certain they were aware of the threat, the committee gave reprints to all three prior to the Ray executive sessions.

Moreover, the sister, Carol Pepper, did not visit James once in all those years. There is no evidence she ever saw him from the time she was a girl. She did not visit him in the Memphis jail. She did not once see him until she took their aged and ill father to the Nashville penitentiary in 1969, after the guilty plea. The Memphis jail mail logs disclose only a very few letters between them. Her husband, Albert Pepper, to this day has not visited or even seen his brother-in-law James.

After assuming the opposite of fact and assuming what no evidence at all makes even a credible assumption, of Ray family closeness, the committee then assumed what the FBI's prior investigation failed to show was even reasonable as a "conspiracy theory," that the Ray brothers

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combined in a series of bank robberies. While the committee's number of robberies thus attributed to them varies, the committee finally fixed upon five. Of these five, four were long after James was captured, long after he entered a guilty plea, and can have no relevance to the crime or any legislative purpose other than prejudicing.

The only one of these robberies that was not long after the guilty plea is that of the Bank of Alton, Illinois. All that connects the Ray brothers to this is the committee's longing and need. After the committee publicized this conjecture, Jerry Ray surrendered himself and asked to be tried. He was told he was not and never had been a suspect.

Before the committee fixed upon this "conspiracy theory," the FBI, during its 1968 investigation, leaked the identical conjecture in its effort to appear to account for James Earl Ray's financing other than he had, by his being financed by those with whom he had a criminal association.

With the Alton theory the committee has and ignored problems that make the conjecture unreasonable. First, there is the need to believe that, after the brothers knocked off the bank and obtained $27,230 for the purpose of killing Dr. King, James then loafed around for a year, from coast-to-coast and in Mexico and Canada, waiting until he was broke and escape would be in jeopardy before killing Dr. King. This is irrational.

The committee also represents that, because James bought an old automobile in East St. Louis the day after that robbery and thus, like many other people, was in the St. Louis area, this means that he was able to make the purchase only because of the Alton bank robbery. It is not easy to believe that, with more than $27,000 in cash, those

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plotting such a horrendous crime or a man who still owed the State of Missouri 15 years (without added time for escaping) would depend on a two-hundred-dollar clunker of an auto for his travel, safety or security. In fact, not long thereafter James gave the wreck to Jerry, who then got rid of it. It was worthless.

The total loot of these five robberies is about $115,000. John Ray, if the committee's final King assassination "conspiracy theory" is to be believed, squirreled away his cut and holds it for the hereafter, refusing to use a cent of it in this life. He did not use a penny of it to defend himself when he was charged with driving a "switch" car after one of the later bank robberies, that at St. Charles, Missouri, on October 26, 1970. As late as December 1978 he would appear to be no less determined not to touch any of his conjectured wealth for bail when he was again in Jail. His resolution not to use a single cent of the alleged bank-robbery haul for himself in this life is further reflected by his not using any of it to keep his tavern operating when his identification as the brother of the accused assassin wrecked that business.

It is not only the committee's conspiracy conjectures that are not reasonable. Its alleged proof, presented at the December 1, 1978, hearing, is neither credible nor reasonable. What follows is limited to the committee's own selection of its alleged evidence. The committee certainly selected what it regarded as its most probative evidence. Based on this, the committee had John jailed and demanded that his parole be canceled. Based on this it also accused him of perjury for denying he had robbed four banks long <u>after</u> James was convicted for the King assassination. ("After" is emphasized because the committee's legislative authority is limited to the actual assassination. It does

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not include an investigation of bank robberies.)

Although at its December 1 hearing the committee attributed only four such robberies to John Ray, with the Alton robbery making a total of five at most, all based on the evidence that follows, when the committee successfully pressured the Department of Justice to return John Ray to jail during the summer of 1978, it attributed six bank robberies to him. Its description of the probity and persuasiveness of its alleged evidence is reflected in Parole Commission records obtained under Freedom of Information Act request.

On June 12, 1978, Chief Counsel Blakey wrote Robert Vincent of the Parole Commission at Kansas City about "a matter concerning the parole eligibility status of John Ray, as such may be affected by recent instances of perjury by John Ray before this Committee." Not content with this allegation, for which no proof is said to be attached, Mr. Blakey enclosed as a substitute for proof a "copy of a speech delivered on the floor of the House by Committee Chairman Stokes." In fact, as the enclosed reprint establishes, the chairman did not make the speech. It was an extension of remarks the Members were not privileged to hear delivered in person. The extension, Mr. Blakey wrote, "reflected the magnitude of the problem created by the perjurious and contemptuous conduct of Mr. Ray."

Under this FOIA request the Department has not provided what Mr. Blakey states "was already provided by the committee," which is "the transcript of the testimony of John Ray." In this the committee appears to be consistent, having not only refused to provide a copy to Ray or his counsel but even having taken counsel's notes on the transcript from counsel. Thus the committee intended to give what amounts to a one-sided prosecution case to pressure Ray to the Department to pressure

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it while withholding the identical record to this day from Mr. Ray and his counsel.

In the extension the chairman, claiming it was not "a vendetta against the Ray family," made similar allegations against Mrs. Carol Pepper, the sister the committee then cast in a role it had invented for her, that of bag woman. Despite the committee's threats to her, this invention now appears to have been abandoned. There is no Parole Commission for the committee to pressure relating to her.

The date of this Extension of Remarks is May 4, 1978, which is considerably prior to the date of almost all of the alleged evidence used at the December 1 hearing.

John Ray was thrown back in jail without process. He spent almost three months in solitary confinement before being paroled after appeal before the Parole Commission.

When the Department did not proceed with a perjury charge, which the committee did seek, the committee's attention was focused on the Parole Commission because John Ray was in a half-way house awaiting parole to become effective. He was vulnerable to the political pressure that was applied. When the committee's letters did not result in either a prosecution or parole recision, whatever legislative purposes could be attributed to either, Mr. Blakey pressured the Parole Commission by phone. One internal Parole Commission memo reports the Blakey phone call to it on June 7.

Although Mr. Blakey told the Parole Commission that "the committee has testimony from four other witnesses that conclusively establishes Mr. Ray's involvement in several bank robberies," when the Parole Commission "asked the Chief Counsel for the information" constituting proof, "Mr. Blakey said he would forward a cover letter summarizing the above information."

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Mr. Blakey's "cover letter summarizing" alleged proof itself is not proof. He told the Parole Commission "that the committee has testimony from four other witnesses," the evidence that allegedly "conclusively establishes Mr. Ray's" alleged perjury. Mr. Blakey did not subject the alleged testimony of these four to examination by the Parole Commission, as the committee also precluded any assessment of it by Ray, his counsel or the press. This alleged testimony remains suppressed.

In fact, the committee shrank the four to three as it reduced the number of robberies from six.

In substitution for "testimony" there is the best case the committee can make in the exhibits used on December 1, 1978, Exhibits MLK F-662-4. Here the four downgraded to three are Clarence Haynes, Ronald Goldenstein and James Rogers, all convicted criminals and at least one an established perjurer.

In no case has the committee permitted its alleged "testimony" to be examined, whether by the Parole Commission or by Ray or his counsel or by the press. If there is such evidence, or even dubious testimony, it has been and remains totally secret. It therefore is additionally appropriate to consider what in putting its best face forward the committee no longer keeps secret, its December 1 exhibits. Particularly when one of the "conclusive" proofs of the committee's representation to the Parole Commission disappears from the exhibits used at the December 1 hearing.

What follows is the committee's alleged proof, the end product of its spending the largest appropriation in the history of Congressional investigations to "solve" the assassination of Dr. King. It is what remains of the proof used by the committee to ask the Department of

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Justice for a perjury indictment and, failing that, by pressure to have jailed an American citizen without process. Based on this the committee seeks a perjury charge, which may give the appearance of substance to its conjectures. This also is the evidence in which the reputation and integrity of the Congress are vested.

A chronology of relevant events preceding the disclosing of these exhibits at the public hearing of December 1 underscores their importance, more so because whatever the basis of the committee's pressure on the Parole Commission to have John thrown back in jail, the committee did not produce a single live witness to testify to its conjectures. It should have been able to produce not fewer than four - if it dared. Instead, it "narrated" three.

Secret executive session testimony was taken from John Ray on April 17 and May 9, 1978. In June the committee undertook to have him charged with perjury and, failing that, to have his parole withdrawn over uncharged perjury.

All of this was because he refused to confess to the bank robberies the committee conjectures he pulled. The statute had run on prosecution, there is no way confession could connect him with the King assassination, and there is no reason not to admit the crimes if he was involved in them. John testified that to admit them would be perjurious.

On September 19, 1978, the full committee voted to request a court Order conferring immunity on John Ray. When on October 3 it informed the Department of Justice, the Department replied by return mail, offering no objection. The committee did not then ask an Order of federal court. It did not do this until November 13. November 13 was four days after the committee resumed its Ray hearings. (The

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Washington Star headline on its account of the first of the resumed hearings gives added perspective: "Assassinations Panel Not Certain Bullet From Ray Rifle Killed King.")

The intervening time was spent waiting for a back-door confession. Under date of October 11 the committee sent John what it styled a biographical statement. If John had signed and returned it, he would have confessed and there would have been no need to call him to a hearing. The committee would have had what it wanted - and did and does not have - a de facto confession of what he denied under oath.

The last paragraph of this "biography" states that "John Ray also was involved in numerous other bank robberies for which he was never charged. They include: Farmers Bank of Liberty, Illinois, on October 17, 1969; Farmers and Traders Bank of Meredosia, Illinois, on January 28, 1970; State Bank of Laddonia, Missouri, on June 11, 1970; and the Bank of Hawthorne, Florida, on July 29, 1970. Additionally, it is believed that John was involved in the robbery of the Bank of Alton, Illinois, on July 13, 1967." (Emphasis added)

While the last listed, the Bank of Alton robbery, is the only one that can even be conjectured into relevance with the King assassination, having preceded it, the committee's representation here is considerably less than it leaked, narrated and made to the Parole Commission, of "conclusive" proof. While the committee states explicitly in the "biography" it asked John to sign that he "was involved" in the four post-assassination and irrelevant robberies, with the Alton robbery it offers no more than its "belief" of his involvement. But even "belief" is not represented in its exhibits.

The committee waited two months after voting to immunize John before seeking immunization. It waited for a full month after he

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received the "biographical statement," the attempted back-door confession, before actually asking a court for the immunity Order.

By December 1, after all the committee's leaking and its representations to the Department, the exhibits had a great weight to bear if they were to justify all the committee did and said and uphold the integrity of the Congress. Actually, however, the exhibits attributing bank robberies to John and thus "making" the committee's case of conjectures are all of the committee's creation. It is not only that they do not include the "testimony" Mr. Blakey represented having to the Department to get John charged with perjury or thrown back in jail. They do not even include a statement signed by any alleged "witness."

(The last of these leaks, the day before John testified, was that his brother Jerry would "confess" for both of them. This was to National Public Radio, which broadcast it from coast-to-coast. Jerry did no such thing. There was no basis even to suspect that he would. NPR attributed the false and prejudicial report to the committee.

By means of large charts titled "Bank Robbery Modus Operandi," Exhibits MLK F-647 through 652, the committee sought to make part of its case of John Ray as bank robber. For each of the robberies, there is a separate chart represented as showing that each robbery had a distinctive and identifying "modus operandi." John's bank robber trademark, so to speak, thus all were his "jobs."

The committee's explanation of its bank-robbing case by exhibits begins on page 12 of the narration. There it is represented that, because in his lifetime John Ray had accumulated "about $3,000," he "obtained a substantial sum in the summer of 1967."

If $3,000 were "a substantial sum," which it is not, the

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committee fails to bracket this with facts that are beyond question - John Ray did not have enough money to pay for a lawyer and investigation when he was arrested in 1970 and he did not have enough money to keep his tavern operating after he was identified as the brother of the accused assassin of Dr. King.

Because John Ray was one of a million or more people in the St. Louis area and because Jerry Ray was working regularly only as far away as Chicago, which is also true of even more millions of people, the committee's narration represents (page 13) "That the Ray brothers had the opportunity to commit the Alton bank robbery has been established by their whereabouts at the time it occurred."

The committee has not established John Ray's "whereabouts" in relation to the robbery of the Bank of Alton or keeps that, too, secret and not subject to examination.

FBI records obtained by Weisberg under his FOIA suit do establish Jerry Ray's "whereabouts" for that part of his life. He was working in a country club in suburban Chicago at least six nights every week.

The committee's parlay conjecture is that because John was <u>of</u> the St. Louis area he was <u>in</u> the Alton area that day and that Jerry could have had a day off the day of the crime. The committee "established" their "whereabouts" without <u>any</u> evidence. Its conjecture of guilt by imagined propinquity requiring the two to have robbed the Alton bank, the committee merely "narrated" what is necessary to make its conjecture appear to be within possibility. There is no other "proof."

If the committee ever established John's "whereabouts" at the times of the other bank robberies, it is only by the three exhibits representing what the committee staff says the convicted criminals

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said, not by contemporaneous records or testimony made available in any manner or form.

"Motive is readily provided by their need of money," the narration states on page 13. This "motive" is shared by millions of needy Americans, each of whom is as reasonably suspect. Perhaps more so because the Ray brothers are alleged to have pulled a series of successful bank robberies in a period of months.

Each allegedly successful heist should have diminished their conjectured "need of money" by that much.

This conjectured "need of money" after Dr. King was assassinated can have no relationship with the assassination. The robberies attributed to John began more than a year after James's conviction.

What is well known of the life of all Rays for the period of these robberies discloses neither possession nor use of any of the "needed" money. The alleged "need" motive also rests on conjecture, no more. In fact, the committee has not "established" that any Ray had any special "need of money."

On this foundation of imagined motive and propinquity, the committee narrates a case with further assumption and adjectives: "Beyond motive and means, there is compelling evidence in the method and pattern of activities of the bank robbers of Alton and the similar modus operandi with that of other bank robberies that follow." (page 13)

Insofar as the other robberies followed that of the Alton bank and in this way only is the narration true. Or for that matter either meaningful or relevant.

The committee's method of guilt by being alive and disliked by the committee is carried forward with this concept of evidence (on page 14): "Neither of these descriptions (of the Alton bank robbers) would

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eliminate the Ray brothers."

Nor would it eliminate any other person "described by witnesses as middle-aged, white male, five feet 10 inches, 150 to 160 pounds."

Every non-obese white person of average height is not "eliminated" as a suspect in these unsolved crimes.

How the committee established that the robbers were of middle age when their faces were fully hidden by stocking masks does not labor the narration.

Comparison of the supposedly identical "modus operandi" then follows. It is augmented (page 15) by the claim that "there is solid evidence from which to argue that he (John) participated in the other four (bank robberies)."

June's "conclusive" proof, December shrunken to a "solid" basis for arguing, which is somewhat less than proof, is not identified in the narration. It appears to be the committee's representation of what the three felons told the staff, the narration not even suggesting anything else.

Despite this oversight the committee does bracket "modus operandi" and its "solid evidence from which to argue" to mean that John "participated in the other four" bank jobs. (page 15) These, then, are the committee's proofs.

The committee's "modus operandi" is unique only when banks are robbed with toothpicks or feathers. The committee's exhibits include nothing more unique than that weapons were used, masks and hats were worn, and that none of the banks in question was robbed by a single man. There is no other uniqueness in what is hyped into an allegedly distinctive "modus operandi" and "conclusive" proof of John Ray's alleged guilt.

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From the committee's own charts, Exhibits MLK F-647 through 652, the robbers of these banks did not even use the same weapons in the robberies. The allegedly "solid evidence" is contradictory on this and on other essential details.

Although the committee took executive session testimony from alleged co-conspirators, no transcripts of their testimony are included in the narration/and exhibits released to the press. The committee also used four excerpts from John Ray's executive session testimony that, although these totaled only seven pages, also were not included in the copies given to the press. (Exhibits MLK F-645, p.80; F-654, pp. 46, 48; F-655, p.59; F-659, pp.168-170) No less surprising, given the nature, thrust and significance the committee gives its conjectures about John Ray's alleged share in $114,880 of bank robberies, the committee withheld from the press its Exhibit MLK F-86a-g, "John Ray Bank Statements..."

Prior to his executive session testimony, Clarence Haynes, one of the actual and convicted bank robbers, established himself as a perjurer in federal district court in St. Louis. In the course of trying to frame John Ray on the Laddonia robbery, he helped put the innocent Ernest Turley away for eight years. This ruined Turley's life and that of his entire family in tragic ways. In executive session John Ray testified to Haynes's perjury and to the frame-up.

By taking most of its testimony in executive session and then keeping the transcripts secret, the committee can and does exert an Orwellian influence on what is and can be known. The committee wanted to use Haynes against John and wanted to make John a villainous co-conspirator. The committee also saw and exploited the opportunities provided by keeping John's testimony secret. The committee leaked an

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angled account of the Turley framing, wrote a compassionate letter to the governor and told the St. Louis Post=Dispatch how its good heart and investigative diligence would lead to the exoneration of the innocent Turley. This became page-one news in the St. Louis Post-Dispatch.

By keeping knowledge of Haynes's perjury from its public record, the committee could and did pretend he was a dependable witness who gave what Mr. Blakey described as "conclusive" proof.

The committee did know Haynes was a perjurer, had framed an innocent man, did withhold all of this at its December 1 hearing and did regard Haynes as a credible witness against John. The real credit is due John Ray.

His testimony to Haynes's perjury is over several pages ending on page 51 of the suppressed transcript. In seeking to make some use of this testimony, the committee merely omitted the uncongenial pages from those it used on December 1 and withheld from its press kit. Its Exhibit MLK F-654 consists of two pages only in this sequence, pages 46 and 48.

By this means, the committee also suppressed John's testimony to the means by which the FBI suborned Haynes's perjury, which appears on pages 50 and 51.

Not even an excerpt from Haynes's executive session testimony is attached as an exhibit to the narration or the press kit. No Haynes affidavit is attached, no personal, signed statement. Instead, there is the standard committee device of even more remote hearsay, Exhibit MLK F-664, "HSCA Interview of Clarence Haynes." This is not a transcript of a tape-recorded interview. Rather is it the hand-lettered few lines of staff statement not even signed by Haynes or the second member of

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the committee investigative staff, Conrad Baetz. It is the April 25, 1978, statement of Mel Waxman.

So diligently had the committee investigated the June 11, 1970, robbery of the Laddonia State Bank that Messrs. Waxman and Baetz (a former deputy sheriff of the area) spelled the name of the city as "Ladona." They entirely omitted the name of the bank and other essential details, like the total of the loot.

Haynes and another also represented by a staff statement, James Russell Rogers, are the actual robbers.

Equally careful was the staff investigation of John Ray and his former tavern, which figures largely in other committee leaks and conjectures in executive session and public hearing. Waxman and Baetz place it on "Arsenol" Street, which is not the name.

The staff was even more painstaking in making it clear that Haynes was impartial and to be credited, despite John Ray's truthful testimony that Haynes was a perjurer who tried to frame him and Ernest Turley. The staff, with no interest in court records, preferred Waxman's words, "He says there is no bad blood between him or (sic) the Ray family and has no axe to grind. But also stated that he has no doubt he would be killed if this information gets out."

By whom? John Ray in jail on an 18-year sentence? Or James, whose term is 99 years?

Haynes's account of the robbery is that after he and Rogers did the job they left in John Ray's car and drove to Haynes's, which in Waxman's words "was about 1 mile away." Here "They burned John's car," a matter easily established if true and not even addressed in the so-called evidence. Then the alleged conspirators divided the loot. "They each got $6,000," in Waxman's words. This is not easily

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accomplished with a three-way split of less than $14,000. The accomplishment helps establish Waxman's and Baetz's credibility along with that of Haynes and the committee.

In his entire account of the crime, John's alleged participation in it, the getaway, the switching of cars and the meeting to divide the loot, Waxman invested only 95 words.

Exhibt MLK F-662 is not even an account of a personal meeting between the committee or its staff and James Rogers, although he, too, testified in executive session. He was interviewed by telephone by Staff Counsel Michael Eberhardt and Mark Speiser. This had the advantage of avoiding demeanor evidence.

With efficiency and unprecedented brevity, staff counsel's report of what was learned from this actual robber is limited to part of a single sentence as it relates to the Laddonia job: "Rogers stated ... that no one else besides himself, John Ray and Clarence Haynes was involved in the State Bank of Laddonia, Missouri, bank robbery ..." (This name for the bank is other than that given in the "Modus Operandi" chart, Exhibit MLK F-460; that given in the committee's chart of that part of the world, Exhibit MLK F-653; or that at page 16 of the narration.)

This staff report, also quite brief, is described in the narration (page 16) as what it is not, "the statement of James Rogers." The significance of this misrepresentation is magnified at this point in the narration, where it is stated that "Mr. Rogers has testified (sic) that he was involved in four of the robberies, each of which was planned and participated in by JOhn." Maybe he did, but this exhibit is not his "testimony."

Staff, committee and Rogers' credibility are all enhanced by

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the total absence of any detail about that robbery presented in this part of a sentence, all that is devoted to it, by the two staff counsel, each of whom was at different times in charge of the alleged case against John Ray.

It is not possible to question the Eberhardt, Speiser or Rogers arithmetic because the amount robbed from any of the banks is not included. There is no concern over the burned-out hulk of John Ray's car because there is no reference to that burning. Even to that car. In fact, to any car. Or any means of getting to or from the Laddonia bank. Or if weapons were used or what weapons. Or the masks of the "Modus Operandi" charts. Or in fact any manner of John Ray's involvement. This is indeed a unique if not unprecedented means of establishing John's involvement - by the total avoidance of any mention of how he was involved although the staff counsel's report is of their conversation with an actual robber.

By August 13, 1978, the date of this conversation with Rogers, no doubt Messrs. Eberhardt and Speiser were well aware of the April 25 report by Waxman and Baetz. The staff solution to the problem of false statements and contradictory statements is of admirable simplicity: They merely omitted any and all relevant statements Rogers may have made. The total of the Rogers "evidence" against John in the Eberhardt report is the Eberhardt statement that Rogers said John "was involved." This has the merit of not contradicting Haynes and the added advantage of not being subject to question because there is nothing to question.

In this Eberhardt was neither careless nor negligent. This came out, if the press was not able to perceive it, on December 1, 1978, when John Ray was the public witness. Eberhardt knew what he was up to.

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Although the narration states that Rogers did testify in executive session, no excerpts from this testimony were attached as exhibits or included in the press kit. Rogers was questioned on June 8, 1978, which is after the April 25 date of the staff report of its interview with Haynes.

To Eberhardt's knowledge and that of others present in that secret session, Rogers' testimony shot the committee's "modus operandi" conjectures dead with a single repeated statement: John Ray was not armed.

Under pressure from John Ray's counsel and in an effort to support its conjectures, the committee was forced to produce excerpts from the Rogers executive session transcript. Pages 9-11, all that were produced, reflect that Eberhardt was the questioner and that Members Edgar and Fauntroy participated.

Examination of these three pages discloses the purpose if not the honesty of withholding the executive session transcripts and the actual purpose of taking such testimony in total secrecy.

Rogers could not remember the "other robberies you have been involved in with John Ray." So Eberhardt said, "Let me see if I can refresh your recollection. The Farmers and Traders Bank of Meredosia, Illinois." Rogers was refreshed. After this rejuvenation of failed memory, Eberhardt asked Rogers, "Did John Ray have a weapon during the Farmers and Traders Bank robbery?" Unequivocally Rogers replied, "No, he didn't. He was just sitting in the car."

This is reflected in the "Modus Operandi" chart as "Subject with shotgun stood guard ..."

Based on evidence that John Ray was <u>not</u> at the bank to "stand guard" and was <u>not</u> armed, the committee's "Modus Operandi" substitution

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for evidence has him at the bank with a shot gun and not at the car at all but standing guard.

At no point in these pages from the Rogers transcript does he state other than that John was not armed and was not in the banks that were robbed. The committee's charts all say the opposite.

With regard to the Bank of Hawthorne, Florida, robbery, Rogers actually testified of John, "He was not even close, he picked us up on the highway." As this is represented by the committee in its "Modus Operandi" chart, Exhibit F-651, John was at the bank and was armed: "One armed subject stood guard while the other went into the vault and collected the money."

The committee thus accounts for a total of two robbers, with John as one, whereas the Rogers testimony is that there were at least two ("us") at the bank and that the "subject" of the "Modus Operandi" chart, John, rather than being on guard or the scooper-up from the vault, "was not even close" to the bank.

Rogers also testified that Ronald Goldenstein and he robbed the Farmers and Traders Bank of Meredosia, Illinois, and that John did not have a weapon but "was just sitting in the car." (pages 9-10)

By August 13 Eberhardt had changed the name of the bank at Meredosia. By then he had also improved on Rogers' secret testimony relating to the alleged getaway and the getaway car. His August 13 version is not in the three available pages of the Rogers executive session transcripts and is not in accord with other statements by the staff in substitution for statements by the allegedly actual witnesses and participants.

The Eberhardt-Speiser version has not a single word of description of the actual robbery. John and the alleged getaway are mentioned in two

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sentences: "Rogers stated that the getaway car in which he, John Ray and Ronald Goldenstein were driving broke down a few miles from the scene of the crime. Rogers stated that Jerry Ray was called and he came and picked up Rogers, Goldenstein and John Ray and drove them to St. Louis."

The Eberhardt-Speiser retreading of August 13 avoids any dispute with Rogers' account of the Hawthorne robbery by a simple and effective device: they make no representation of any fact with respect to that robbery and none with respect to John other than that "John Ray met him and Carl Kent in Jacksonville before the robbery" and that "the night of July 29 was spent by Rogers, Ray and Kent in a two-story non-chain motel just outside of New Orleans." John allegedly drove the getaway car. The time of the Hawthorne bank robbery is given in "Modus Operandi" chart Exhibit MLK F-651 as 2:00 p.m. Rogers arranged for a prostitute in New Orleans and still left New Orleans by plane for California that night, Eberhardt and Speiser state. None of this has anything to do with John, save that he had to have been quite a wheelman for all of that to have been possible at New Orleans the same night as a 2:00 p.m. bank robbery near Jacksonville, Florida.

Expertly as Eberhardt and Speiser used their legal skills and adeptly as they exploited their committee authority to eliminate all factual details of the actual robberies, their efforts do not prevent conflict with the staff's own representation of what Goldenstein allegedly said in another phone interview. That one, of June 18, followed the executive sessions at which both Rogers and John Ray testified.

In this report, by Conrad Baetz, the Goldenstein account of the Meredosia robbery has Jerry Ray participating in the planning in

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Quincy, Illinois, at a time when he was working in Chicago.

Baetz, who was not as sparing with words as the lawyers (albeit still not extravagant in their use) represents this as the Goldenstein account of the planning and execution of the Meredosia robbery: Two men would pull the job, "exiting to a waiting automobile. The automobile would be driven to a spot 2 to 3 miles outside of the town where it would be dropped and they would be picked up by another auto and taken further out to a wooded area and dropped off. They would be picked up at the wooded area several hours later."

This is an original scenario, attributed to careful planning by John and Jerry Ray. In return for profligacy with automobiles, which were to be merely abandoned in this version rather than burned, as Haynes allegedly had it in the Baetz/Waxman report on the same crime, the actual robbers were to luxuriate in a "wooded area" for "several hours" during the bitter January cold.

The Baetz account of the alleged Goldenstein account has Goldenstein and Rogers as the actual robbers who "were picked up by John RAY who was also armed." This is the same John Ray the same Rogers testified was not armed. They then "were driven to a prearranged spot where they left that vehicle and were picked up by an auto driven by Jerry RAY." All of this was only so Jerry allegedly could abandon them to the elements: "They were then driven to a wooded area and were dropped off with Jerry RAY driving away from the immediate area. Jerry RAY returned after dark and picked up all three subjects."

Rather than Jerry allegedly awaiting them at "a prearranged spot," the Baetz version of the alleged Goldenstein version of the one crime, the Eberhardt/Speiser version of the alleged Rogers version is "that the getaway car ... broke down a few miles from the scene of the

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crime." After this, in the Baetz/Rogers account, "Jerry RAY was called and he came and picked up" the three others "and drowe them to St. Louis."

No lolling about in the January woods, no second switch car, no prearrangement.

And if now not still secret pages of the Rogers executive session testimony are consulted, he eliminated Jerry Ray entirely.

Rogers could not recall the name of the bank or of the city. Asked by Mr. Eberhardt, "Who else was involved in that bank robbery with you" he identified John Ray and Goldenstein only. (page 9) Asked by Mr. Eberhardt, "Anyone else?" Rogers was explicit: "No, that's it."

The testimony elicited by Mr. Eberhardt on June 8, 1978, was not planned as a December 1 exhibit and is not included in the narration. When the August 14 Eberhardt report of his August 13 phone conversation with Rogers is compared with the transcript, as Mr. Eberhardt and all others should have known, the August Eberhardt version - the one included in the narration - is false.

It is not surprising that there are three different and contradictory versions of whether or not John Ray allegedly was armed. These contradictions are not represented in the"Modus Operandi" chart, Exhibit F-649. It says, "Subject stood guard with a shotgun." Two accounts do not have him armed at all. The single version that has John armed, that provided by Baetz, refers only to "handguns," which a shotgun is not.

Or contradictory as all these accounts are, the committee had still another one which it preferred and used in its "Modus Operandi" chart. If any of the records used by the committee is dependable, not one has the version represented in the chart.

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Without John Ray as a co-conspirator in the King assassination, the committee has produced nothing not already done by the FBI and an assortment of writers. Without any real evidence that John Ray was a co-conspirator, the committee theorized him into bagman and bank robber, although all but one of the committee's varying number of bank robberies were subsequent to James Earl Ray's conviction and thus entirely irrelevant. Nonetheless, the committee did conjecture John Ray into this role. Because even its conjectures lack reason and cannot withstand examination, as the foregoing shows by analysis of the committee's own "best evidence," the committee arranged a "show trial" substitute for evidence, misusing it and leaks to the press as a means of glossing over the lack of even reasonableness in its conjectures.

The committee's conjectures are those of the FBI in 1968. The committee merely took from the FBI while hiding the fact that the FBI's extensive investigation turned up no proof at all.

In order to protect its fragile concoction of perjuries and fabrications procured in an effort to make it appear that the committee's conspiracy theorizing had some basis, the committee first held all its hearings in total secrecy and then shouted down John's counsel each time he sought to inform the committee of its error. The committee actually took the position that any effort to correct its error is contemptuous and that it has a license to err because the role of counsel is restricted to the committee's concept of a witness's Constitutional rights.

In essence, the committee's position is that when an innocent man is being framed by a Congressional committee, the man's counsel has no right to object - because no Constitutional right is abridged

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by a committee frame-up.

Delaying the committee's public "show-trial" John Ray "hearing" until the month its existence ended served public relations, not investigative purposes. It severely limited if it did not entirely preclude the possibility of correcting factual error. The committee's report was already drafted based on preconceptions. The John Ray hearing could not have any significant influence. It was intended as a rubber stamp.

The committee's preconception of James Earl Ray's guilt is unhidden in many leaks and in its earlier reports. These reports are of unprecedented brevity. They lack substantive content. They are of "conspiracy theories" and of promises that could not be kept.

The committee's preconception of Ray's guilt may have appeared safe because it is the preconception of the FBI and of Memphis authorities and because of the guilty plea. But the fact is that the committee articulated its preconception prior to any investigation. An unoriginal preconception and nothing else is hardly justification for the expenditure of whatever part of the largest appropriation in the history of Congressional investigations it devoted to the Ray "investigation" substituted for investigation of the King assassination. Faced with the need to come up with something else and certain that the Rays were without means or influence, the committee fixed upon its "conspiracy theory" of a Ray family conspiracy.

Because this is only conjecture and is without reasonableness and because of the emptiness of the committee's work relating to the King assassination, the committee held its hearings entirely in secret. Secrecy prevents general knowledge of the fact that the committee never really investigated the crime or the performance of

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the executive agencies involved in the official investigation. Secrecy also hides the fact that there was no Ray family conspiracy in the King assassination.

Having taken as its own the FBI's fugitive investigation and assumed that the FBI's assumed killer is the actual killer, the committee can hardly criticize the FBI for not solving the killing. The committee has reduced itself to complaining that the FBI did not validate the unfounded conjectures the committee wants to be believed so that the committee will not stand naked, exposed as having wasted its funding and not met its mandate after unprecedented support by the Congress, even those in the Congress who had deep doubts about the committee and its proposals.

It is inevitable that the committee reached "conclusions" and had its report largely drafted prior to the holding of the John Ray show trial to which th committee built up and held for its last scheduled public session. This meant that the public hearing could not produce any contradiction of or rebuttal to the already-drafted report. In turn, this meant harsh treatment by the committee to stifle John Ray and his counsel. Despite the committee's shouting down, overt threats, gavel banging and baseless personal insults, the committee was unable to prevent some exposure of itself. It was proven to have misrepresented what it presented as evidence and it misquoted its own records in further misrepresentation as part of its effort to breathe the semblance of life into its Pinocchio before the press and on coast-to-coast broadcast. In this effort the chairman's behavior was such that he was forced to surrender the chairmanship.

While pretending it wanted only truth, the committee actually banned truth and fact by insisting that only its questions and predetermined answers to them were relevant. When it could not

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completely stifle Ray's counsel by threat and gavel, it merely alleged that correction could be made in the five minutes it allotted at the end. As this memorandum reflects, five hours would not provide an adequate time for correction of the false record manufactured by the committee.

After the hearing the committee resorted to other devices to prevent any correction as well as perception of what had not been detected of its factual error.

First, the committee delayed providing any transcript to John Ray or his counsel. Then it provided each with a different and incomplete transcript. Counsel's role was limited to reading his own words, not the testimony of his client or the questions asked. John was limited to reading what he said and no other pages. Pages on which he did not figure in the discussion, the alleged basis of the questioning and legal arguments were withheld from him. The committee spent much more time to keep either from having a complete transcript than the few minutes the automatic mechanical xeroxing of a complete transcript would have taken.

This censoring was of the public record. Those of means could buy a transcript. It was broadcast in full from coast-to-coast and tape-recorded. Yet the committee withheld the full transcript from Ray and his counsel to make correction of it difficult if not impossible for what remained of the committee's life and for the brief interval before the report would be issued. This served to prevent the destruction of the committee's baseless prefabricated case, the kind of case once believed limited to the Gestapos and KGBs of the world.

Instead of taking its testimony in public, the committee used the devide of narrating its case and pretending its narrations were

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established and factual. The narrations are not of this character, particularly not with John Ray. The committee therefore withheld all of the pages of transcript including the narration.

The narration, as prepared in advance, meanwhile, had been used as a press release and a very prejudicial one at that. For early editions of afternoon papers and immediate electronic coverage, the committee precluded all else, thus managing the news.

Of course, any committee departure from the prepared text is and can be reflected in the actual transcript only. There was such departure.

Meanwhile, John was in jail in St. Louis, separated by many miles and slow communications from his lawyer in Washington. For a time John was actually held incommunicado.

The committee allowed five days only for correction of the expurgated version of the transcript it provided. To assure that mail to and from John wasted all five days, the committee then did not send the transcript to him at the jail. Instead, it sent that copy to his sister. Intermittently she was denied access to him - even when she sought to arrange bail. When he was let out of jail, the transcript was not forwarded to him.

The committee also was well aware that John's counsel was already overly committed with past-due obligations to several courts. He had to seek extensions of time from them and in one case was denied the time he asked although he was then ill. Knowing John could not pay him or repay the costs, and at cost to other cases, he tried to represent John before the committee. (The committee has not provided its normal compensation only because it was not able to select counsel without any subject matter knowledge to represent John.)

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That the committee intended to discriminate against John and his counsel and to preclude unwanted correction of its baseless conjectures and its misrepresentations of its own exhibits and other records is disclosed by the committee's bungling.

In the last minute Jerry Ray obtained substitute counsel. One is named William Pepper. Co-counsel is Mrs. Florynce Kennedy, noted black woman lawyer. The Ray sister is named Carol Pepper. The committee sent the transcript intended for Wklliam Pepper, counsel, to Carol Pepper, sister. Mrs. Pepper, not aware of this, opened the package and examined it. She also opened and examined the package sent to her for John. She compared the two. The transcript sent to William Pepper, counsel for Jerry Ray, is complete as the transcript sent to John Ray is not. (The entire narration is not all that is withheld. The committee extended its censoring of the public record to withhold such essential legal matters as discussion of immunization.)

Aside from this obvious and heavy-handed discrimination against John and his counsel, which is consistent only with protecting the committee's nonexisting case already leaked and narrated to the world and incorporated in the drafted report, there was no need for denying John and his counsel access to the public record. In public the committee guaranteed what it denied in private.

This in itself negates the committee's boast that it seeks only truth. It represents abandonment of traditional American concepts and practices. There was no need, no secrecy to protect and no proper legislative purpose in denying the full transcript for the publicly promised and secretly denied full opportunity to correct and perfect the record.

The many withheld pages of the transcript are essential to

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comprehension of the pages that were provided, as a few of the examples that follow reflect.

Because the committee can do whatever it pleases, as it can say one thing in public and do exactly the opposite in secret, it can prevent correction of a false record and then cite the falsehood it has created in pretended substantiation of its preconception and its report.

If it does not do this, the committee risks destruction of its preconception and report.

However, the committee cannot fully prevent any rebuttal and some exposure of the deliberateness of its misrepresentations just because it is about to go out of existence. It can refuse to incorporate them in its public record as it has already foreclosed them from its report. In this it duplicates an aspect of its so-called investigation of the assassination of President Kennedy.

This relates not only to the committee's own experts' interpretation of the tape recording of a Dallas police radio as establishing the firing of a fourth shot and a shot from the front in that case, which means there was a conspiracy. It also relates to other also pre-existing evidence the committee likewise ignored, Charles Bronson's contemporaneous motion picture of the so-called sniper's lair from which the committee and the earlier official investigators allege that all the shots were fired by Lee Harvey Oswald.

On November 26 an enhanced copy and tentative analysis were shown and distributed in Washington. Since then the committee has held secret what has been reported unofficially, that its own panel of photographic experts concluded that this motion picture shows images moving where Oswald alone is alleged to have been.

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With regard to the Dallas police tape, the committee knew of this and its evidentiary potential from Penn Jones's publication under date of August 22, 1977, almost a year before the committee, aware that it dared stonewall no longer, belatedly had its first and inadequate study of this tape made.

With regard to the pretendedly new film, the committee should have known about this if it read the readily available FBI files. They have been in the FBI's public reading room for months after Weisberg obtained them in a Freedom of Information suit.

In seeking to avoid or suppress what is uncongenial to its JFK case preconceptions, the committee again beclouded itself and its report, as do its similar suppressions, avoidances and misrepresentations in t e Ray case.

Had the committee conducted serious and honest investigations, it would not face such extremities in its final moments. It would not have to stifle John Ray and his counsel and then play tricks on them to prevent correction of an unfactual and untruthful record. It also would not be in the unseemly position of having to turn its incomplete work over to the very agencies it allegedly was investigating, the only course it now can take with the Dallas police tape and the Bronson film.

However, the FBI is the very agency that did nothing with the Dallas police tape and with the Bronson film did worse than nothing. It actually lied about it, stating that it does not show the building from which the FBI alleges the shots were fired. It does.

Thus the committee, not having investigated the FBI when it was supposed to, now asks the FBI to investigate itself. If the Congress had intended that, it would not have appropriated the largest funding

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it ever gave any investigative committee.

When the committee complains that the FBI did not pursue the committee's pretendedly original theories about a Ray family conspiracy, those the committee actually took from FBI records showing there is no proof at all of that "conspiracy theory," the committee will again be directing the FBI to investigate itself. The committee knows full well that the FBI did that investigating and, like the committee, found no case exists.

The total absence of the transcript of the narration, the incompleteness of the remaining pages of the transcript, the continued withholding of other records cited despite the committee's promise to provide them all and stringent time limitations preclude complete analysis of the entire transcript and limit what follows to what is illustrative of the committee's practices and misrepresentations. To a limited degree only is it now possible to compare the committee's representations in the available parts of the transcript with the actualities of its so-called evidence.

* * *

"Information that has been made available to this committee leads us to believe that the Ray family was a very close family in 1968," Committee Counsel Mark Speiser stated. (Transcript, p.40)

The most perfunctory check would have established this to be false. December 1, 1978, the virtual end of the committee's life and the last of its scheduled public hearings, was late enough for there to have been this check.

The committee made false representation to justify what it was trying to do and already had done to John Ray.

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By that late hour the committee either did not check information that is blatantly false, not risking learning that it was false, or, knowing better, insisted on falsehood as the only means of conjecturing a nonexistent case against John Ray.

How "very close" the family was became apparent when Mr. Speiser asked John about James's beliefs. John testified he did not know because, except for a few visits when James was in the Missouri Penitentiary, "I did not see my brother James since 1949 which is 19 years (sic)." (page 49)

Truth not serving the committee's purposes, it invoked its alleged "information," so certain it was false it dared not subject it to light.

* * *

Chairman Stokes stated (page 46) that "There was no previous motion that the (executive session) transcripts be entered into evidence" when Mr. Lesar asked for "a ruling on the motion I made earlier to admit these transcripts in evidence."

Only seven pages earlier Mr. Lesar made precisely that motion (lines 652-660), concluding, "I ask that these transcripts are admitted in evidence."

* * *

Mr. Speiser asked to have an exhibit marked and entered on page 49. The committee withheld the next page from the sets of transcript pages it provided to Mr. Ray and Mr. Lesar, withholding the identification and the content of the exhibit. The apparent explanation is on page 53. The character and source of the exhibit were misrepresented.

After correction Mr. Speiser still referred to Exhibit MLK F-613

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as "a copy of an interview" with William Bradford Huie. The list of exhibits attached to the committee's handout to the press describes it as "HSCA Interview with William Bradford Huie." The list also notes that a copy was withheld from the press kit. The apparent reason is to hide the misrepresentation. The exhibit is not an interview with Huie. It is a staff version of the staff's selection of what was discussed during the interview. No transcript of any Huie interview is provided - if one exists.

* * *

In its efforts to pretend that John was close to James and helped plot James's escape from the Missouri Penitentiary, Mr. Speiser describes a penitentiary record as establishing "the dates that the witness, John Larry Ray, visited his brother James while he was incarcerated at that institution."

Mr. Speiser knew this was a false representation because Jerry Ray had already testified that he had no visitor's card of his own and used the card issued to John "six times."

Consistent with this misrepresentation is the misrepresentation in the committee's list of exhibits. There this record is described as "John Larry Ray's Missouri State Penitentiary Visitor's Record." Actually, that record, MLK F-634, is a single card made out in the names of both the Ray grandmother, Mary Maher, and John Ray.

For the seven years of James's incarceration, he had a total of nine visits, so "very close" is that family.

The prepared narration argues that "since they had to show identification and a signature sample on each visit, it is unlikely that Jerry would have posed as John."

The exhibit itself does not have either a signature or provision

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for a signature after the spaces in which dates of visits are recorded. So far as a signature comparison being required, there is no signature at all on the half of this card in the name of Mrs. Maher, even if that on the other half is John's.

While the prepared narration concedes that "Jerry actually visited James six times," (page 3) and the Ray testimony is that Jerry and others used John's card, the committee did not dispute this testimony by producing a card made out to Jerry. Instead, it argued, arguing what is not true and is not supported by any evidence provided.

These and other misrepresentations of the actual records, unfactual descriptions of them and arguments substituted for evidence underscore the need for the actual transcripts in making any comment or review on John's behalf or for protecting the committee from its errors, which are common.

* * *

Page 71 ends with the introduction of Exhibit MLK F-635. Page 72 is withheld from both sets, the apparent reason being that Mr. Lesar was forced to correct committee misrepresentations. The issue is whether or not John helped James escape from the Missouri pen. In context there was discussion involving Mr. Lesar, from whom the page was withheld.

This exhibit is page 89 of the committee's December 2, 1977, interviews with James Earl Ray. It was not included in the press kit. If it had been the press would have been able to see that the exhibit says other than the committee represents and that the committee deliberately misrepresented its contents.

The conclusion of the prepared narration (page 4) is that, because John visited James the day before James escaped, "John Ray is

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lying when he says he did not know in advance of James Earl Ray's plan to escape from MSP."

The exhibit of the committee's interview with James Earl Ray is explicit in stating that he did not recall which of his brothers visited him that day and that both brothers knew he would try to escape: "Both Jerry and John knew that I was thinking of about escaping. So, it wouldn't of been no revelation ..."

Although neither brother had a copy of this page of the transcript, both testified exactly in accord with it, that they knew James would try to escape whenever he could.

Despite all of this, Mr. Speiser continued to misrepresent (page 76), even after correction by Mr. Lesar. In what follows, he states other than is in the prepared narration, again underscoring the urgency of a complete transcript being available. Mr. Speiser again misrepresented two exhibits, MLK F-634 and 635, the jail card and the page of the James transcript, in testifying in the guise of asking a question: "your visitor's card as well as the statement from your brother, James, under oath, both pointing to the fact that you visited your brother, James, on April 22 ..." This is <u>not</u> what the card means or what James said. James said he did not recall which brother visited him.

The misrepresentations relating to John's alleged visit and conjectured assistance in James's escape were resumed later by Mr. Fithian, who added his misrepresentation (page 226), that John had given James his Social Security card and that James had presented this "Social Security card" in John's name when James "was employed at the Indian Trails Restaurant."

But when the committee was forced to produce proof, promised

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to do it and with flourish came up with a page of James's testimony, what James actually testified to is "I didn't have the card." (page 228)

(The truth is that neither had a card and that neither needed one, each knowing both Social Security numbers.)

Falsely representing that John gave James his Social Security card is to suggest that John went to the jail the day before the escape to give James this identification and thus was party to the escape. This also is false and is supported by no credible evidence at all.

Page 89 of the transcript, which relates to this and quotes a "certified liar" as saying that "John Ray had assisted James Earl" in the escape was not provided to John Ray. There is no testimony by John Ray on that page. But the content is about John Ray, alleging he helped James escape. To deter John's refutation, the committee went to all the time and trouble of reading the page and then the extra trouble of removing it from the set provided to him. The page begins with Mr. Speiser addressing John, "Let me read out loud to you, Mr. Ray," and ends with the actual reading of the "paragraph I am concerned with."

From other and validated evidence the committee knew this allegation was false but it used it anyway. In the exhibit list given to the press Exhibit MLK F-640 is falsely identified as "HSCA Interview with Walter Rife." It is not an interview. Once again it is a staff paper, the report of Conrad Baetz in which he includes what he wants to include of what he claims Rife said.

If the committee were going to credit Rife, it credited him only selectively. It ignored Rife's confirmation of James's explanation of his pre-assassination financing and travel, that he

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was involved in a gun-smuggling operation. Baetz quotes Rife as saying that "about two weeks before the assassination of MLK" James "came to where Rife was living in Quincy, Illinois," and asked Rife to go to New Orleans with him because James "had a deal down there about some stuff to go into Cuba."

* * *

On page 102 the committee got around to the Alton bank robbery and some allegedly relevant exhibits. The page concludes with Mr. Speiser beginning to offer an exhibit for the record. The page ends without any identification of the exhibit. Pages 103 and 104 are withheld. Page 105 begins with Mr. Speiser arguing the committee's conspiracy conjectures about that bank robbery and inaccurate calculations of James Earl Ray's funds. Mr. Lesar made objection. In eliminating the preceding pages, the committee withheld the basis of it all and any way of correcting or responding to its factual error and baseless conjectures.

* * *

Page 127 reflects prior discussion of and objection to a rehash of what John has already denied under oath, that he participated in the Liberty bank robbery. The preceding pages, 124, 125 and 126, are withheld. These are necessary for the comprehension of page 127. Withholding them withholds the basis for and content of Mr. Lesar's objections and precludes any response to or correction of committee allegations or error.

* * *

At the bottom of page 139 Mr. Speiser states that "subsequent to your appearance before this committee" in executive session the committee had reason to believe that "you testified falsely and

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perjuriously" at the executive session. In fact, this is but an effort to cover up the committee's public harassment and repetition of its previous ques ioning of John to make a media event of it. Because all the testimony was already under oath, there was no other purpose. John had been questioned ab ut these robberies in executive session, when he denied them all under oath. Thereafter, and prior to the second executive session at which John testified, Chairman Stokes made the same unproven allegation of false and perjurious testimony in a speech on the floor of the House. The committee reprinted the speech and distributed copies. As a threat, copies were given to John and his sister prior to the May executive-session testimony. The Speiser representation of not "uncovering" the alleged "evidence" until "subsequent to your appearance before this committee" is not truthful.

* * *

On page 150 then Chairman Fauntroy ordered "that the witness be provided with the statements made by persons implicating" John in the bank robberies. To now this has not been done.

* * *

In referring to Exhibit MLK F-663 (page 150), Mr. Speiser describes it as "Mr. Goldenstein's statement." Once again the exhibit list given to the press describes it as "HSCA Interview of Ronald S. Goldenstein." In fact, it is not. It is still another staff report, again by Conrad Baetz and again of no more than his version of a telephone conversation. The committee has not disclosed any actual statement by Goldenstein. Yet it has his testimony taken in secret. He, too, appeared before the committee in executive session (page 148). No opportunity has been provided to confront and rebut this alleged

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testimony. (Having the testimony eliminates this need for use of remote-generation hearsay.)

Aside from the committee's misrepresentation of the character and dependability of the exhibit, the internal evidence of the Baetz report is of further undependability. Under the heading of "associates" Mr. Baetz does not include the name of a man with whom Goldenstein robbed the Bank of St. Peters, Missouri.

* * *

At the bottom of page 233, Mr. Stokes offers three exhibits for the record. Page 234 is withheld. This eliminates any comment or description on purpose.

* * *

On page 167 Mr. Fauntroy ruled that "we will be pleased to receive as part of your summation not only a statement but any other documents which you may care to submit, as counsel, as part of summation."

The committee then limited this, if not actually foreclosing it, by delays in providing any pages of the transcript; by providing only an incomplete transcript, without the narration, which is basic; by providing an expurgated partial transcript; and by never providing the other relevant records referred to at the hearing and publicly promised by the committee.

In making its promises before the press, the committee gave the appearance of doing what is right. In not keeping its promises, the committee did just the opposite, clearly to deter correction of factual error and to prevent the destruction of what is no better than an attempted frame-up.

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If from the outset the committee were not out to frame John, it did not have to take his earlier testimony in secret. As of today and according to the committee longer than John can expect to live, those transcripts will be kept secret. John asked to testify in public. He and his counsel are the best judges of what serves his interest, not the committee. The committee had and has no interest in protecting him.

As this examination of the best case the committee could put forward shows, the committee held those sessions in secret to hide the fact that it was playing Mark Lane, engaging in conspiracy theorizing, not pursuing its legislative mandate and obligations.

If the committee had not been out to pressure John Ray into confessing crimes he swore he did not commit and if indeed he swore falsely, then the committee did not have to lean on the Department of Justice to have it throw John back in jail from the halfway house in which he was. Perjury is punishable, a felony. If the committee had any kind of case, if it dared have its case go before an impartial judge and jury, there was no reason for the Department not to file the charge and prosecute.

Also in secret the committee represented this concoction of the self-contradictory, conclusory and vague generalities it obtained from its selection of convicted felons - all subject to retaliation - as "absolute" proof of John's perjury. Having made this grossly false charge to pressure the Department and have John thrown back in jail, the committee rejected the motion of John's counsel to lay all its so-called evidence out in public and let John confront it.

That the committee prefers permanent secrecy for its case of "absolute" proof reflects its own knowledge that its "proof" is fakery.

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If John Ray were a liberal instead of a rightwinger, the ACLU would be screaming.

The committee's need for John's scalp comes from its lack of anything else to hang at its belt. By way of accomplishment, it has a long series of worthless and unkept promises made to the Congress and the people and endless conjectures, one excluding the others and not a single one tied in with what is made possible by the known evidence of the crimes.

This, too, is the committee playing Mark Lane.

Having virtually bedded with Lane - the King subcommittee chairman did not go on TV without first going to Lane's home to be prepared - and then having cast its precious seed on the barren soil of Lane's and Lane-like conspiracy theories, the committee was left with nothing to do, nowhere to go except the route of the prior investigators, those it was mandated to investigate.

To the FBI's records, already forced public by Weisberg's FOIA suit (C.A. 75-1996), the committee added nothing of substance. It made false representation, claim to having done the work actually done a decade earlier by the FBI. It added overt and conscious fabrications, angled leaks and showmanship, again the Mark Lane method. Now it concludes with a hopefully aborted frame-up of the defenseless John Ray. Without his blood, the committee itself is entirely bloodless. With his blood it is a vampire.

Although John's counsel had handled the successful habeas corpus petition for James Earl Ray and most of the court preparation and in-court work in Ray v. Rose, the committee did not want his information. It rejected his offer of all the court proceedings, the briefings of both sides. Although Weisberg had conducted both investigations, the

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one underlying the habeas corpus petition and that for the evidentiary hearing, the committee also wanted none of his extensive files on the King assassination, none of the evidence already tested as in the United States evidence is tested, in open court and subject to rebuttal and cross-examination. When Weisberg succeeded in pressing upon the committee the transcripts of two weeks of hearings in Ray v. Rose, accepted only reluctantly by the committee, it never would accept his index to this already tested evidence. The committee began by not wanting already tested evidence of the King assassination and of Ray's guilt or innocence.

It never changed. The committee never intended to investigate the King assassination or the performance of the agencies in the earlier investigations of it. The committee copped out with a rehash of the official case against the already jailed Ray and the irrelevancy already exposed by the Senate, of the Hoover FBI's animosity toward Dr. King. Instead of investigating the crime or the agencies, the committee restricted itself to putting down Mark Lane's inventions and foolish improvisations.

Chief Counsel and Staff Director Blakey disclosed to Weisberg that he and the committee had no intention of investigating the King assassination. In March 1978 Mr. Blakey phoned Weisberg and asked to visit him, accompanied by Staff Counsel Michael Eberhardt. Weisberg agreed. Then, under date of April 18, Mr. Blakey wrote Weisberg referring to "the desire I expressed to you to have myself and Mr. Eberhardt sit down and chat with you about your knowledge of the Ray case." In that letter Mr. Blakey backed off and out. Weisberg had told him that, as Ray's former investigator, he owed Ray confidentiality he would not breach but that this did not extend to the other aspects

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of the King assassination. Mr. Blakey expressed respect and approval of this position. There therefore is no possibility that Weisberg had agreed to discuss "the Ray case" or that the committee expected this. As Weisberg replied, the committee was mandated to investigate the King assassination, not James Earl Ray. Mr. Blakey never responded, never asked for any information about the crime itself.

As with Mark Lane's and other such "conspiracy theorizing," the committee has theorized itself into bankruptcy. It has spent the largest appropriation in the history of Congressional investigations. For this it has nothing substantial to show except what it took from FBI files forced into the public domain without the committee's help in a court action that preceded the committee's creation.

What this really means is that without a penny of the wasted Congressional millions adding a single thing of consequence, any American can go to the FBI's reading room and read the records the committee pretends are its work.

A more meager accomplishment for a Congressional investigation is impossible to imagine.

The committee's secret awareness of its nakedness, or its singular lack of any real accomplishment, is what drives it to have some slight claim to anything of its own. Thus its persecution of the resourceless and powerless rightwinger, John Ray. His only real crime is being the vulnerable brother of the accused assassin - with whom he was never close and with whom neither the FBI nor the committee proved he had any contact of any kind for the year prior to the assassination of Dr. King.

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Mr. FAUNTROY. May I remind all of the persons in the audience to remain seated while the witness is exiting the hearing room.

While the witness is exiting the hearing room, may I ask that we prepare to bring the next very important witness before the committee. Everyone be seated, please.

I yield now to deputy chief counsel, James Wolf, as we prepare for the next witness.

Mr. WOLF. Mr. Chairman, the credibility of each of the Ray brothers, John, Jerry, and James, is obviously a central issue facing this committee.

Yesterday Mr. Jerry Ray told this committee that he had investigated the whereabouts of James Earl Ray on April 1, 1968, and Jerry Ray said that he had discovered that James Earl Ray was in the Southern Hotel in Corinth, Miss., and not in Atlanta.

Jerry Ray also claimed the records of the Southern Hotel were seized by the FBI to prevent exculpatory evidence pertaining to James from being divulged. As you recall, the committee's evidence that James was in Atlanta was a laundry receipt dated April 1, 1968. Indeed, James said he would take full responsibility for the assassination if the committee could prove he was in Atlanta.

Mr. Chairman, the committee, in its effort to investigate all allegations of an exculpatory or incriminating nature pertaining to the facts and circumstances surrounding the assassination of Dr. King began immediately upon receiving Mr. Jerry Ray's claims of newly discovered evidence to determine first whether any records were in existence which would support the alibi of James Earl Ray that he was in Corinth, Miss., on April 1, 1968; second, whether information existed which would indirectly verify Mr. Jerry Ray's testimony before this committee as to the events surrounding his discovery of the alleged evidence; and third, whether the FBI, without informing the Select Committee on Assassinations, seized records or documents which might have supported James Earl Ray's alibi.

The committee once again began investigating claims of members of the Ray family or their representatives that there was newly discovered evidence that was exculpatory to James Earl Ray.

Mr. Chairman, the owner of the Southern Hotel is Mr. Freddie Phillips.

Mr. Chairman, at this time it would be appropriate to call Mr. Phillips.

Mr. FAUNTROY. Thank you.

The witness, Mr. Phillips, is called to the hearing room to the witness table.

Mr. Phillips, will you kindly stand and raise your right hand?

Do you solemnly swear that the testimony which you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PHILLIPS. I do.

Mr. FAUNTROY. Thank you.

I yield to counsel, I. Charles Mathews.

Mr. MATHEWS. Mr. Phillips, will you state your name and address for the record, please?

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TESTIMONY OF FREDDIE PHILLIPS, COOWNER AND COMANAGER OF THE SOUTHERN MOTEL, CORINTH, MISS.

Mr. PHILLIPS. Freddie Phillips, Corinth, Miss., Highway 72 West Southern Motel.

Mr. MATHEWS. And how long have you resided in Corinth, Miss.?

Mr. PHILLIPS. All my life.

Mr. MATHEWS. What is your present occupation?

Mr. PHILLIPS. Comanager and coowner of the Southern Motel since 1965 more or less since out of school.

Mr. MATHEWS. You have been comanager of the hotel since 1965?

Mr. PHILLIPS. Yes.

Mr. MATHEWS. Is that hotel also managed by another individual?

Mr. PHILLIPS. My brother.

Mr. MATHEWS. So it's you and your brother?

Mr. PHILLIPS. Yes, sir.

Mr. MATHEWS. Let me direct your attention to early November 1978.

Do you recall a conversation with a man who identified himself as Eric Starvo Galt?

Mr. PHILLIPS. I sure do.

Mr. MATHEWS. Would you relate to the committee what occurred during that conversation?

Mr. PHILLIPS. On a Saturday afternoon I noticed a gentleman with a camera taking pictures of my place on the front. I walked out and asked him what his business was, what he was doing.

He told me that he was taking pictures, that the IRS income tax was investigating, that he had stayed in my motel in 1968, and I told him then that I knew, that I wasn't an idiot, that the income tax people didn't investigate you that far back.

He said, well, he said I just need some records showing I was here. And I said, well, what is your name and he told me his name was Eric Galt, and when he told me his name was Eric Galt I knew automatically that that was not who he was and I told him to lay his camera down and get off my property.

Mr. MATHEWS. How did you know at that point in time that he mentioned to you that his name was Eric Starvo Galt that something was amiss?

Mr. PHILLIPS. Earlier that month, and this is, you know, maybe a week or two before, the local Alcorn County Sheriff called me and had me to get my register out and check and see if Eric Galt's name was on it, and he came out and looked at it for himself to see if it was on it and it wasn't on it.

Mr. MATHEWS. And where was your register book kept?

Mr. PHILLIPS. In the attic, where all of the rest of them are.

Mr. MATHEWS. So you have had that registration book since 1968?

Mr. PHILLIPS. Yes, sir.

Mr. MATHEWS. Have you brought that registration book in today?

Mr. PHILLIPS. I have it with me.

Mr. MATHEWS. Will you turn please to the date, April 1, 1968? Are you able to determine after observing your registration book whether or not you worked on that particular day?

Mr. PHILLIPS. Yes. I worked on this particular day.

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Mr. MATHEWS. Is the name Eric Starvo Galt listed on that registration book?

Mr. PHILLIPS. No, sir; not to my knowledge; I can't find it.

Mr. MATHEWS. Have you ever seen any photographs of the man identified as James Earl Ray?

Mr. PHILLIPS. Just newspaper.

Mr. MATHEWS. Newspaper photographs?

Mr. PHILLIPS. Yes.

Mr. MATHEWS. Have you ever seen that man on or about the motel in April of 1968?

Mr. PHILLIPS. No, sir; I have not.

Mr. MATHEWS. Mr. Phillips, do you normally make all entries in the registration book when members, when individual citizens check into your motel?

Mr. PHILLIPS. No; sometimes they sign their own name. If it's someone I know, they sign it on. If not, they sign a card and I put their name in.

Mr. MATHEWS. Do you know most of the people that check into your motel?

Mr. PHILLIPS. Yes, sir, the biggest part of them. It's a small place, local owned.

Mr. MATHEWS. Mr. Chairman, could we have, could I show the witness what has been previously introduced as MLK exhibit F-626?

Mr. FAUNTROY. Without objection, so ordered.

Mr. MATHEWS. MLK F-626, Mr. Chairman, is a copy of a map provided by Jerry Ray to this committee in which he stated James Earl Ray was almost positive that this was the location of the motel in which he stayed on April 1, 1968.

Mr. Phillips, have you had an opportunity to study that map before?

Mr. PHILLIPS. No, sir. This map, yes.

Mr. MATHEWS. Is that map similar in geographic location to your hotel, motel?

Mr. PHILLIPS. Well, if this is east to South Birmingham, and east of Memphis is Highway 72, it makes my motel the only one that's there for that area.

Mr. MATHEWS. I am sorry, I could not understand your response. Could you repeat it, please?

Mr. PHILLIPS. Well, as the drawing goes here, to Birmingham would be East 72, and West would be Memphis, and at the intersection here of 45 that would make mine the only one in that area, of this area of this crossroads right here.

Mr. MATHEWS. Well, you say based on that map that that map represents the location of your motel?

Mr. PHILLIPS. It's close. I mean, that's the only motel around this intersection on Highway 72, is my motel.

Mr. MATHEWS. Are there any other motels? Were there any other motels in Corinth, Miss., in April 1968?

Mr. PHILLIPS. At that time they were on 72 Highway, which is the main road here, there were only three motels in Corinth on that road.

Mr. MATHEWS. Would you say that map could represent any of those motels?

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Mr. PHILLIPS. No, sir.

Mr. MATHEWS. So your motel would come closest to fitting that general description?

Mr. PHILLIPS. Yes, sir.

Mr. MATHEWS. Mr. Phillips, the committee also heard testimony from Jerry Ray yesterday which indicated that the FBI recently came out to your motel and seized records and documents which may have proved that James Earl Ray stayed there on April 1, 1968.

Can you relate to the committee any occurrences of that nature?

Mr. PHILLIPS. No, sir.

Mr. MATHEWS. Did the FBI, have the FBI visited your motel in the last year or so?

Mr. PHILLIPS. Not checking on this, they haven't. They may have been there for other things, but not on this James Earl Ray or Eric Galt.

Mr. MATHEWS. To your knowledge, have the FBI ever checked those books?

Mr. PHILLIPS. To my knowledge, I was told they were checked around 1968 or the latter part of 1968 sometime.

Mr. MATHEWS. Told by who?

Mr. PHILLIPS. A lady that worked there back then, too. I didn't remember it personally.

Mr. MATHEWS. Mr. Chairman, could I have incorporated in the record MLK exhibit F-669, which is the FBI airtel dated April 7, 1969:

The Bureau advised that in a third Look magazine article, William Bradford Huie states that James Earl Ray had spent the night of 4/2/68 in a motel near Corinth, Miss. The Bureau instructed Jackson to review motel records in and about Corinth to determine the identities of individuals registered there during the period 3/29/68 to 4/3/68. By airtel dated 4/15/69, the Jackson Office advised the Bureau that motel records at Corinth, Miss., had been reviewed under the subject's true name and aliases and had been reviewed for subject's Alabama license number. Nothing identifiable with the subject was located.

Could I have that incorporated in the record, Mr. Chairman?

Mr. FAUNTROY. Without objection, so ordered.

[MLK exhibit F-669 follows:]

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MLK EXHIBIT F-669

Rev. 12-12-66)

FBI

Date: 5/14/69

Transmit the following in _____ (Type in plain text or code)

AIRTEL _____ (Priority or Method of Mailing)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987) (P)

SUBJECT: MURKIN

By airtel dated 4/7/69, the Bureau advised that in a third "Look" magazine article, WILLIAM BRADFORD HUIE stated that JAMES EARL RAY had spent the night of 4/2/68 in a motel near Corinth, Miss. The Bureau instructed Jackson to review motel records in and around Corinth to determine the identities of individuals registered there during the period 3/29/68 to 4/3/68. By airtel dated 4/15/69, the Jackson Office advised the Bureau that motel records at Corinth, Miss., had been reviewed under the subject's true name and aliases and had been reviewed for subject's Alabama license number. Nothing identifiable with the subject was located.

2 - Bureau
2 - Albany
2 - Albuquerque
2 - Atlanta
2 - Birmingham
2 - Buffalo
2 - Charlotte
2 - Chicago
2 - Cincinnati
2 - Cleveland
2 - Columbia
2 - Dallas
2 - Denver
2 - Detroit
2 - Houston
2 - Indianapolis
2 - Jackson
2 - Jacksonville
2 - Kansas City
2 - Knoxville
2 - Little Rock
2 - Los Angeles
2 - Louisville
2 - Miami
2 - Milwaukee
2 - Minneapolis
2 - Mobile
2 - Newark
2 - New Haven
2 - New Orleans
2 - New York
2 - Oklahoma City
2 - Omaha
2 - Philadelphia
2 - Richmond
2 - Sacramento
2 - St. Louis
2 - Salt Lake City
2 - San Antonio
2 - San Diego
2 - Savannah
2 - Seattle
2 - Springfield
2 - Tampa
2 - Memphis

JCH:jap
(69)

R/S to Todd Steele Collar to disregard #5 for

44-1857-730

SEARCHED ... INDEXED ... SERIALIZED ... FILED ...
MAY 17 1969
FBI — MIAMI

Approved: _____ Special Agent in Charge

Sent _____ M _____ Per _____

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By airtel dated 5/7/69, copies of which were not furnished the Bureau, the Jackson Office set out leads for those offices to whom copies of this communication are designated. These offices have been requested to interview several hundred persons who spent the night in motels at Corinth, Miss., on or about 4/2/68.

In view of the fact that more than a year has passed since these persons stayed over night at Corinth, and since similar investigation of this type in this case has previously been unproductive, and since HUIE has admitted that RAY frequently is untruthful in statements to him, and further since it is not believed that it is of any particular importance to establish whether or not JAMES EARL RAY stayed over night at Corinth on 4/2/68, all offices will disregard the leads set out in Jackson airtel dated 5/7/69, unless specifically advised by the Bureau to cover same.

Mr. MATHEWS. Mr. Chairman, I might also note for the record that counsel and the chief investigator has checked Mr. Phillips' registration book from March 30, 1968, through April 4, 1968, and found no record or no names which would have indicated James Earl Ray stayed there under his given name or his aliases.

Mr. Chairman, I have no further questions.

Mr. FAUNTROY. Thank you.

Mr. Phillips, your testimony before this committee is under oath, you know, you are under oath.

Mr. PHILLIPS. Yes.

Mr. FAUNTROY. It flabbergasts me as chairman.

Are you telling this committee that during the month of November someone represented himself to you as Eric Starvo Galt; is that true?

Mr. PHILLIPS. Yes, sir.

Mr. FAUNTROY. Mr. Phillips, will you stand and turn around? I want you to look over this audience beginning on your right and see if you see in this room anyone whom you could identify as the person who represented himself to you as Eric Starvo Galt?

Mr. PHILLIPS. Yes, sir.

Mr. FAUNTROY. Would you point out the person?

[Witness pointed.]

Mr. FAUNTROY. Describe what he has on?

Mr. PHILLIPS. He has on a red tie and red shirt and tan coat.

Mr. FAUNTROY. All right.

Thank you. Have a seat.

Let the record show Mr. Phillips has identified Mr. Jerry Ray, the witness who was here yesterday and who testified under oath that he talked with you in Corinth and that you told him, if I recall, and I will certainly want to look at the record of this, you told him that the FBI had come by and picked up the records which you have now brought in here.

Is that your recollection of what happened when the person whom you identified approached you and identified himself as Eric Starvo Galt?

Mr. PHILLIPS. I don't understand what you—the question, sir.

Mr. FAUNTROY. I want to know if you told him——

Mr. PHILLIPS. That the FBI had——

Mr. FAUNTROY. Yes.

Mr. PHILLIPS. No, sir, I did not.

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Mr. FAUNTROY. If he testified under oath to that effect before this committee would he have been telling the truth or would he have been telling us a lie?

Mr. PHILLIPS. If he told you I said that the FBI had confiscated my books he would be wrong. I would not call the man a liar.

Mr. FAUNTROY. He would not be telling us the truth?

Mr. PHILLIPS. Not telling you the truth, because I have the books and they have never been out of my possession.

Mr. FAUNTROY. And you did not say to him that the FBI had taken the books?

Mr. PHILLIPS. No, sir.

Mr. FAUNTROY. Did you tell anybody else that the FBI had taken the book?

Mr. PHILLIPS. No, sir.

Mr. FAUNTROY. Have they ever taken the book?

Mr. PHILLIPS. No, sir; they have looked at it, but they have never taken it.

Mr. FAUNTROY. I yield to the gentleman from Ohio.

Any questions of the witness?

Chairman STOKES. Thank you, Mr. Chairman.

So that the record is patently clear, Mr. Chairman, I would like to make reference to a transcript of questions that I posed to Mr. Jerry Ray and the answers he gave to my questions in this hearing room yesterday, and then I will pose a question to the witness.

Chairman STOKES. Did you get the name of the manager?

Mr. RAY. No. He is still there; I haven't—I didn't get the name of him. He run me off. He threatened to call the police on me.

Chairman STOKES. I am sorry.

Mr. RAY. He threatened to call the police on me, run me off, and he wouldn't give me his name.

Chairman STOKES. Would not give you his name?

Mr. RAY. No.

Chairman STOKES. Did he ever ask for your name, sir?

Mr. RAY. I do not recall, sir.

Chairman STOKES. Did you ask him if your brother, James Earl Ray, was there on April 1, 1968?

Mr. RAY. No. I didn't ask him about James, I asked him if Eric Starvo Galt was there.

Chairman STOKES. You asked him what?

Mr. RAY. If Eric Starvo Galt was there.

Chairman STOKES. Did you ask him that?

Mr. RAY. Yes; I asked him if Eric Starvo Galt was there. Then his answer was the FBI has just been here, they got all, no, he didn't say they had all of the records, he says the FBI has just been here and get off my property or I am going to call the police on you, and I said could I look at the record, and he said, no, you can't look at the record, and so he said if you take any more pictures I am going to call the police. I have three pictures taken of the motel. He grabbed the three pictures, so I took some more pictures from a distance.

Now, did that occur?

Mr. PHILLIPS. Part of it, yes.

Chairman STOKES. What part occurred and what part didn't?

Mr. PHILLIPS. Picture taking took place. I took the pictures away from him and I told him to get off of my place. I did that.

As far as the telling him that the FBI had took my records, I do not—I remember telling him that the local authorities had looked at my records, and I remember telling him that I would call the local sheriff.

Chairman STOKES. OK.

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With reference to April 1 in your records then, and Eric Starvo Galt, was there any conversation about that?

Mr. PHILLIPS. He told me that he was checking for the income tax or IRS, you know, that was his business of doing it for Eric Galt.

Chairman STOKES. Now, do you recall anybody else calling you?

Mr. PHILLIPS. Yes.

Chairman STOKES. About this matter?

Mr. PHILLIPS. I was called by, not personally, but to my place has been called from, I believe, it's an Anna Ray or something like that. And an ABC newsman called there and, like I said, the local sheriff had called me earlier and then Mr. Johnson called me from this committee.

Chairman STOKES. Let me just refer to this part of Mr. Ray's testimony here in the room yesterday.

After he makes mention of the fact he took some more pictures from a distance he says,

So I took them back to the prison and showed them to James. When I showed them to him he says he is almost positive that is the motel—it's the same way I drew it on the map. I got the map someplace around here where he drew it for me. So then Auble sent James Pope down and then Anna Ray, she called up over there, and the same manager was there talked to her that had run me off. He told her that the FBI had seized all of the records, first to back up the sheriff.

Now, did that occur?

Mr. PHILLIPS. I have never talked to Mrs. Anna Ray.

Chairman STOKES. Thank you, sir.

I have no further questions and yield back the balance of my time.

Mr. FAUNTROY. I yield to the gentleman from Michigan.

Mr. SAWYER. Am I correct that the gentleman that you have identified here first represented himself as an agent of the Internal Revenue Service?

Mr. PHILLIPS. No, sir; he——

Mr. SAWYER. Who did he say he was?

Mr. PHILLIPS. He indicated that he was—needed a picture of the place for his income tax records, that they was checking him for 1968.

Mr. SAWYER. For his income tax?

Mr. PHILLIPS. His income tax.

Mr. SAWYER. Thank you.

That is all I have, thank you, Mr. Chairman.

Mr. FAUNTROY. I yield to the gentleman from Pennsylvania, Mr. Edgar.

Mr. EDGAR. Mr. Chairman, I apologize for being late. I was out of town today, and I came in and I understand the witness to have indicated that Mr. Jerry Ray came to the motel and took several pictures; is that correct?

Mr. PHILLIPS. Yes, sir.

Mr. EDGAR. And that you confronted him outside of the hotel?

Mr. PHILLIPS. Yes, sir.

Mr. EDGAR. And the FBI, while they looked at your records, have never seized them; is that correct?

Mr. PHILLIPS. To my knowledge, the FBI has only looked at this record around sometime in 1968, and that's the only time. That

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may be, you know, for this, for James Earl Ray. They may have looked for something else, but not that I know of.

Mr. EDGAR. Thank you.

I have no further questions, Mr. Chairman.

Mr. FAUNTROY. Mr. Phillips, it is our custom and rule that when a witness appears before this committee that we afford him 5 minutes at the close of his testimony to summarize, amplify, or otherwise modify his testimony, and that 5-minute period is now extended to you should you choose to utilize it.

Mr. PHILLIPS. I don't have anything else to say, sir.

Mr. FAUNTROY. Thank you, and I appreciate particularly your willingness to come on such short notice.

Counsel, do you have a question of the witness?

Mr. MATHEWS. I would just like to say, Mr. Chairman, that we called Mr. Phillips late last night, and he drove over 100 miles to be here today, and on behalf of the staff I would like to thank him for his cooperation and his willingness to do his duty as an American citizen.

Mr. FAUNTROY. And thank you, Mr. Phillips.

I yield now such time as he may require to the chairman of the full committee, the Honorable Louis Stokes.

CLOSING REMARKS BY CHAIRMAN LOUIS STOKES, CHAIRMAN OF THE FULL COMMITTEE

Chairman STOKES. Thank you, Mr. Chairman.

Mr. Chairman, as the final day of the public testimony before the King subcommittee on the assassination of Dr. Martin Luther King, Jr., the Select Committee on Assassinations brings to a close its open evidentiary hearings on the death of Dr. King and President John F. Kennedy.

While the committee will hold policy hearings December 11 and 12 on how to prevent political assassinations or better respond to them when they do occur, the public phase of the investigation is now complete.

In over 35 days of open testimony the committee will have considered evidence in its effort to answer three basic questions set forth in its legislative mandate: Who assassinated President Kennedy and Dr. Martin Luther King, Jr.?

Did the assassin or the assassins have the assistance of conspirators?

How well did the government agencies perform?

The committee now has before it the all-important task of drafting its conclusions and making recommendations for remedial action.

The December process will be structured to address the task through a process of synthesizing and evaluating the evidence that has been presented, not just in the public hearings, but in executive session by means of depositions, interviews, and file reviews as well.

In the 13 days of hearings just completed the committee has heard a distillation of the product of over a year of effort by 31 attorneys, investigators, and researchers of the King task force of the committee staff.

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In those 13 days, which are in addition to 5 days of public hearings held last August, 38 witnesses have appeared before the committee, and 200 exhibits have been entered into the record.

The King subcommittee and its staff have devoted an untold number of man hours to the task of its investigation. Much of their work was done in the field, as trips were required to U.S. cities from coast to coast and to foreign countries such as Mexico, Canada, Portugal, and England.

In all, there were 572 trips to 834 points over a total of 2,687 days in the field.

Much of the work of the subcommittee has been conducted in private on the theory that quite often more can be accomplished in a sophisticated investigation when every step is not subjected to public attention. In all, 168 witnesses were heard, either in public or in executive session, and a total of 2,686 interviews were held.

To accomplish this, 260 subpenas were issued, and orders of immunity from prosecution were obtained for 76 witnesses.

The subcommittee also depended on the work of consultants whose contributions, along with the cost of each, were as follows:

For pathology, 31 man-days at a cost of $7,300;

For ballistics, 75 man-days at a cost of $7,800;

For medical illustrations, 48 man-days at a cost of $6,100;

For analysis of police procedures, 18 man-days at a cost of $4,700;

For fingerprint analysis, 32 man-days at a cost of $3,900;

For handwriting analysis, 25 man-days at a cost of $3,900;

For photo-analysis and enhancement, 28 man-days at a cost of $6,200;

For analysis of polygraph tests, 10 man-days at a cost of $1,500;

For dentistry analysis, 2 man-days at a cost of $400;

The totals for consulting work here were 269 man-days at a cost of $41,800.

In addition to the consultants, an engineering contractor was paid $3,650 for 15 days of work, and $1,200 was spent on miscellaneous contract work.

This concludes my remarks on the work of the committee in its public hearings.

There are now, though, a number of individuals and institutions to whom I would like to express the gratitude of this committee for their efforts in supporting us in the conduct of these public hearings.

First to all of the members of the Capitol Police for providing security in the hearing room;

The U.S. Marshals for providing extra security for particular witnesses;

Ed Polan and the staff of the Property Supply Service, the staff of the Superintendent's Office and the sound engineers, to the Superintendents of the Press Gallery and their staffs, and members of the press, particularly those of National Public Radio who reported our hearings from start to finish, to the Official Reporters who recorded for written reproduction the lengthy testimony that has been heard by this committee and, finally, I would want to express the appreciation of this committee to its chief counsel, Professor Blakey, to the entire King subcommittee staff who worked many, many hours in order to produce the work that has

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been put on in this hearing room, and which I think all of us have been very proud to have been a part.

Last, I would express my appreciation as chairman of the full committee to the hard work of both Judge Preyer of North Carolina and the Kennedy subcommittee; yourself, Mr. Chairman, for the outstanding and many hours you and your subcommittee members have expended on behalf of these investigations on the King investigation side; and then to all of my colleagues on the full committee who have done an outstanding job and who, notwithstanding the fact that Congress has been in adjournment since October 15, all of whom came back the day after their elections in November and have continued to put out the work product that has been produced in this hearing room.

Just one further statement, Mr. Chairman:

That is, it is particularly interesting that this is the anniversary of the date in 1955 when a lady by the name of Rosa Parks refused in Montgomery, Ala., to move to the back of a bus; it's ironic that on the day that we conclude the public hearings of the King assassination, the man who led the civil rights movement that emanated from this day in 1955 and, hopefully, this committee will have made a meaningful contribution to the unnecessary death of this great man.

Thank you.

CLOSING REMARK BY DELEGATE WALTER E. FAUNTROY, CHAIRMAN OF MARTIN LUTHER KING, JR. SUBCOMMITTEE

Mr. FAUNTROY. Thank you, Mr. Chairman.

While we are passing along our feelings of gratitude, I would like as chairman of the subcommittee on the King assassination, on behalf of the full committee really to say thank you to the 31 members of the King subcommittee staff that worked so hard under the direction of our chief counsel, Prof. G. Robert Blakey, and our special counsel, I. Charles Mathews, and deputy chief counsel Gene R. Johnson.

I would like to indulge your time a few moments to call the names of those of the senior attorneys to whom we owe a great deal of gratitude:

Peter Beeson; Alan Hausman; William Webb; Mark Speiser.

To the staff attorneys: Jeremy Akers; Kenneth McHargh; Ronald Adrine;

To the research attorneys: Wendy Collins; Thomas Sacco; Robin Lindley; and Gale Oppenberg;

To our very competent staff of investigators headed by the chief investigator Eddie Evans: Conrad Baetz; Alfred Hack; Ernestine Johnson; Louis Parisi; Mel Waxman; Jerome Cullings;

To our researchers: Gerald Hamilton, chief researcher, together with Lisa Berlow; Susan Grimes; Elizabeth Feeley; Phoebe Orr; Barbara Robinson; and Brenda Welburn;

Finally, to the clerical staff; Louis Hindle, our office manager; Beverly Jackson; Barbara Mosley; Nancy Schultz; and to Joyce Larkin.

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This fine staff, together with you and other members of the committee, I think have performed a great service in the last 2 years in the conduct of this inquiry.

You have enriched the public service, I think, and exalted the public life by your sense of conscience and your response to duty.

For all of that I thank all of those who have been associated with us in this undertaking.

With that, Mr. Chairman, and if there are no other comments to be made by members of the committee, I will gavel to a close these hearings into the assassination of Dr. Martin Luther King, Jr.

[Whereupon, at 4:05 p.m., the Select Committee on Assassinations adjourned.]

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INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

APPENDIX TO HEARINGS

BEFORE THE

SELECT COMMITTEE ON ASSASSINATIONS

OF THE

U.S. HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

(INTERVIEWS WITH JAMES EARL RAY)

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INTRODUCTION

On August 18, 1978, the Select Committee on Assassinations released, at the time of James Earl Ray's initial appearance before the committee in public hearings, a staff report containing a compilation of statements made by, or attributed to, Mr. Ray from the time of his June 8, 1968 arrest in London to June 30, 1978. This staff report, which is included as part of the record of the August 18, 1978 hearing,* was based to a large extent on eight interviews conducted by the staff with Mr. Ray at Brushy Mountain State Penitentiary, Petros, Tenn.

This appendix contains these interviews in their entirety.** The Committee interviewed Mr. Ray on the following dates: Interview No. 1: March 22, 1977; Interview No. 2: March 28, 1977; Interview No. 3: April 14, 1977; Interview No. 4: April 29, 1977; Interview No. 5: May 3, 1977; Interview No. 6: September 29, 1977; Interview No. 7: November 14, 1977; Interview No. 8: December 2, 1977. The seventh interview (November 14, 1977) was conducted after an oath was administered to Mr. Ray.

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*See Vol. III, HSCA-MLK hearings, at p. 161 et seq

**The appendix is contained in Volumes IX, X, and XI of the hearings before the committee on the assassination of Dr. King.

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INTERVIEW WITH JAMES EARL RAY AT THE BRUSHY MOUNTAIN STATE PENITENTIARY, PETROS, TENNESSEE, AT 3 P.M., MARCH 22, 1977.

Present at this interview were Jack Kershaw, Mrs. Jack Kershaw, Gary Revel, Richard A. Sprague, Robert J. Lehner, Edward M. Evans, and Louis H. Hindle, reporter.

MR. LEHNER: I would like it to be on record, and I see you have recording equipment, and, you don't mind if we record?

MR. KERSHAW: Not at all.

MR. LEHNER: We also have Mr. Hindle here, who's our stenographer, who's taking it on stenotype.

MR. KERSHAW: That'll be great. If you could provide me with a copy of his, I would appreciate it.

MR. LEHNER: What I, I just wanted to recreate our conversation on the phone so that we would have a record of it.

MR. KERSHAW: Right.

MR. LEHNER: I stated that we would give a copy to you of our, of the transcript of this interview. You have a recording but if you want a copy of our transcript as well, there is, there's no problem with that.

MR. KERSHAW: I'd appreciate it.

MR. LEHNER: Fine. You asked me pertaining to the FBI reports and I explained to you over the phone that there is a procedure by which the FBI grants people access to

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certain files that they consider unclassified. I have written you a letter quoted to you as to the procedures by which you could gain access to this, these materials, plus a draft of the letter that you could send to the FBI Director, Clarence Kelley, to get access to this. There are two ways in which you can do it; either go into Washington; or asking them to forward it to you here. So I'll hand that to you over here, if I may.

MR. KERSHAW: Oh, that'll be excellent. Then I believe we agreed to join in a motion to the Court to unseal certain other records?

MR. LEHNER: Well, you talked, we were talking about the tapes involving, the FBI tapes involving Dr. King, and there was a court order which we discussed over the phone in which the judge sealed them for a number of years. I think it was 50 years, or thereabouts, I don't recall the exact number, and I stated, you stated you thought this might be of some assistance to you in that there might be something on these tapes which would indicate that someone else had a motive to kill Dr. King.

MR. KERSHAW: Yes.

MR. LEHNER: And I discussed with you the fact that it would require some litigation, a motion be made in court.

MR. KERSHAW: yes.

MR. LEHNER: And I thought we also may in the future wish to -- (?) -- may wish to make a motion, but that is some-

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thing that is going to require legal action, and that is something that we will have to fact up to in the future.

MR. KERSHAW: Okay. We will cross that bridge when we come to it.

MR. LEHNER: Now, as far as the rules, we discussed your request to ask questions of other witnesses and I told you that we had a copy of our Rules which provided in certain instances for counsel to request that certain questions be asked of witnesses. And I am going to supply you here with a copy of our Rules, so that you will be familiar with those procedures. I am going to give you a copy of our Rules as well as a copy of the Resolution, the House Resolution that created our Committee, and that is the resolution of this past February, and we hand you that with our Committee Rules. Now, as far as finances, we did not discuss anything of that nature, and we are here coming to this institution paid for by the Committee, and I assume that you are likewise coming here at your own expense.

MR. KERSHAW: Well, I put that in the letter because I didn't know whether the Committee had provision for that, and where you draw the line. That is, I presumed the Committee would pay for witnesses's trip to Washington, but whether to here or not, I didn't know, and that is negotiable.

MR. LEHNER: If a witness were to be subpoenaed to Washington, then there is provision to pay the expenses of that witness. You'll see that all in the Rules.

MR. KERSHAW: All right, fine, and the expense of his

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counsel to Washington?

MR. LEHNER: No, there is no provision in the Rules for that. If you would check the Rules and we will discuss whatever questions you have after that.

MR. KERSHAW: Okay.

MR. LEHNER: Is there anything else you wanted to take up preliminarily before we proceeded to speak to Mr. Ray?

MR. KERSHAW: No, I believe that is all.

MR. SPRAGUE: Mr. Ray, as I have said, to introduce myself to you, my name is Richard Sprague, I'm the Chief Counsel for the House Committee on Assassination and this is Mr. Lehner, Deputy Chief Counsel, to his left is Mr. Evans, who is the Chief Investigator of the King assassination. We are here representing the House Select Committee of Assassinations which is investigating the assassination of Dr. King while investigating another assassination as well. I understand that you are 1) willing to be interviewed at this time with regard to the investigation that we are conducting; and secondly, that it is not only Mr. Kershaw's consent but your's as well that this interview be recorded, is that correct?

MR. RAY: Yeh, well, I don't know how, how far you want to carry the interview, I know the recording is all right. But I haven't discussed what I would testify to very much with Mr. Kershaw or anyone else. I think you know

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some time ago Mr. Lesar, he was representing me before and he was adamantly against any testimony. While I am not enthusiastic about it, I don't want to close any doors on it, or anything.

MR. SPRAGUE: O.K., well, let me say this also, Mr. Ray. I, my thought is, frankly, with you just said you haven't gone into too much depth with Mr. Kershaw. My thought is that we would think of this pretty much as what I think of as a preliminary interview, kind of getting to know each side, I don't think in the time we have left today there could/be what I consider a real thorough interview, and I thought that we would get into things --

MR. KERSHAW: Yes, I think that is exactly right. Mr. Ray and I had discussed the fact that it would be a preliminary interview, and that was what Mr. Lehner and I had discussed, this idea of --

MR. SPRAGUE: And there would be subsequent interviews on which to get into other questions, or into more depth, depending on what you wanted to do. I just wanted to get across what my feeling was and see at the moment whether that is in accord with what you want as well?

MR. RAY: Let me say this, really my problems I think are judiciary problems. I have been in court, I've probably been involved in seven suits. I have been sued a couple times and I know we've sued other parties. But we've never been able to get any type of discovery on the Government, even Habeas Corpus, I assumed that it, if there

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was some type of quid pro quo, the testimony might be in our interest, or something or might be in the Committee's interest. That has been my main problem, and I might as well, there is no use me pretending I'm interested in any public service or anything, I'm, it's really --

MR. KERSHAW: You want a new trial.

MR. SPRAGUE: You are interested in James Earl Ray, and you are saying that there might be some things to your advantage in working with us , and the same time there might be things to our advantage.

MR. RAY: That's correct.

MR. KERSHAW: Yes, I think the quid pro quo is built in, Jim, in, that, as I understand Mr. Lehner and Mr. Sprague, that we are both after the whole story.

MR. LEHNER: That's correct Mr. Kershaw.

MR. SPRAGUE: Well, I guess in a nut shell I can put it very simply. Whoever is involved in the assassination of Dr. King, I would ask you to give us your full cooperation to catching the one or more, or whosoever, and being in a position where that person can be uncovered and ultimately prosecuted.

MR. RAY: Here is my position. When I was going to trial, what my intention was, and I testified to. It was my intention to take the witness stand and testify to what I knew about the events.

MR. KERSHAW: All you knew.

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MR. RAY: Yes, providing the prosecutor asked me. Now I can't, of course, I can't control the prosecutor's questions, but as far as being a state witness, something of that nature, that was out there. I think, I believe, of course, you have been a prosecutor. I think a prosecutor can find out anything from a witness that is testifying for himself as if he could was testifying for the State.

MR. SPRAGUE: O.K., fine. Mr. Lehner is going to start, and see where we go to -- (?) --

BY MR. LEHNER:

Q. We just wanted to get down, that you are consenting to the interviewing being tape-recorded?

A. Yes, I have no objection.

Q. Could you first give us a little bit of background of yourself, for instance your date of birth? and where you were born?

MR. KERSHAW: Excuse me, I have got to interrupt one more time. We forgot to mention, I think we agreed, correct me if I'm wrong, this preliminary interview will be held confidential and neither one of us will issue any statements to the press about what was going on in here until we corroborate the facts.

MR. SPRAGUE: Let me say this. There will be no statement made by us to the press, and as a matter of fact, that gauntlet out there, I assure you we walked right through it and we walked right out of it, and I hope that you do the same. I don't have any control as to whether you do. I

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have control as to whether we do. There is one other thing I should say, I intend to report to the Committee itself, the members of Congress who are on the Committee, tomorrow, in an Executive Session, which means a private, non-public session. I expect that they will maintain that confidentiality as well.

MR. KERSHAW: Tell them we request it.

MR. SPRAGUE: And I shall.

MR. KERSHAW: I did make statements to that press out there, but I didn't tell them anything I haven't told them ten times before, and if I say anything to them afterwards, it will be the same thing, that I've been telling them, which is, all we want is a new trial. Won't tell them what goes on here.

MR. SPRAGUE: We won't even say that. I mean, I'm telling them I have no comment to make and if I can get away with not even saying I have no comment to make. I --

MR. RAY: Let me on this, let me say this on these interviews, and I'll let you go ahead and ask what you want to. My main concern on this, I have been locked up, I was in the segregation, or solitary for five years. A lot of times the prison officials use the fact that you may be a State witness or something to keep you in, keep you confined, so I don't want to give the impression that the press or anyone else that I am involved in some kind of telling everything I know, in something of that nature. This is a kind

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of delicate procedure. I mean I can handle the court procedure, but these committees I am not familiar with their procedures.

MR. SPRAGUE: Well, let me say this: in terms of this interview now, you sat and heard what I said, and any subsequent interview, as far as we are concerned, these are private interviews between the group that is here, to be reported to our committee. If the Committee on the basis of those interviews, and what investigation we do, wants to do something about any part of it becoming public, my own opinion is they don't do that by releasing the interview. They make arrangements with you through your attorney to see about having you testify to those portions.

MR. RAY: I have no objection to anything I say in being released to the press, but I don't want something released with, I think, --

MR. KERSHAW: Well, -- (?) -- Mr. Sprague explained it very well. These interviews are private, and then the appearances before the Committee will be public, and we in fact demand that.

MR. LEHNER: Just to complete the record, in our conversation over the phone we discussed the fact that these interviews would be used as a basis for the Committee and the staff of the Committee to either corroborate or repudiate the accounts, so that's, help to getting at the truth, is that --

MR. KERSHAW: That's my understanding.

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BY MR. LEHNER:

Q. That's my understanding. Mr. Ray could you start by just telling us your date of birth, where you were born, and a little bit of your background from the beginning, if you would?

A. March 10, 1928, is my birthday, Illinois, Alton, Illinois, close to St. Louis. I don't know what else you might want?

Q. Tell us your schooling.

A. I had eight years of schooling. I was in the Army two years and ten months. You have the prison records, you don't want to go through those, do you?

Q. Presently what does your family consist of?

A. Well, I'd rather not go through the family business, because they have been involved in litigation anyways, so --

Q. Well why don't we start off by taking you, start from the time you were in Memphis in April, 1968, and you want to tell us how you got to Memphis and what happened thereafter?

MR. RAY: How far are we going all together? Have you made any arrangements, Mr. Kershaw, on this, how far are we going through all this testimony?

MR. KERSHAW: Well, I think he just wants to know --

MR. RAY: Through Memphis and the time I was arrested, is that how far you want to go, or what?

MR. KERSHAW: How far, are you referring, I think what

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he's asking is, are you referring of course to the time he was in Memphis and when the murder took place?

MR. LEHNER: That's right. In April of 1968, how you got to Memphis and what happened thereafter?

MR. KERSHAW: In other words, he is jumping into the middle of things.

MR. RAY: Well, I have all of these records outside, most of the records - I can remember most of them without using detail. The attorneys even have -- Or I have them locked up, I have some in the vault outside. If you want a day-by-day account, say from March 28, would that be --

MR. LEHNER: That would be fine, March 28, '68.

A. Well, let's see, March 28th. I believe, the 29th, I think I left Birmingham on the 29th. I stayed in a motel in Alabama on the 29th. I think on the 30th in Florence, Alabama, I believe I stayed on the 30th. The 31st, there was another town in, I believe, in Alabama, I was going to show up there. On the first, I know I was in Alabama on the first too. On the 2nd, on the 2nd of April I was in the DeSoto Motel in DeSoto County, Mississippi. That is right across the line from Memphis. On the third, I was in the New Rebel Motel, and I checked out of the New Rebel at approximately 2 o'clock. I'm skipping all, anyone else, I'm just telling you what I did.

MR. KERSHAW: Two p.m.?

BY MR. RAY: Well, I'm not certain, I'd say it was

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1:30 or 2 p.m. I know I was suppose to meet someone on Main Street. I guess that was the address, 4,4,4,221,½, or whatever, I - (?) - I checked out, I know it was too early when I checked out I drove around, - (?) - I know I went around the Memphis area suburbs, just stalling around. I was supposed to arrive at this house in Memphis, at 422½ Main, I think it was, at approximately 3 o'clock, about 3:00. I had the Mustang at that time. I parked it in the, in a parking lot, a private parking lot. I don't know if the attorney or anything ever found this parking lot or not, but I know the general area of it. I must have parked there about 3 o'clock. Yes. And I went to --, I was supposed to go to Jim's Grill or something, and I got to Jim's Restaurant, I believe it was. There was two Jim's on this Main Street. One was about, going north, I'd say it was about two blocks from the rooming house where King was supposed to be shot from. The other, Jim's grill, is right underneath, I was supposed to meet a party in the one right underneath of it. But, of course, I wasn't, I was just given the name of Jim's, and anyway, I got to the wrong one, to make a long story short, and, I think the owner of that place told me probably the one I was supposed to go to, and I did find it then, and then I met this other party. I just leave the names out for the time being, We was - I was supposed to rent a room in this place the night before and we, we had made up the aliases that I would use

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in the hotel. That I would rent the room at the rooming house. It is usually my practice, If I go into a hotel or something, I use an alias, whereas if I go into a motel, I'd use my driver's license, mainly on account of, I think the police a lot of times they check the motel to see if your name corresponds with the tags on your car.

Well, anyway, I would guess that I met this fellow in the tavern underneath, I'd say, 3:30 or maybe 4:00, I guess in that general time, I'm not positive and, --Now all the details how many times I went downstairs I can't remember that, but I have got it written down. I made, I think I made two trips downstairs to the tavern underneath those. I believe, I think I gave all this information in detail to Arthur Hanes, Sr. when he was defending me. When I first went in there I met this other party. There was a waitress in there, she was white and I know later on I went in there they had a black waitress, and during one of the, I was probably in the rooming house, all the time I was up there, I was probably in there about 15 minutes.

Q. You were where 15 minutes?

A. In this rooming house, where I rented the room at. When I went up to rent the room, the fellow I met downstairs, he said there were, that I could rent a room up there. I asked the lady to rent the room, and she said she had two rooms, I think, she said she had what you call a light-housekeeping room and a sleeping room, and I told her I wanted a sleeping

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room. And, of course, it don't make any difference about going from one room to the other because anyone can go in any room they want to. They have leather straps on the doors and everything and mostly what you call winos was, slept in this place, and at one time when we got up there I was, suggested that I go out and get an infra-ray binoculars or inquire about them. This leads back to when I was trying to buy some equipment in Birmingham. But anyway, I went down there, I couldn't find this certain sporting goods store, or what it was. I came back and I was given the right directions and I went down and they didn't have this type of equipment, they had, so I just got whatever they had. I took that back up there, and then later on --

Q. What type of equipment was this, that you got?

A. I don't know what kind, just regular binoculars. It wasn't infra-ray type or anything. Then, later on, I left there, I was just in there a couple of minutes. I left there, I think, and went down to get some food, I went to the Chickasaw Restaurant, it's a drug store. I recall, the only thing I recall specifically about being there was that the waitress, she had just been hired there and I recall that the manager was instructing her how to use the type cash register. And this, she was, I remember she was black, the waitress was.

MR. EVANS: About what time was that?

A. This was all between 4:00 and 6:00. The reason that

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I was interested in all these details of wherever I went because according to this witness here Charles Stevens, he testified that someone locked themselves in the bathroom for an hour and a half or so. And it was a test, the attorneys representing me were trying to show that I wasn't in there, 'cause I couldn't have been locked in the bathroom at these various places. Now the Chickasaw restaurant, I never did, the attorneys never did find the place. The reason I found out about it, I later asked a policeman up there. I asked him late, I would say about in the middle of February. I explained to him where I was at and he said, yes, he said, that was the Chickasaw Restaurant - Drug Store. By the way, that is the same way I found the DeSoto Motel, the attorneys never could find it. In this place I was confined at, they had two policemen there, one a city policeman and one was a county policeman, and I described to them what the place looked like and they recognized it.

Q. These were Memphis officers that you spoke to while you were confined?

A. Yes. They were in the cell. Well, one of -- I could probably get the names of the ones who gave the information. I can't recall the names right now, but I --

MR. SPRAGUE: You will try to get those names?

Q. Yes, uh, I, if you was to get the list of the officers that was guarding me I could get the list of the officers that gave me the information. But I can't recall all those names

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except two or three of them that were up there.

MR. SPRAGUE: We'll get the list to you.

MR. EVANS: When (?) you were at the Chickasaw, the cashier was being instructed in using the machines, is that what you are saying?

Q. Yes, I got the impression listening there she just been hired there, and the manager was, he was instructing her on how to operate the cash register. Well, I think I was in there/ about, I don't know, 15 minutes at the most. And, I came out again, of course I'm not, I may be getting some of these places I've been mixed up, but, --

(someone comes into room)

Q. So, I --

MR. SPRAGUE: Would you make sure that that's a dead phone, I would hate for someone to listen in --

MR. RAY: I made, I made another trip to a, a , I think, now I don't know if it was that time, but I believe I went to the rooming house again, and there was no reason for me to stay around there, and I think I made another trip down to this Jim's Grill, I don't know, I may have got some food down there, too, because, uh, I know, I hadn't had no lunch, it was, when I checked out, out of the motel, I ate breakfast. And that would have been, uh, well's that's about 2 or 3 o'clock, down there. And the next time, uh, I think we have to go back to the car, the automobile, the Mustang I had, now, when I we first, I had, to make me two or three sets of keys to it,

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or something. I give another party one or two sets. I believe I gave him, I think I gave him two sets, I don't know, and, uh, I kept one, (?), it was my intentions to get another set. But, anyway, uh, I think that about, I would guess, I'm just trying to reconstruct this because I never checked my watch or anything, but, uh, about the last time I was up there, I'd say it was about quarter after five, and I was just, this party with me, he said he wanted to use the car that night or something for meeting someone --

MR. KERSHAW: By "up there," you mean in the rooming house.

A. In the rooming house, yes.

Q. And then the other party would be who?

A. Well, this alias Raoul, or whatever you --

Q. O.K.

A. (?) -- That was, I think that would have been about quarter after five, so I, I was going to the movie or something to stall around down there after 7 or 8 o'clock, whatever, whatever time was necessary for me to get back to the rooming house at that, three or four hours later, however long he was going to use the car. And I, then I went down and sat in the car about 15 minutes, I guess, and I met. Possibility I went in the tavern underneath it, but I'm not positive. I may be able to look, look in my notes later and find out if I did. But anyway, I sat in the car for about 15 minutes, then I walked off, I was going to the movie, there was a movie down the street, two or three blocks, and I walked off and

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went in, in another tavern down there. I believe it was the same one I stopped in when I was coming up the first time from, from leaving my car down there. Now, I've left out something here, if we can back up a little bit, it'll take about 45 minutes. When I found this rooming house, when I first come up there, I left this car parked about six blocks away and consequently, when I got up there I had to go back and get the car, but I don't know how late that took me, I imagine that took me 45 minutes to go back to the parking lot and bring the car back up there and park it in that general area. I would say that would have been 4:45. Now, we can go back , beginning now when I went back to the tavern and was going to the movie. I went to the tavern, and I was in there for a while and then I, the night before that I had a flat tire, and I hadn't been able to get it fixed. Uh, so I came back up and decided to get it fixed, and the cars were there and was all jammed up together, and I, I drove it out and drove about 7 or 8 blocks, I'd say, altogether, maybe 6 blocks. I drove about three blocks north and three or four west, I guess you'd call it, or east. No, it'd be east, three blocks east. And, uh, I stopped in there and attempted to get the car tire fixed, is what it was, and the garage attendant, whatever he was, he said it was the busy time of day and he didn't have time to fix it or something, so I drove on around and, and I guess it would be going south. I turned around and circled back toward the rooming house, and when I got to, it was either

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a block from the rooming house, or a half -- It was either a block and a half, or a half block, I don't know which. But there was a police car parked in the middle of the street. And, I'm not sure whether the police told me to get out of there or I just instinctively got out, but I know I, I took off, I went the other direction, I went south. And, uh, if I can stop right here before I go any further, now. I'm not sure, but it was a Barry, also, that guarded, that was guarding me in the police station, in the jail while I was waiting on the trial. But Barry never did, he never did tell me that, he told me some other things, this Barry did, but he never did tell me anything about waving me out of the area, or anything, but he wasn't on the witness, police witness list, so I don't suppose the prosecution would have called if he, if he had of testified to something like that. But before I forget it now, before I go any further, uh, Barry didn't tell them, but another police officer told me, and I don't know his name, but if you get the list of policemen's names. He said every policeman within four miles of the area when Dr. King was shot was required to make a written statement just on his actions at that particular time of day, if he was on duty and within four miles of the scene. So, he also, the police were, now this policeman didn't tell me this, he was talking to another policeman, and I, I just overheard the conversation. They might have been talking at me instead of to me. And he said both the sheriff's office had copies of these statements and the city police (?). Now, I don't

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if the FBI did or not, but I know both the, I got the impression these two police departments were exchanging a lot of information. So, if we can get back, now, if we can get back to the, where I left Memphis -- It was my intentions to go to New Orleans to make some type of phone call and ask what was all the trouble about. I think I got about ten or twelve mile outside Memphis, on the road to New Orleans, going directly south, and they said something about King had been shot, and fifteen or twenty minutes later, they was looking for a white Mustang.

MR. KERSHAW: You heard this on your car radio?

A. It was on the car radio. It was the Mustang came, it was, came on second. So I turned left, the first stop, and went to Birmingham, and went through Birmingham and (?) was going to Atlanta to get whatever I had left there and leave and get rid of the car. And I got, I got off the main highway from Birmingham to Atlanta and then I finally did arrive in Atlanta about 7 or 8 o'clock, and I parked the car in the parking lot and went to the, got, got my clothing and got, got out of Atlanta.

MR. KERSHAW: Excuse me, this, this may clarify one point that occured to me. Is there not in existence somewhere, and I don't recall where, a recorded statement from the filling station where the man who, you took the tire to be fixed, and the man said he couldn't fix it?

A. I told Weis- , Harold Weisberg, the investigator, all

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this, and he went down, and I think he got, I think he got a statement from, from a filling station operator, I think he got a statement from Canipe, Canipe's, (?), there's a, has some kind, type of a, of a music store, something, right underneath this rooming house. He got a statement from him. I'm just telling you what Weisberg wrote me in letters, and I think he got a statement from a, a woman across the street, who seen me sitting in a car or something. Another thing, you could say this, I better add this, on this woman was, supposed to seen me sitting in the car around five thirty, uh, I don't know when this story first come out, but, uh, I put this down, I put, what I'm trying to say is that there might be an impression that I read her statement and, you know, gave my testimony, but I, I've writ-, I've written this down, uh, long before I think that her statement came to, surfaced, I think --

MR. LEHNER: You, you wrote what down?

A. All, all my actions on this particular time.

MR. SPRAGUE: Saying that he related about sitting in the car before he ever knew that there was a woman who said that she could identify the guy who was sitting in the car.

A. That's correct.

MR. LEHNER: Who were, did you relate that to?

A. Well, Percy Foreman, but he claims he lost the records, but I think, I think that first time I could prove it by something I've written, probably Robert Hill, Chatanooga

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attorney. He, he could tell, he came in the case shortly after the guilty plea, and he wanted me to write everything down. And I wrote it down, and I have a copy, I believe have a copy of it somewhere outside, but I know he has a copy of it, and, plus I think he gave a copy of it to the novelist, George McMillan

MR. SPRAGUE: Mr. Ray, while you are on that point, we've got that waiver, uh, concerning Foreman. Would you be willing to sign a waiver for all of your attorneys, in terms of their attorney-client relationship with you, barring Mr. Kershaw?

A. Well, I, --

MR. KERSHAW: I think that, I think that'd be o.k., Jim.

A. Well, my thinking, uh, I'd rather see what the Committee, whether they go out of action March 31, or not.

MR. SPRAGUE: Well, I'll put it this way, then: fine, (?) -- How about putting my request to you as, will you sign a waiver of the attorney-client relationship for all of your attorneys prior to Mr. Kershaw, and in view of the fact that maybe we're out of business by March 31, we'll leave it that, Yes, you will, provided we still are re-created after March 31, if we're not, you know, what's the point of it. So is that O.K.?

A. Well, I haven't discussed this with Mr. Kershaw, privately, you know, to give him my objections, or anything. You want to wait until he gets that --

MR. KERSHAW: Yeh.

MR. SPRAGUE: O.K. I guess what I'm saying to you is,

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and I'm putting it on the basis of what you said, uh, I'm making a request, would you be willing to sign the waiver of attorney-client relationship, so we can discuss with your prior attorneys, we can ask to see what was written out for them, and what statements have been made to them, for all your attorneys prior to Mr. Kershaw, but I'll make the request contingent upon our Committee being re-created by the Congress to continue after March 31.

A. Well, let me, let me answer this way, uh, now, Robert Hill defended me, uh, the other attorneys, and Richard Ryan and, he was associated with J.B. Stoner for a while. I never did, uh, neither Mr. Ryan or Stoner was too interested in the details of (?) -- but Stoner, but Hill was, Robert Hill of Chattanooga, and he was, he did all the paper work and everything. But if you want to, I'll sign waiver (?) if you want a waiver from him. Now, I think, uh, he was kind of interested in all the details and everything, so he'd probably have in writing, now -- I don't know, uh, on these various things I've written out, now, they, sometimes I would forget some detail, but I think they'd be substantiated later on, I think the FBI probably --

MR. SPRAGUE: Well, that's the reason, uh, since you raised the, some of these things you wrote out or said before you ever even knew the witnesses, I'd be interested in going through what, you know, you tell me that, let's say, Stoner didn't, wasn't interested in the details. Well, fine, if they don't have it, that doesn't disprove anything, but what

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I'd be interested is being able to speak to each of the lawyers, seeing whatever material they have and whatever they obtained from you and what was written out. Now, if something is not written out, that doesn't show you didn't say it, but if it is written out, that supports the point you're making. But I don't want to be in a position, when we talk to them, that they are going to say, Woops, can't talk to you because of attorney-client relationship

MR. KERSHAW: Course, we haven't, we haven't talked about this particular detail. And, if you would like to reserve final decision until we have a little five minute recess on the subject sometime this afternoon. But in the meanwhile, I would think that you want the information that Foreman has, has, and is supposed to have lost, but we suspect is lodged somewhere where he can put his little hands on it, and we want the information that he has, and we want the information that all the other lawyers have. So I would, unless you have something in the back of your mind you want to speak to me privately about, I would recommend that --

A. No, there is nothing, the only thing that I -- The only really adversary attorney against me I believe in the case is Percy Foreman. But I'm not, he's going to be speaking for state, so I figured if I gave them his, his, release to him, why, he'd present the state's most strongest case, plus --

MR. SPRAGUE: Well, we still would need it for each of the other lawyers, because there is nothing to do with an

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adversary situation. Just that the attorney properly cannot agree unless you have given a consent.

A. Yes, well my concern was, I wouldn't want to get, put the attorneys in a position where he could be harassed with subpoenas and all that, because of something I --

MR. SPRAGUE: Well, I assure that won't happen, except for maybe Mr. Foreman.

MR. KERSHAW: Well, let me suggest this, is this reasonable? Uh, a waiver to everybody except Foreman, and a, not a waiver but a request that the Committee subpoena such information as we want from Mr. Foreman, recognizing the fact that Mr. Foreman is in an adversary situation because Mr. Ray has sued Mr. Foreman.

MR. SPRAGUE: Yeh, we understand that, and we already have a waiver --

MR. KERSHAW: And we would classify him we see as being antagonistic. Is that -- ?

A. Yeh, I'm not, you know, concerned with anyone -- I don't get the impression the Committee's helping me, or, or against me. I mean, they're just --

MR. KERSHAW: But you want to give them a chance to prove what they can --

A. They're doing, yeh, they're doing --

MR. SPRAGUE: Well, you see, it's something we raised before, but when you raised the point with me, that here's something you have said before you ever even knew the State

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had somebody to say it, that's a point that I think we want to check. And to get to these records properly, we do need a waiver by you.

A. The reason, the reason I raised that is, these various book writers, the Gerald Franks and the McMillan and Huie, they've, they've said that I've used feedbacks from past attorneys, so that's why since that, shortly after the plea, I've tried to get everything in writing where they couldn't say well he's, he's used what the attorney's, -- course, that's what the attorney's for, anyway, to find information, but I don't want, at the same time, this is a unusual case and I,-- So, on the waivers, I have no objections, but let me first, let me ask you this, is the waiver I sent you for Percy Foreman, is that sufficient, or do you need any --

MR. SPRAGUE: No, that's sufficient for Mr. Foreman. And we understand even without your having said it, the adversary relationship with Foreman, as opposed to the other attorneys, and they're not in that same role.

MR. LEHNER: Mr. Kershaw, let me hand you up a, a form for Mr. Ray to sign which would get us into this, these very, these very materials that Mr. Sprague and Mr. Ray have just been talking about.

MR. SPRAGUE: Well, that gets to the question of whether it will help us. When you say that you, you said, like this business about sitting in the car, can you kind of steer me to like to which attorney do you think you said it to, uh, at

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the earliest time?

A. Well, probably Foreman. I had an unusual situation with attorneys. I was forced sometimes to withhold information from them on account of the book writer. Maybe I better explain that.

MR. SPRAGUE: Yes, well, we'll get back to that, because you know the whole thing in terms of the plea and what happened and the relationship of the attorneys, 'cause it's kind of unusual to be dealing with someone who's your lawyer when there's talk about writing a book. I mean, that's a little difference. Uh, I just interjected that, about the waiver, because I think that that would be helpful from our standpoint, and from your standpoint may be in your interest

MR. KERSHAW: I think that Mr. Ray will confirm this paraphrase of the situation: he found himself represented by a lawyer who was feeding material to an author who was a personal friend of the victim and sympathetic to the victim's organization and contributed to it, and was privy with the FBI and then he found himself represented by a lawyer who's also a personal friend of the victim and the writer, and went so far as to recommend co-counsel might be a lawyer for the victim's organization and another lawyer who was a member of the NAACP.

MR. SPRAGUE: Well, those are the things we want to get into, but, what's your thought about this - (?) - it seems to me that that should be helpful.

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MR. KERSHAW: Yes. I think this will be helpful between myself - (?) - The only thing I would suggest, Mr. Lehner, is to make it crystal clear - uh - Jim, you'll notice the first paragraph (reads the first paragraph of the waiver to Mr. Ray as follows) "That I, James Earl Ray, do hereby expressly waive attorney-client relationship between myself and all previous attorneys for all matters otherwise privileged arising out of or in the course of the legal representation of me by said attorneys, except my present attorney, Jack Kershaw." I think that is --

MR. LEHNER: I think that is certainly fine.

MR. SPRAGUE: Why don't you write that in there, in the form.

A. Well, I, I don't, I think on Lesar, I think we better hold up on that. I, I don't like to, uh, sign something like this without, you know, the courtesy of notifying the attorney beforehand to see what he thinks about it. -- (?)

MR. KERSHAW: All right, we want to protect (?) my present attorney, Jack Kershaw, and, and James Lesar, Lesar, until I've communicated with him.

A. We, we, we, yes, I can, I think --

MR. SPRAGUE: Why don't you put there, except my present attorney, Mr. Kershaw and for the present time, excepting Mr. Lesar as well. And then, if you don't want, if you don't want to, you don't. If you want to, --

A. Well, now who's all the attorneys, -- I'm not sure who, who's all represented me. Is that Public Defenders and

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all that type of -- (?) one that, uh --

MR. KERSHAW: Yes, you're talking about Hanes, Foreman, uh --

MR. SPRAGUE: Well, except, Mr. Ray is talking about everybody that has represented him --

A. Indirectly, or

MR. KERSHAW: Yes, or directly, / that would included the public defender, he doesn't know anything anyway.

MR. SPRAGUE: But, we want to do a thorough job, and we want to have, -- you say he doesn't know anything, but we want to see.

A. Well, I think it's best if we don't give it to everyone, just -- I'd like, I think, now I think the ones with, that helped them substantiate things that I've testified to is Robert Hill. If he wants Stoner and Ryan, I really had rather talk to Ryan and, I'd like to notify these people ahead of time, but when you decide doing something and tell them the next day (?) --

MR. SPRAGUE: Well, O.K., how about this, how about this? Don't sign the thing, as a matter of fact, you hold on to that, if you want, we got a copy of it back there. You kick around with Mr. Kershaw, for at this time which attorneys do you think you'd like to sign it for, let us know, and we'll prepare one, or you prepare one, that just names those specific attorneys, and after March 31, if we're still in business, then we can talk to you about going broader, and you can kick it around about discussing it with those --

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A. Yes, now the information you wanted would, you wouldn't want it --

MR. SPRAGUE: And as a matter of fact, you might as well hold the whole thing after March 31, if it's --

MR. LEHNER: Well, let me just suggest this: I think that's correct? the first attorney that represented him was Mr. Hanes,/and what we were talking about, what brought this up, was the, or not the situation of whether/Mr. Ray had mentioned prior to knowing about that, the witnesses who saw someone in a car, had mentioned the fact that he was in a car. Now, Mr. Hanes, for instance, would be the first attorney. Could we settle on some attorneys, such as Mr. Hanes, Mr. Hill, that, Mr. Foreman --

MR. SPRAGUE: Well, Foreman we got. Hanes, Hill, Stoner perhaps, and who else?

MR. KERSHAW: Foreman, Foreman got in there --

MR. SPRAGUE: Well, Foreman we got in there --

MR. KERSHAW: Oh, you got Foreman, O.K.

A. Foreman's going State lawyer. Look, all right, now look, before I get on Foreman, uh, let me give you these two papers here. You might be able to, uh, I don't know, you, we you can get this, I just have / one copy. You can, you can get, -- Now here's a, this might help you on Foreman, uh, we've never been able to, uh, now, we've took a deposition from Huie, but he, he, he won't say who his attorney is that signed the contracts. He says he forgot who his attorney was. It was signed in 1969. We believe this here is his attorney. And I

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think he's probably got Foreman's records, 'cause Foreman was giving everything to Huie, so -- These other things are just, uh, note, -- These are all notes Huie made and they're part of the Habeas Corpus hearing in Memphis. But, uh, now, would I have to waive the privilege to, for Huie, or just, could you get to Huie through Foreman

MR. KERSHAW: Is Huie a lawyer?

A. No, he's not a lawyer, but --

MR. SPRAGUE: (?) -- waiving of the privilege only with the lawyer representing you.

A. Well Huie might content that he was the lawyer's investigator, or something.

MR. LEHNER: Well, on that contention, if there's poss -- if that's the contention, then I think we could add Huie too, if just on, on the safe side.

MR. KERSHAW: All right, well let me suggest this, and then we can get on. Jim, let's leave all this just suspended right up there, and we'll take a recess and we will list the lawyers that you positively will give a waiver --

A. Well, I, we're prepared to give one for Hill, right now, if you'll, if you --

MR. SPRAGUE: Maybe before we leave we could put down just uh --

MR. KERSHAW: Before they leave, why, we'll, we'll write down, it it's written out in longhand, it's all right --

MR. SPRAGUE: O.K., let's get back to where you were when I interrupted you.

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MR. LEHNER: Maybe I'll take us back with a question or two.

BY MR. LEHNER:

Q. Why did you go to get the car fixed? What was the problem with the car?

A. I had some, uh, tire trouble the day before that, or something it was a slow leak, is what it was. And I assumed he was going to need, he may need, need the car that night, or something.

Q. And so, what did you do with the car? Where did you take it?

A. I took it to a filling station, gas station, uh, I just assumed six blocks, I don't know how far it is, uh, I never --

Q. Do you remember what type of station it was?

A. I believe it was a major one, but I don't know what the, what type of --

Q. You don't remember the brand name of the, whether it was Texaco or Esso --

A. It may have been Phillips or something like that, it was a Gulf, it was , it wasn't no Standard, it wasn't no, uh, that's about the only thing I remember, it wasn't no off brand.

Q. Where was the car prior to your taking it to the station to get it fixed?

A. Uh, I believe it was, you want to know just specific where it was, I would say it was --

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Q. To the best of your recollection.

A. Well, I know, it was probably, uh, I am trying to think in relation to the tavern underneath -- I'd say it was a few feet, maybe ten or twelve feet, I'm not positive on this, it's been so long ago, in front of this tavern, facing, going north.

Q. So let's say, if you look at the tavern, this is Jim's Grill we're talking about?

A. Yes.

Q. Say, if you're on the sidewalk in front of Jim's Grill, where would the car be in relation to you. Say you are looking at Jim's Grill from the sidewalk directly in front of it.

A. I would say, I would say it would be in, it would be about ten feet from the door, because I know I had, the-, there was a car parked right, bumper-to-bumper, right in front of me, and I had to, it took a little while to get out, to get, to get, I think it was the owner's car --

Q. Let's see, let's see if you can pin it down a little better. Canipe's is on one side of Jim's Grill, is that right? It's in one direction?

A. I, I, I have seen, I've saw a map of these, I'm not I think Canipe's, yes, I think that's on the right and on the left facing the rooming house would be the tavern, the bar.

Q. If you were on the sidewalk in front of the rooming house, the bar, Jim's Grill, would be to the left, and Canipe's would be to the right? Is that correct?

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A. Yes, I believe that's --

Q. Now, where would the car be in relation Jim's Grill and in relation to Canipe's?

A. Well, it would be to, to the left.

MR. KERSHAW: Excuse me, you, all of this is posited on the fact that he is facing -- (?)

MR. LEHNER: That is correct. You are facing the rooming house. Let's say you are in the roadway, this will be, make it a little easier. You're in the roadway facing the rooming house. To your left would be Jim's Grill, to the right would be Canipe's. Now where would you place the car?

A. I'm pretty sure it would be about ten feet from the, from the tavern, I don't know what the door knob --(?)

Q. Is, is there any, are you talking about between the tavern and Canipe's, is trying --

A. No, I'm talking about on the other side of, of the tavern.

Q. On, the car would be on the other side of the tavern away from Canipe's.

A. Yes.

Q. Now, what time about did the car, was the car first placed in that position?

A. Um, it must have been, it was after four o'clock, but I don't know the exact time.

Q. You told us the car had been parked some distance away. When was the car parked at, at that, that other location that you told us about?

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A. On the parking lot?

Q. Yes.

A. What time? Uh, I don't, I don't know, uh, I don't know if the FBI may have, may have the parking lot record, but it must have been, uh, somewhere right around 2:30 or 3:00, because it was quite a walk up there, and I stopped two or three places before I got there, two places I believe.

Q. So you parked in that parking area, is that correct?

A. That's correct.

Q. And then you took the car from the parking area and parked it in this place we're talking about, which is near Jim's Grill, is that correct?

A. That's correct.

Q. When did you move it?

A. The first time? You got, I'd say, I guess five thirty, or quarter til six, or somewhere in that area.

Q. You moved it from the parking area to the area in front of Jim's Grill.

A. No, Yes, I, uh --

Q. When did you mar-, move it from the parking area to the area near Jim's Grill?

A. Well, it would have to be, uh, 4:00 or after, because it took me quite a while to walk down there.

Q. Now, when you moved it to, from the parking area to near Jim's Grill, did you stay in the car or did you leave the car after parking it?

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A. No, when I first walked up there, that's when I met the party in Jim's Grill. And then, uh, he didn't have to suggest that, he says yes, did I get the car and bring it back and park it in that area, and, uh, that would have been about, uh, sometime after four o'clock, I assume, I'm just trying to figure how long it would have took me to walk down there and got the, got the car out of the parking lot, and, uh, bring it back.

Q. And when you parked it in the area of Jim's Grill sometime after 4:00, did you stay in the car, for any period of time, or did you immediately get out of the car after parking it there?

A. No, I don't think, I don't think there was any, uh, there was no, I didn't, I didn't, I was kind of busy at that time, and there was no setting in the car or anything at that time.

Q. Now, you got out of the car sometime after 4:00. What did you do at that time?

A. Uh, well that's when I started making all the trips, binoculars, and the restaurant and the taverns, and all that.

Q. Well, when you got out of the car, did you go into the rooming house, or did you go into Jim's Grill, or did you go somewhere else?

A. No, I think, uh, now when I got out of the car, uh, I went in the rooming house annex.

Q. Had you previously been in the rooming house?

A. Yes.

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Q. Were you the one who rented the room?

A. Yes, I rented it.

Q. What name did you use when you rented the room?

A. I believe I used the Willard name on that.

Q. Now, did you sign any book or any card, or anything when you were in the rooming house?

A. I don't know. Yes, I'm almost positive it was some type of registration book or something.

Q. And did you pay money to the person who was running the rooming house? Was it a male or a female that you, that you paid the --

A. I believe it was female.

Q. And how much money did you pay?

A. I can't remember. Eight or ten dollars, wasn't much.

Q. What time was that, approximately?

A. Uh, I'd say that, that must have been , it was after 3:00, I couldn't say what the exact time was, quarter after three or something like that.

Q. Why don't we take it, if you could, from that quarter after three, the first time you went into that rooming house, and take it , if you would, step by step, uh, and give us as best you recollect, uh, as many details as you recall.

A. I wouldn't want to be, uh, uh, committed to all the details, because I would-, I have written it down, only I got it on the outside, the details written down, where I get in the cell and think about and all, and write all the details down.

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You want the details from the time that I, uh, --

Q. Rented the room.

A. This if from recollection.

Q. From your recollection

A. From the time I rented the room, uh, the details from the time I rented the room. Well, let's see, if I rented the room quarter after three, or three thirty, and I met the party downstairs. I assumed he had a room there, I'm not positive, though. I think the first place I went is for the binoculars. I made two trips down there, because, uh, I didn't get the right instructions the first time. Now that, then I went --

Q. If I may, if I may, just so I can clarify it, uh, at 3:15, or thereabouts, when you rented the room, were you by yourself?

A. Uh, when I rented the room? Yeh, I was renting the room, I rented the room by myself.

Q. What did you ask the landlady when you rented the room? What conversation took place between you and she?

A. I think I told her that I was under the impression she had rooms to rent, and uh, she said yes she did, and then I asked her, I asked her how much, or something, and I think she said she had two rooms, and I think she said she had a housekeeping room and a sleeping room, and I told her, give me the sleeping room, and uh, she gave it to me, and then I signed the receipt, and I think I wrote (?) in a book or something, and uh, I gave her $20, and I believe she gave me the change.

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Q. Did she show you the house-, the housekeeping room before she showed you the sleeping room?

A. I don't recall, I don't recall if she did or not. I think, she may have, uh, I think she showed me, I think she showed me, told, I think when she showed me the room she said it was a housekeeping room or something, and --

Q. What did you understand that to mean?

A. The housekeeping room?

Q. Yes.

A. Well, it's a, it's a term they use in these types of establishments, uh, they have what's, per-, person's going to eat and cook and things like that, I suppose, it's. You gone stay there a length of time, / it's for couples, I believe. And, uh, they're usually roach-infested, and all that, so --

Q. Did you, do you recall seeing that room, as best you recollect

A. No, I didn't pay any attention to that, but I think, -- / To the best of my recollection, she said something about the housekeeping room, and I said give me a sleeping room, or something.

Q. And you and she went to the sleeping room?

A. Yes.

Q. Do you recall what room that was?

A. No, I don't recall.

Q. Do you recall what floor that was?

A. I believe it was the second floor.

Q. It was one flight up from the ground floor?

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A. Yes.

Q. And, could you describe the room? Do you recall?

A. Well, I, no, I, I, they're all the same, why, if you've seen one, you've seen them all. I think there was a bed in it, that was it. A strap on the door, I remember they didn't have no door knob on the place.

Q. How long were you intending to stay in that particular rooming house?

A. Well, it was my impression, maybe three or four days, from the conversations that I had.

Q. And, were you going to stay there in that particular room by yourself, or with someone else?

A. Well, I didn't know. I assumed, uh, by myself. I, I wasn't positive, but, uh, I got that impression.

Q. Do you recall --

A. There was just one bed in there, so -- The other guy was a male, so --

Q. So you were intending to stay in that room yourself.

A. Yes.

Q. Uh, do you recall what the room looked out over, the window, which direction it looked?

A. I don't know if there was any windows in the room, it was a kind of a closed-in place.

Q. Did you have any baggage with you when you went into the room?

A. I had a lot of baggage in the car, but, uh, the only

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thing I brought up was a, you can't bring things in that type of place, and I brought up a (?), shaving, that type of things, small suitcase, overnight case.

Q. Where was your car when you went in to rent the room?

A. Uh, it was in the parking lot, I suppose.

Q. How many, how far away from the rooming house was that, approximately?

A. That was a long ways. I could, I could draw you a map of that parking lot, and you could, give you the general area of it. I know I got a stub. Possibility the stub may be in my personal property, down there, but, uh --

Q. Your personal property, where?

A. The FBI, --

Q. When you, when you're, when you were apprehended, you think you might have still had that stub?

A. It's a strong possibility. I usually just keep every thing I usually get, I just throw it in a large suitcase. And I don't, there's a good possibility, I think you're trying to substantiate the parking lot, I think you very well could. I, I assume they keep a record. I told my attorney, shortly after I got, when he started representing me, I think he told William Bradford Huie, so I assume the FBI had the information.

Q. Could you tell us, in either blocks, or feet, approximately how far the parking lot was from the rooming house.

A.. It was quite a ways, 'cause I wasn't familiar with Memphis, and I was trying to find this address, and, uh,

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let's see, I'd say it was nine blocks there and nine blocks back. You went, you went north, about three blocks, I think, then you turn back, umm, you go north and you turn right, you go east about four or five blocks, maybe four blocks, and then you turn back to the left and go about three blocks. And then maybe you went down a slight hill, and the parking lot was sitting on the left-hand side of the street. And, uh, you had to go up a slight incline. And, uh, I could find the parking lot if I was in Memphis, as far as that goes, that was an issue

MR. SPRAGUE: How, how did you happen to pick that parking lot?

A. Well, it was getting close to downtown area, and, uh, I wanted to get as close to the downtown area as I could.

MR. SPRAGUE: Well, did you first drive by the place that you were looking for and then park, or did you park and then find it.

A. No, I didn't, I just had the address. I didn't know where the place was at. I just parked the car, I was told it was downtown, somewhere. I parked the car, and I think I stopped in two places and inquired about the address. And, uh, --

MR. SPRAGUE: Before you parked, or after?

A. After I parked, yes.

MR. LEHNER: Now, you told us when you rented the room, you had a suitcase with you at the time?

A. A small bag, yes.

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Q. Could you describe it?

A. Well, it was, uh, I don't know how big it was. It was a little bigger than that one sitting over there.

Q. You're pointing to Mr. Evans' attache case, which is -- could we see it, uh, a little better. Now how would you describe it compared to this attache case?

A. It's similar to that, I mean not quite as long, a little bit thicker, but it's, uh, just a overnight, I guess, guess you could classify it as an overnight case.

Q. And, what was it made of?

A. Cloth.

Q. What color was it?

A. I believe it was blue or black.

Q. And you say it was a little wider than this?

A. I'd say it was a little wider.

Q. This one is about, oh, four inces wide, three, three and a half inches wide --

A. It's -- (?) -- a bit thicker.

Q. And, it's, you say it's, it's longer than this?

A. Well, it's difficult for me to remember, but it's, it's similar to, similar to that in size.

Q. And what about, as far as the height?

A. Yes, it's approximately --

Q. Approximately the height, which is, oh, about a, you'd say about a foot, or thereabouts, and about a foot and a half, or thereabouts long, something like that?

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A. Yes.

Q. What did you have in that, uh, blue bag?

A. Uh, well mostly just, uh, toothpaste and things like that, a razor blade. The minimum, the minimum that you, that you would need for staying overnight or something in a place like that.

Q. Did you have a change of clothes in there?

A. Uh, no I don't think, there was no clothing in there. Uh, I kept all my clothing out there, like I mentioned. I wouldn't bring anything up there, put it up there.

Q. So you carried this blue bag from the parking lot to the rooming house, is that correct?

A. No, I, I, the blue bag, I had in the car, and when I got to, uh, the rooming house, after I had rented the room, I took the blue bag out and took it up to the rooming house.

Q. Well, you parked the car about nine blocks or so from the rooming house?

A. Yes.

Q. And then you walked to the rooming house, is that right?

A. Yes.

Q. And when you rented the room, you had the blue bag with you, is that right?

A. No.

Q. You did not.

MR. SPRAGUE: He said that he got the bag out of the car after he moved the car and brought it up there, right?

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A. Yes.

MR. LEHNER: So you went back, after you rented the room, what did you do next?

A. Then I went to, I went to pick up the car.

Q. Yes.

A. That's the first thing, I, I, -- That's the first thing I did after I rented the room was, was to pick up the car. When I first gave you my reco-, narrate, or whatever you call it, I left out going back and getting the car, but, uh, I think I corrected that.

Q. You went, after you rented the room, you went back and got the car?

A. That's correct.

Q. What did you do then, when you, when you got the car? Did, is that the time you, you parked it, uh --

A. That's correct.

Q. -- in the area of Jim's Grill?

A. That's correct.

Q. Now, when you got out of the car, what did you do at that time?

A. I'm not positive. I assume I, I took the, uh, the, uh, the, the case up to the rooming house.

Q. The blue bag, we're talking about?

A. Yeh, I don't know, but I just assume that's what, that's what I did, that's --

Q. Did you have a key to that room? You told us about the

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strap, but did they also give you a key?

A. No, there was no key. It was just a -- You can walk in out of any room up there, I believe, they had a, they had a --

Q. So, as best you recollect, when you parked the car in the area of Jim's Grill, is that the time you brought the blue bag up to the room?

A. Yes, I'm positive that was --

Q. Did you bring anything else up to the room at that time?

A. No, that would have been, uh -- I brought a, a, well the bed was kind of, I brought a, a pillow-, a bedspread up there, and that was it.

Q. The blue bag, with its contents, and a bedspread?

A. Yes.

Q. Now, this is the second time you're in the rooming house, is that correct?

A. That would have been the second time, that's --

Q. All right, how long did you stay in the rooming house that time, when you brought the bedspread and the blue bag up there?

A. Five minutes, at the most.

Q. What time do you place this, approximately, at?

A. It was after four o'clock, I would say,uh -- I would guess about twenty after -- (?) --

Q. What did you do after these five minutes or so that you were in the rooming house when / you went back?

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A. That's when I went, went and had the binoculars that, that first time.

Q. Was anybody in the room, when you went, went up there the second time with the blue bag and the bedspread?

A. Yes, there was the second time.

Q. And, uh, did you speak to this person?

A. Yes.

Q. Do you know how this person gained access to your room?

A. Uh, well he just went up there, uh, uh, -- you mean how -- well, there wouldn't have been no trouble getting in, and, uh, I naturally, I assumed from conversation he knew the room was to be rented, so, uh, and, uh, I think, uh, I don't, I don't recall all the details there, going in and out. I mean, I went in and out so much there. But, he was up there this second time, I know that, cause, uh, -- but, uh, --

Q. Do you know how he knew which room was your room?

A. Well, it was my, it was my impression from conversation with him that he, that he had a room up there, he knew, or he knew about the rooms, 'cause we discussed that the night before. And, uh, I didn't, I didn't, I didn't inquire of anyone, uh, you know if they had a room there, but I just assumed, kind of assumed he had one, and uh, -- fact is, that's why we made some inquiries trying to get the record book up there.

Q. To get what?

A. The record book, the check-in book, or whatever you call it.

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Q. What room did he have there?

A. I don't know if he did or not, but I, I kind of got the impression, or assumed he had one there. I'm not positive.

Q. What led you to that assumption?

A. Well, the assumption, he, I got the impression that we was going to be there three or four days, so I just, I had, that might have led me to the assumption, but, uh, that's just something I didn't give too much thought to. I just kind of assumed that he might be familiar with the area, 'cause -- I can't explain it any deeper, in any more depth than that.

Q. Why did you think that you were going to be there three or four days?

A. Well I just got that general impression from the conversation, what, uh, some kind of negotiations were going on, or something. It's some-, it's not something really that was told to me, he said well we're going to be here three or four days. I just assumed that was what was going to take place.

Q. Well, now the second time you went to the rooming house, you said he was there, and, did you have a conversation with him in your room?

A. Well, the first conversation I had with him was, uh, was either in Jim's Grill or it may have been in the car. I think probably it was in the Grill, in the --

Q. Was this in the Grill before you went to the, uh, rooming house the second time, or after you were in the rooming house the second time?

A. That was when, when I came in the first time, from

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the, uh, from the parking lot.

Q. You mean this was before you went in the rooming house, you're talking about now?

A. Yes.

Q. So, before you ever were in the rooming house, you were in Jim's Grill. After you parked the car about nine blocks away, you came to that address and went to Jim's Grill, is that right?

A. Yes, I got the wrong address the first time. I was supposed to meet the party, I, I'm almost positive, in the Grill underneath, but I got in a, in a similar place with this similar name. It was Jim's Bar, or something. And then, I did meet the party in the regular, the so-called Grill. And, uh, there was a short conversation there, and then that's when I rented the room, and, uh, but I, I'm not positive whether we was discussing the car, but -- I know I was told to get the binoculars in the, when I was in the room, and that would have been, that would have been after I went and get the car. I think the first conversation was that I should go get the car, but, course no one had to tell me that, but there was just, you know, just general conversation, where someone says, well you should go down and pick up the car, or something.

Q. Let me ask this: when had you last seen the person before seeing him in Jim's Grill.

A. Uh, that would have been, uh, the New, New Rebel Motel, on the --

Q. The previous day?

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Q. What room did he have there?

A. I don't know if he did or not, but I, I kind of got the impression, or assumed he had one there. I'm not positive.

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Q. The previous day?

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A. Yes.

Q. That would be on the 3rd?

A. Previous night, it would have been night time.

Q. About what time was that, that you last saw the person?

A. I don't know, he was wet -- it was a, it was a -- I'd say it was eleven or twelve o'clock, probably. Ten or eleven, somewhere along theres. It, it was pretty late.

Q. Towards midnight, on the 3rd, going into the fourth, is that what you're saying?

A. Uh, I would say somewhere, -- I know it was raining, and I think he was damp, or something. I know it was raining outside, and, uh --

Q. What conversation did you have at that time?

A. Well, at that time, I can't, I don't remember, recall all the details of -- I think we, we exchanged addresses, uh, I'm not getting these in sequence, now. He said something about we was going rent a room on the waterfront, or something, and, of course, that's -- most our meetings had been by, on the river or waterfront, whatever you want to call it. Uh, the, we's, I know I brought up the fact that what name would I use, and I didn't want to use my own name to rent the, rent the room. I, I, I kind of assumed it was hotel room, I told him to use, we decided on the alias, I think I thought up the alias, it was John Willard or something --

Q. Had you ever used John Willard, Willard before?

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A. Uh, I might have used something similar to that, uh. I can't keep up with all these aliases, I mean, it would be, uh --

Q. What's the similar name that you think you might have used?

A. Well if / you use so many names, some of them are bound to come up somewhere.

Q. Do you remember in what context you used that similar name?

A. Let me think. No, I can't, I can't remember. If I, if I could have, if I got all those aliases together, I might, if I, I might, uh, sort 'em out, but I can't -- I can remember all the ones I used when I was out this time, but I can't remember the ones I used, uh, say in the fifties or the sixties.

Q. Well, let, let us set at (?), let's, let's see if you can recollect as best you can the conversation you had with him in the New Rebel Motel.

A. Well, the conver-, the conversation, most of my conversations, especially with, you know, any type of criminal activities, is usually vague, it is not really specific, it's kind of vague. I got the impression that he was gonna make some kind of deal with some people who wanted to buy some, uh, weapons, guns and ammunition, and things. And, uh, he wanted the rifle and all that, and, uh, I had it, I'd had it, uh, and I think I turned it over to him that night, and, uh --

Q. In the New Rebel Motel?

A. Yes. But, I -- I, possibly we should stop here. I

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think, uh, I'm not sure how I made the accident, but I think when Hanes was defending me, or maybe it was Foreman, we got the motels mixed up. Uh, I think one reason we got the motels mixed up is, I may have thought the New Rebel was the DeSoto and vice-versa. I think maybe another reason was that none of the attorneys representing me, in fact, there's no one ever found the DeSoto Motel until Harold Weisberg, he found it. And, uh, he took it, I think he took a statement from the owner so -- But, uh, I think we can clear that up later. It would, it would become an issue if I go where I had the meetings between the different hotels, but, uh, if necessary I could get a statement from Weisberg. I think he could, uh, that might help.

Q. What, what is the best that you can recollect now as to the conversation that you had with him in the New Rebel Motel?

A. Well, I got the impression he, he was going to make some kind of a, of a gun sale, or something and I would go back to Birmingham, and uh, buy some surplus rifles, or something. In fact, when we were in Birmingham, he suggested I look at various surplus rifles and -- (?) -- the, the sporting goods store or gun store or whatever you want to call it was by the airport, and they had, they did have a large supply of surplus rifles. And I checked a lot of 'em out and asked the, I asked the salesman about how much he charged for it, and all that. And, uh, but, uh, he must have thought I wanted to

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buy one of those instead of the others, since he tried to, saying something about, uh, they weren't as good a brand as the other.

Q. Well, let, let's see if we, if you can, recollect the conversation on the, on the, on the night of the 3rd at the New Rebel. Did you have a weapon with you at that time?

A. Uh, just the rifle is all.

Q. And what conversation did you have with him on the third at the New Rebel?

A. Well, I think when, I think when he came, he came to the door, after he got in, uh, uh, I don't even remember the first amenities or anything, there wasn't too many of those, just "Hi" and that would have been it. And he men-, he, uh, he raised the gun issue and I told him that, that I had it, and he gave me, he said something about he, he wanted me to see him at a certain address by the waterfront, and then he gave me the address and then we discussed, he, he discussed the hotel I was to check into and meet him the next day and then, then I discussed, I raised the alias issue and, uh -- That's really, most of the conversation I can reconstruct. It wasn't that too much talking, I was interested in too much talking. This fellow never did say too much.

Q. Did you, did you give the rifle to him at the --

A. That's correct.

Q. -- at the New Rebel?

A. That's the last I saw of it.

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Q. And the New Rebel is in Memphis, is that correct?

A. I think, yeh, I'm pretty sure it is.

Q. What was the reason he gave that he wanted you to take this other residence up?

A. Well, I never, I, I got the impression he was supposed to meet some people there. I never, there was never, I never did go into any questions, questions in depth.

MR. SPRAGUE: Yeh, but his question is, why couldn't you have stayed at the New Rebel? Why did you have to move from one place to another?

A. Well, I don't know, I, uh, I couldn't ask that. I was always moving, seems like I was always going from one place to the other. I assumed that that place was, uh, a place like that would be more conducive probably to something illegal than a place like the New Rebel, where more, more or less legitimate people's around. Where, this place on Main Street, I understand now was, you don't think, nothing would be suspicious down there, or anything, any type of transaction would be (?) normal.

Q. Did you or he write out the address of the rooming house on Main Street that you were to meet?

A. Yes.

Q. Who wrote it out?

A. He wrote it out.

Q. And, uh, did you have it with you when you were looking for that address?

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A. Yes, I believe I showed it to him. I don't know if I showed it to him, but I had, I asked two people on the way up there. The last one was a bar, Jim's Bar, I think. Not the Grill underneath, but the bar down the street. And I think I may have asked, I may have asked the policeman on the way up, but I asked someone about five or six blocks from there. I believe I asked the parking lot attendant. There's a possibility I asked him. But I asked, I'm almost positive I asked two individuals, but, uh --

Q. Now, at the New Rebel, did, did he tell you , or did you tell him what name you were going to use at the, at the rooming house?

A. Yes, I decided on that, I'm positive of that.

Q. And did he say he was going to take a room there too?

A. I think the conversation was, he was supposed to meet underneath, uh, -- he didn't tell me he was going to take one, but I always had the impression that, uh, being as I was going to take one, there was a possibility that he would be taking one too.

Q. So at the New Rebel, it was left that you were going to meet in front of the rooming house, is that correct?

A. I think it was in the tavern. It's in, a bar --

Q. What time were you and he supposed to meet in the, in the bar?

A. Well, I'm not, I'm not positive, I think it was around three o'clock, but, uh, I know I was late, because I had trouble

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finding the place. And, uh, --

Q. You were to meet him about three o'clock in the tavern, Jim's Grill --

A. Somewhere around there, in that general --

Q. Did he give you the name Jim's Grill?

A. Yeh, I think it was Jim's Grill/Tavern, Tavern, something.

Q. He wrote Jim's down, and he also wrote the address down, is that correct?

A. Yeh, I guess that's --

Q. And, uh, what time, about, did you park the car, would you say?

A. At the parking lot? I, I guess about 3:30 at the parking lot.

Q. And when you parked at 3:30, then you walked to the, to the rooming house and went into the rooming house and rented the room, is that correct?

A. That's correct.

Q. Did you go into Jim's Grill before you went into the rooming house?

A. Yes.

Q. And what happened when you went into Jim's Grill?

A. That's where we, I met the individual, in the Grill.

Q. And what happened when you met him there?

A. Well, that's when we discussed renting the room and all that, and he said it was, uh, -- we discussed that

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the night before, but he said it was, uh, said something about the room was up there, or something, and --

Q. He said what?

A. He said something about -- I don't remember all the details, but I think there was, the general conversation was that, to go ahead and rent the room, or something.

Q. Did he indicate that he had a room rented at that time?

A. No, I got the impression, was all. I don't know -- I don't, I think you'd have to just look at the transcript on that.

Q. Could you describe Jim's, Jim's Grill, the one underneath the rooming house?

A. Yes, I described it to Art Hanes. It was --

Q. You described it to Mr. Hanes?

A. Yes, in detail. Uh, you go in like you going this way, from the street. It was, the bar was on the left side -- turn let's see -- yeh, I think the bar was on the left. I remember the front of the bar was, I think it was lower than the other, or something, but it seemed like to me it was two sections-bars. I think on the other side was, was, was tables. I'm not, I really, the waitress, she was, the first one, now, she was kind of, I can remember the people probably more than I could the -- the waitress, she was the person who was white, I believe.

MR. SPRAGUE: Where was that cash-register that you saw the black waitress working on?

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A. That was, that was in the, that was in the Chickasaw Restaurant, Chickasaw Drug Store. Uh, well, I was facing, now when I was in the Chickasaw, I was facing, uh, been facing north, but, uh, the, uh, it's a fairly large place, so I must have been facing north when I sat down, and the bar must have been on the north side of the building. You see, the building runs east and west --

MR. SPRAGUE: Well, is there a bar in that restaurant, the Chickasaw?

A. No, it was just a ice-cream stand, see I know I ate ice-cream there, and, uh, I, I remember it was kind of a long, I think it was fairly long, uh, counter.

MR. LEHNER: When were you in the Chickasaw?

A. I'm not, I'm not positive of the time, but it must have been between ,uh, four thirty and five thirty.

Q. O.K., well, let, let's , if we can, stay with the Jim's Grill. You, you went in there and you saw, you saw the individual, and you had a conversation with him, and he told you to rent a room?

A. Yeh, he said the room was there, or something and you can go ahead and rent it. Just general conversation, everything was going all right.

MR. SPRAGUE: Before you continue that, this Jim's Bar, the one you went to by mistake, first, where was that in relation to the Grill?

A. Uh, going north, to the best of my recollection, it would be about two, two or three blocks north of the rooming

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house and Jim's Grill. It'd be on the left-hand side of the street, going north, and, uh -- Now, I'm not positive it sets on a corner. I was in a place that sets on a corner, but, it, but I know it was on the left hand side of the street, going north.

MR. SPRAGUE: And what happened in there that made you realize that you were not in the right Jim's?

A. Well, there was no one in there, and I think I asked the, I think, I think I had this wrote down, but I had, I, I inquired at this bar if it was, uh, if it was, uh, Jim's Bar, which ever one it was, now I know, -- And he said, no, he said, it's up the street a few blocks, or something, and I -- (?)

MR. SPRAGUE: Did you have anything in there?

A. Did I have anything in there?

Q. Anything to drink?

A. I very seldom drink beer, I think I, I, I just ordered a beer, and maybe took a couple of drinks, uh, I don't like to go in a place and ask questions without buying something, and, uh, but I didn't, uh, I didn't drink any, I probably --

MR. SPRAGUE: And what did you do, ask the guy, is there another place called Jim's in town?

A. That's correct. I think, fact is, I think I showed him the note and asked him about it, and he directed me up the street.

MR. SPRAGUE: Can you describe that person?

A. No, I couldn't describe him at all. Let's see, maybe

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he was a male, and that's be about all, white male.

MR. SPRAGUE: Old? Young?

A. No, I didn't stay in there too long, it was a lot of, I know there was a lot of talk, and everything, I couldn't, I, I couldn't, I could describe, I think I could describe the bar. I believe the --

MR. SPRAGUE:/ When you say there was a lot of talk and everything --

A. Well, people were talking, drinking, stuff like that.

MR. SPRAGUE: I, I thought you said nobody was in there.

A. No-, no one was in there that I was supposed to meet, uh, is what I meant by that. Uh, I'm not positive on this, this part of it, describing the inside, but I think when you go in, I think you go in, I think the bar was on the right, and I think they had a bunch of tables and chairs on the left. I, I don't want to be, uh, stuck over that.

MR. SPRAGUE: You were only in there for a short period of time.

A. Very short, yes.

MR. SPRAGUE: O.K.

MR. EVANS: What about, what about Jim's, can we get back to Jim's, can you describe Jim's for us.

MR. LEHNER: Jim's Grill, you are talking about?

MR. EVANS: Jim's Grill, right. The place where you met this person that --

A. Can I describe the Grill?

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MR. EVANS: Yes.

A. Uh, I'm positive when I went in there, the bar was, -- When you go in from the front, the bar's on the left and it's a long bar, it runs quite a -- to the back. I think the back part of the bar, there, there's two sections to it. I'm positive on this. I think the back part, the last, say, third of it, sets a little sho-, a little lower than the other. And then there's tables on the other side. I can get, I can get a clearer picture of the inside of it, but I get, sometimes I get confused on which, which side's which. But I think, I'm almost positive the bar is on the left, when you go in the door, and the, uh, the booths are on the, on the right.

MR. EVANS: Where was the individual you were supposed to meet? Where was this person you were supposed to meet?

A. Uh he was sitting at the bar.

MR. EVANS: Where, the lower part of the bar?

A. No, I think it was --

MR. EVANS: In the rear, or -- ?

A. To the best of my recollection, it would be about in the middle of it. I'm not, I'm not positive on it.

MR. EVANS: Where did, where did the conversation take place?

A. It took, uh, in the place, -- in, about, about renting a room? Yes.

MR. EVANS: Yes, where at, at the place?

A. Uh, well just, I was, I sitting in the, at the, uh, I

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think I was sitting at, I sat down at the table, and I think I ordered a coffee, or something, or a beer, or something. We, we was just in there a few minutes, I wasn't in there no, no, no long length of time.

BY MR. EVANS:

Q. You were in there long enough to drink a cup of coffee of a beer?

A. Well, I ordered it but I don't think I drank it.

Q. I see. And where were the tables located?

A. I believe they were, the booths --

Q. In relationship to the bar.

A. I believe there were booths, I'm not certain, no, they were on the right.

Q. They weren't in the middle of the floor?

A. No, they were on the right side.

Q. Did this fellow leave the bar and join you at the booth?

A. I think the conversation was something about the room. Did I rent the room or something?

Q. Were you drinking the coffee at the booth or at the bar? Did the fellow move from one spot or did both you stay at different places?

A. No, I moved.

Q. You sat at the bar, then?

A. Yes.

Q. Was there a bartender there then?

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A. There was a waitress there.

Q. Did she serve you at the bar?

A. Yes.

BY MR. LEHNER:

Q. And at that time he told you to rent the room?

A. That's correct.

Q. What other conversation did you have with him at Jim's Grill?

A. I don't know if there was any other conversation. The conversation was short at Jim's Grill. I don't know, I can't think of anything else that was said there. Most, what else was said was said in the room. I have some recollection we get in the car, but I can't, that might be in error, it might have been, me getting the suitcase out of the car, or something.

Q. Now, after you spoke with him and he told to rent the room, you went directly up and rented the room, is that correct?

A. Yes, that's correct.

Q. And after you rented the room, where did you go next?

A. Uh, then I went to pick up the car, after that.

Q. And you brought the car back in the area of Jim's Grill, is that correct?

A. Yes.

Q. Did you go into Jim's Grill, after you parked this car in the area of it, or did you go directly to the rooming house?

A. Well, I went to the rooming house, I'm positive from there.

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Q. This is when you had the blue bag, is that correct?

A. Yes.

Q. And when you went there, were you surprised when you saw the individual at, in your room?

A. No, he, I, I was under the impression he knew about the rooms beforehand. Uh, uh, uh, I'm not just positive of all the details, but, uh, of the conversation, but, uh, there's not much doubt in my mind that he, he was familiar with the room because of the way the discussion went the night before that. Uh, uh --

Q. Well, you're the one that selected the room that you eventually took there, isn't that correct?

A. Well, they're just two rooms in there, uh, there might have been some mention of the first room I got, or something, but I don't think, uh, I think anyone could have went up there and just looked in the room or anything, and, uh, -- (?) -- could have went up and asked the lady, or something, but I, I may have very well told him what room I got or something.

Q. Yeh, when did you tell him what room you had got?

A. Um, that would have been just -- to reconstruct, uh, the conversation, -- when, when did I tell him/when, when did I got the room -- see, I rented the room -- I really couldn't answer that, give you a specific answer on when, when I got the --

Q. After you rented the room, you went directly to get the car, is that correct?

A. Yes.

Q. You didn't go back to Jim's Grill before you went to get the car?

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A. No, that, that I'm positive on. When I rented the room, I went, I went straight, I wanted to get the car. 'Cause we discussed that beforehand.

Q. Could you, could you then tell us how you could have told this other fellow what room that you were in, since you selected the room, got the car, came back, and then found him in your room?

A. Well, I, I, no I couldn't give you any specific answer on that, unless, uh, he assumed that I got a room there or he asked the lady that rented the room, or I might have mentioned it to him, but, uh --

Q. You might have mentioned what to him?

A. Which room I got. But I don't, I, if I did have, I'd, I'd of had to went back in the, uh -- unless he was in the, now he may have been sitting in the car, I mentioned, but I'm not, I don't want to testify to that specifically. Now that's the only rele-, that, well look, here's the only three things I can think of: he, he was waiting in the car, I, as I mentioned a while ago, I did have some recollection of him, me and him being in the car, but I don't know when, I don't know when it was, but it could have been when I come back downstairs and rented the room -- he may have been waiting in the car and I mentioned it to him then.

Q. But Mr. Ray, you told us that after you rented the room, you went nine blocks to get the car and you came back, you parked and you took out the blue suitcase, you didn't go to

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Jim's Grill, you went into your room, and there you found the individual.

A. That's, that's right, so I, I, it couldn't have been then, so, it would have to been, uh, it would have to been some other way to, uh, to, uh, for him to find about the room, but, uh, I don't really think that would have been too much of a problem, 'cause, uh --

Q. Well, there, weren't there many rooms in that rooming house? Even though you only saw two, at the most?

A. I don't know how many rooms there, I think, I'd say it was about -- there may have been ten (?) , I guess, on, on the second floor.

Q. Now, when you saw him in the, in your room, what conversation did you have with him at that time?

A. The first conversation we had concerned the binoculars.

Q. What was said? As best you recollect, what did you say and what did he say?

A. Well, he mentioned something about he may need some we had to just ge-, we discussed some of these things before, in, in Birmingham, the 28th and 9th, and he mentioned something about he may need a infra-ray binoculars and then described the place to me, he says there's a place down the street you can get 'em, and, uh, I walked down there and couldn't find the place, and I came back and asked him for, he could, told him I couldn't find it, and then he went into more details, and then I went down there again and, uh, I didn't get the correct kind, but, I didn't get the -- let me say this, uh, now

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I'm, I'm testifying all this from recollection. I haven't discussed this with an attorney or nobody, we haven't discussed any of this, so, it's very easy for me to, uh, --

Q. I think the record should be clear that, when you're talking to us and answering, you're not reading from any material. You have some materials to your left, but I don't think I've seen you look at them recently.

A. No, this, this, no, this, this thing here is, concerns Stevens's statement.

Q. So I think the record is clear that you're addressing yourself to us /on your recollection of this.

A. Yeh, I haven't gi-, yeh, I haven't given this thing thought for seven or eight years, fact is --

Q. Now you say when you came up there with your bag and you found him in the, in your room, he had a conversation with you where he asked you to get some binoculars?

A. That's correct.

Q. Did he tell you where to go?

A. No, you just head down the street, there's, there's a place called, sporting goods store or something.

Q. Did he describe which way, when you got out of the rooming house, to go to the left or to go to the right?

A. No, he said, he, he described, he said it was down the street and to the right, or something. He just give general directions, but, uh, it was farther down than what, uh, he gave me or something. Or either that or I went by it and missed it.

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Q. Had you ever been to Memphis in your life before the 3rd of April, 1968?

A. No, I think, I think I drove through there one time, 1959, but I never, that was just straight, straight through --

Q. What was the reason he gave you that he wanted you to get binoculars?

A. I assume they were for some military purposes, if they were the type you use in nighttime.

Q. And did he tell you what type of binoculars he wanted you to get?

A. I don't recall anything, I think they were infra-, infra-red ray, or something.

Q. What did you understand that to mean?

A. Well I'd understand he'd, he wanted to use the nighttime for some type of sale or something.

Q. Did he give you money to, in order to make the purchase of the binoculars?

A. No, not then, no, he gave me the money, in Birmingham on our first arrival.

Q. And what else did you talk about at this time that you first saw him in your room, besides the fact that he asked you to get the binoculars?

A. There was very little conversation, uh, as I recall. I think / the only other substantial conversation was, uh, uh, was when he wanted to, wanted to use the car that night, or something, there was some discussion there, but, uh --

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Q. Was that at that same time, before you went out to get the binoculars?

A. No, that was, no that was later on.

Q. Did he have any, any possessions in your room when you saw him there, when you brought your bag in?

A. Not, not as I recall. I think I did, I think, I have some recollection he had something in his pocket, or something, but, uh --

Q. What was that?

A. A radio or something, but, uh, I discussed that with Robert Hill, the attorney. I can't recall the details.

Q. Now was it your understanding that he was going to wait in your room when you went to get the binoculars?

A. Yes, I think I was under the impression that --

Q. You went out, and, what did you do when you, when you -- after the conversation where he asked you to get the binoculars?

A. What did I do?

Q. Yes.

A. Well, I went out and got 'em, the second time.

Q. Now, when you went out the first time, and you, and what happened that first time, when you went out?

A. Well, I couldn't find the establishment.

Q. Your car was still parked in the vicinity of Jim's Grill?

A. Uh, yes.

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Q. And, you went to the right as you got out of the rooming house?

A. That's correct.

Q. And how far did you walk?

A. I couldn't recall. I don't know. I had no idea.

Q. Did you walk more than a block?

A. I don't know. I didn't walk far enough, I don't believe I, I can't, I can't remember that, I can't remember how far it was there, how far it was to Chickasaw Restaurant, either one.

Q. Did you ask anybody where the store would be that you were looking for?

A. No, I didn't --

Q. And how long were you out that time, before you came back without the binoculars?

A. Twenty-five minutes, I guess.

Q. And during those twenty five minutes, you were looking for the store?

A. Yes, that's correct.

Q. But you didn't find it?

A. I may have walked past it, I don't know. It was, there was no, excuse me, there was, I don't think, I wasn't given any name, or anything, I was just given a general area, I just thought down the street, and there wouldn't be no trouble, but there was a lot business establishments along there, and, uh --

Q. A lot of what?

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A. There were, seemed to be, uh, well not a lot, but, there were several business establishments between there and the, uh, I think they were in-between there and the movie, or something. I know there was a movie I checked on once.

Q. Had he given you the name of the store?

A. No, there was nothing like that.

Q. What did he give you? What --

A. Well, there was, I don't know what did he say. I think it was a sporting goods store, or something. And, uh, I got, excuse me, I got the impression there was just one down there/ or something, I don't know why. It, it was, it was a, I'm positive there was no name to it.

Q. Now after you returned, after these twenty-five minutes, what happened then? Did you go into the rooming house?

A. Yes.

Q. What happened then?

A. Well, I'd mentioned the fact that I couldn't find the place, or something.

Q. Was he still in your room?

A. Yeh, that's correct.

Q. And what did he say then?

A. Well, he described it more thoroughly and said it was down there. I thought maybe he had made a mistake, or something, and I went down the second time, and --

Q. How did he describe it more thoroughly the second time? As best you recall?

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A. I think he described, uh, probably location, how far it was -- (?) -- or something.

Q. How far did he say it was?

A. I don't know.

Q. And then did you immediately leave?

A. Yes.

Q. And what did you do?

A. I went, found the place, and --

Q. How far was it from the rooming house?

A. I, I couldn't say.

Q. Was it more than a block?

A. About the only thing I can tell you, it was somewhere between a movie and the, and the rooming house. There was a moving picture theatre down there, but I couldn't, I just can't remember how far it was.

Q. It was closer to the rooming house than the movie was?

A. I believe it was, yes sir.

Q. Now, when you walked the first time, when you out these twenty-five minutes, did you walk to the, to the movie theatre?

A. No, I was going to the movie and I, I think I was just observing the movie from the place across the street from the movie, or something.

Q. Well, in fact, when you went the second time, did you realize that the first time you walked by the place?

A. No, I didn't.

Q. As you now tell it to us, did you, the first time, walk by the place and miss it?

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A. I possibly could, I, I, I just don't, uh, I can't, I can't remember that. I don't believe I've ever, uh, give that too much thought, just, I don't -- No one ever, ever asked me just how far it was.

MR. SPRAGUE: Why don't we stop that part and jump, uh, to the place where you were when you were just relating things generally, at first. 'Cause we're going to have to get into these in a lot more detail -- there's an awful lot to cover at subsequent times. And you want to take up, maybe where you began and things with those specific attorneys. Uh, you had said that after you heard on the radio about the Mustang and the shooting of King, that you ended up in Atlanta?

A. Yes.

BY MR. SPRAGUE:

Q. And then you decided to get rid of the car? Why did you decide to get rid of the car, then?

A. Well, I made those decisions between, I'd say, uh -- on the way to Birmingham, I believe there was a report on the radio that they was looking for a white Mustang, or something, and uh, we, uh -- this report came after the shooting of --

Q. Right, and what was your reaction when you heard that?

A. Well --

Q. What did you think when you heard that?

A. Well, I assumed the police might have been after me.

Q. Well, why did you connect that, uh, with you and your car?

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A. Well, it, the area was blocked off, and the white Mustang, I don't know. Course, there's a lot of white Mustangs, but, uh, I just had to make, make an assumption of that. And, uh, course the police were after me anyway for another charge, so, uh, it didn't take too much thinking to see that most likely -- the police, if I, if they hadn't, you know, wanted me specifically, they, they would at least want me for questioning by the very fact that I had a Mustang, but -- That's just an instinctive, with me, you know, get out of an area when there's --

Q. Well,did you think, when you heard that, that you're in some sort of a jam, whatever the reason, and that they might be looking for you for the shooting of King.

A. Maybe not the actual shooting, but I assumed that they were looking for me, possibly for some type of involvement. I had to make that assumption when I heard it on, when it came on the radio. I didn't, maybe, too much the first time, after the shooting, but, uh, when they started talking about the Mustang and all that, why, uh --

Q. And by the time you got to Atlanta, was it your decision that you'd better get going, get away. They were at least looking for you for being in someway involved in that shooting.

A. Yes, I didn't, I, I heard a couple , further reports on the radio, and, uh, -- But I didn't need no further reports, I went, you know, if they'd,been looking for my Mustang for any type of offense, I would have -

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MR. KERSHAW: Do you recall in detail what, what the news was on the radio, how much detail did the radio --

A. No, I didn't, while there was some details on, but I didn't listen too much after they mentioned the Mustang.

MR. SPRAGUE: Well, let me ask you, uh, when would be a good time to continue talking, you know, at much length, longer time, more detail.

A. Well, what I'm going to have to do, I haven't reviewed any of these, I haven't giv-, I haven't given this too much thought, what I was doing in Memphis and all the details. Most --

MR. SPRAGUE: You may have gotten some idea here that we're going to be interested in the general thing, but, you know, we are going to want to get as detailed and specific as we possibly can.

A. Well, I see some of the Committees, they're ha-, you know they have things wrote down, they read off the paper, and I really don't like to do that, I'd rather go by recollection, but lot of times, like he got me confused on when I brought the car there. I know I brought the car there, after --

MR. SPRAGUE: Well, we understand that you're just testing - I mean if you had asked me something I was doing a month ago just from my recollection, I'm not going to recall it that specifically, and we understand you are doing it from recollection, but we are going to want to go through things in great, great detail, which will obviously not only include this area, what happened afterward, what happened before, or -- want to go

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into what happened with your attorneys, what happened with Foreman, what happened about that plea of guilty, uh, you know, all of that -- which I'd like us to do but continue on promptly. Uh, can we set up right now another time that we can agree upon?

A. Well, let me say, let me say this. Uh, since after the guilty plea and for about, until September, October, I didn't keep many records, I, you know, I threw things away. But since then, I've kept, I've made notes and everything and kept records, because, uh, you just can't remember, I don't have - I don't only have to remember this thing, I have to remember the Habeas Corpus, what Foreman was doing, all the details and our conversations with him. But, uh, before I, any further conversation, uh, it might be best for me to get these various records, and uh, the fact is, I can give you the records, duplicate copies of them, so that you could check out, I think there is some kind of thing you can run to tell how old the ink is, or something, but --

MR.SPRAGUE: Well, we, we can look at the records, but aside from the records, I mean, that's why, I understand that recollections can get hazy and you can't always recall it specifically, but from our standpoint, I mean, I am interested in hearing you, -- yeh, I am interested in looking at the record -- but, I -- and I'm not interested in looking at that -- I'm interested in listening to you and seeing how you recall it. So that's fine with me, and don't feel that tied down.

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A. Yeh, I, I don't, I don't have any objection to these, uh, various interviews. What I'm, uh, what I'm concerned about, I don't want to, I don't to go on the record on everything, and, uh, wind up, uh, not finding, uh, not being able to find anything that's for myself (?). Let me give you an example, here: I'm trying to give you the impression of what I want to find out, and I know, I have a general idea of what you want to find out. Here's one example: uh, these are various files, I read, the FBI's supposed to have 13 type of grades (?) and 96 volumes of files. I read when the Church Committee, when they had their investigation, Senator Church, he wanted to burn the rest of these files. He said, he said he hadn't read them but he still wanted to get rid of them. He'd heard about them. Another Congresswoman named Abzug, she, she also wanted to burn the files. And, uh, then the, uh, in this here, the Justice Department, it says here they want to seal these tapes and get Congress to destroy them. Now, it's my understanding, uh, these files, uh, the reason you want to destroy them is there is something there that may embarrass, uh, public figures. I'm not talking about Dr. King, only, but various other people. And, uh, I think we've made that clear, I'm not concerned with anyone's personal affairs, but they may not even be anything in those files pertaining to, you know, anyone's personal life. I thought sometimes that may be a smoke screen. Now, I've written to this judge here, he sealed these up 50 years. His name was John Lewis Smith, and

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it, it, it would be, uh, it would be my impression, if, if, my opinion, if it's impossible to get, to check through these files and cull out what's the personal and what may, uh, support my case -- See, I can't change my testimony, I've got it all down in writing. Now, I've even -- I filed some of it here in the civil cases, this Time Inc. vs., vs. Ray, so, uh, nothing in the files, I could use, only thing that would be in the files would be something substantiate what I've already testified to. But, uh, it's my opinion, if, if none of this stuff can be got out of the Archives or anything, I have serious doubts whether it'd be in my advantage at all even to testify before the Committee, because, I just don't, uh -- Well, I'm not really interested in, you know, -- they have their job, and, you know, they have their mandate and I have mine, but --

MR. SPRAGUE: I, I, I wasn't talking about you testifying, I'm talking about continuing the interviews, uh, 'cause as I said, uh, the interview's subject to the condition that we first said, and anything is done publicly is only done after consulting with you or your attorney. Uh, but I think it's important that we continue here, uh, and do so promptly. How about, let's say, uh, this coming Monday, if we could be down here Monday morning.

MR. KERSHAW: That would give you time to look up your --

A: Well, I got the notes, mostly, outside and locked up. Uh, I'm not really concerned about those notes unless it really becomes an issue of credibility, perjury, something like that.

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What I'm concerned about -- yeh.

MR. SPRAGUE: I, I'm not, I, and I don't think you're to be concerned about that. As a matter of fact, if you notice, we didn't, uh, we, we're authorized to put you under oath -- I didn't put you under oath, cause I'm not interested in it from that standpoint. I'm here for you, your recollection on that as you relate it on the stand, now. Uh, --

A. I think the only problem is going to be is, uh, I, I have, I'm, I'm more concerned about what the Committee may do in other areas, instead of just me. I, I've always thought maybe I'd rather see what the Committee is going to do about subpoenaing Foreman, and, uh, these "under-seal" stuff.

MR. SPRAGUE: Yeh, but you see, yeh, but you see part of that problem is for us to go and interrogate Foreman. I'd rather know from you what it is that you say occurred, and I'd hear from you what you say occurred because it mean-, if I just am questioning him, I'm doing, it's like blind flying, like I was doing this morning. Uh, and I'd rather have a little knowledge, so that makes sense, and even Mr. Kershaw is going to agree with that.

A. Well, let me ask you, Mr., if Mr. Kershaw will agree with it, I think, uh, I could, I'd be prepared to discuss anything except, uh, -- there's been certain investigation made by attorneys, private individuals, and everything else. This is how I got in the penitentiary, since, well these investigations started shortly after I came to Nashville, and

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they involved various people we contacted, people like James Hoffa, and --

MR. SPRAGUE: Well, let me say this, Mr. Ray. As far as I'm concerned, this interview in here is strictly voluntary on your part because you indicated the desire to participate. Any area that you do not want to go into here will not be gone into here, because that's not the basis of it. If that answers the --

A. Well, I, then if it's all right with you, I think we can go into any area except what people's investigated, uh, since 1969. I wouldn't be objected-, I wouldn't be opposed to going into some of that, but I'd rather see what the Committee is going to do in other areas. I don't know how, how broad, whether they're going to look into, uh, fraud,/ I'm just, uh, -- or anything. I think you just have to --

MR. SPRAGUE: (?) -- or how about Monday morning?

MR. KERSHAW: Monday going to be fine? Nothing wrong (?)

A. Well, I have to work, use that to -- It's not a ne-, necessity, but I guess it could be.

MR. KERSHAW: Well, subject to Mr. Lane's approval, I'm sure Stoney Lane, the Warden, I'm sure he will allow you to --

MR. SPRAGUE: Well, we'll ask him, fact --

MR. LEHNER: We could do that during this recess, when you want to discuss the waivers.

MR. SPRAGUE: Why don't you, uh, give us just those specific names you want to give us right now and that way, and let us

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check with the Warden if we can continue with our meeting.

MR. KERSHAW: All right.

MR. SPRAGUE: And my thought is, if we're to come down Sunday night, and we will so we can get started early Monday so we won't be this delay, we'll just take a whole day.

MR. KERSHAW: Right.

MR. SPRAGUE: O.K.? Let us check with him.

MR. LEHNER: O.K., at this time, why don't we all turn off the recorders, --

MR. SPRAGUE: So you can talk privately.

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SECOND INTERVIEW WITH JAMES EARL RAY AT THE BRUSHY MOUNTAIN STATE PENITENTIARY, PETROS, TENNESSEE, AT 9:30 A.M., MARCH 28, 1977.

MR. LEHNER: Why don't we all announce who is here. I'll start off by, Robert Lehner, Deputy Chief Counsel.

MR. EVANS: Edward Evans, Chief Investigator.

MR. SPRAGUE: Richard A. Sprague, Chief Counsel.

MR. KERSHAW: And the court reporter of course, (Louis H. Hindle), and I am Jack Kershaw.

MR. RAY: James Ray.

MR. REVEL: Gary Revel, Special Investigator for Jack Kershaw.

MRS. KERSHAW: Mary Kershaw.

MR. LEHNER: Okay, I think we might want to take up from where we left off, if that's all right with you, Mr. Kershaw?

MR. KERSHAW: Yes, that will be fine that way.

MR. RAY: Before we do that, I got two or three things that I would like to discuss.

MR. LEHNER: Sure.

MR. RAY: For one, on this waiver of attorney-client privilege. What I did, I wrote two or three attorneys. I think they don't want it released, so I wrote and asked them their opinion. I also typed up here a release. I tried to follow as closely as possible

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this release you gave. So if you want to look at it, if it is all right I'll go ahead and sign it, if you want to retype it or something?

MR. KERSHAW: But your point is you release all those lawyers, but you did want to consult with Ryan particulary.

MR. SPRAGUE: That indictment number, is the murder indictment?

MR. RAY: Yes, sir.

MR. LEHNER: Can we see the form that we gave you?

MR. RAY: Yes.

MR. LEHNER: Fine. This seems fine with us, would you like to --

MR. RAY: I don't know what those lines for witnesses is.

MR. LEHNER: Yes, that will be for witnessing. We all sign it.

MR. SPRAGUE: I don't think we need it notarized.

MR. LEHNER: I'll tell you what, if you would sign it now, we will have two witnesses sign it; and Mr. Kershaw, will be one of the witnesses.

MR. RAY: Want me to write the day of the month?

MR. KERSHAW: What is the date?

MR. REYNOLDS: 3-28-77.

(Waiver is signed by James Earl Ray.)

MR. RAY: You want me to, to have one and you take the other?

MR. LEHNER: Yes, that will be good, if you could

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sign both of them?

(Mr. Kershaw is first witness of waiver.)

MR. LEHNER: Okay. Mr. Evans will sign for us.

(Mr. Evans is second witness of waiver.)

MR. KERSHAW: Here is a letter that you might be interested in reading. You can have a copy made.

RAY: See, I don't want to give them back, they are just papers that I have received in the last two or three days, I got two or three letters. I don't want to hold you up unless to subpoena or ask for papers--

MR. SPRAGUE: Whatever you think you have that you think would be of interest, that you want us to have you just tell us.

MR. RAY: Well, I have a box of papers, but I don't want to load anyone down unless they specifically want them.

MR. LEHNER: Okay, we are going to move to better quarters so we are going to turn the tape off at this time.

MR. SPRAGUE: We read this letter from Mercil P. RAndolph.

MR. RAY: The reason I gave you this, Percy Foreman, he's claiming that he lost his files, and I do recall that newspaper and I made some markings on some legal paper where you mark the words out but the words are still there, you know, you can see through the ink.

MR. LEHNER: I just want to put on the record that we are now in the new conference room and we are continuing

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with the taping of the conference. I just wanted to ask Mr. Kershaw and Mr. Ray, is it all right that we continue taping as we had done last week?

MR. KERSHAW: Yes, that is agreeable.

MR. LEHNER: Mr. Ray?

MR. RAY: Yes.

This is another waiver that came from the Missouri State Peniteniary. They wanted me to sign it, but it is dated March 15, 1977, but they wanted me to sign over all liability or something, and I gave a copy to Mr. Kershaw last week, but I forgot to give you a copy.

Now, what I did was -- Now they gave these records to various book writers. So, I wrote and told them that I am not -- I'll give you a waiver on these various records from various penitentiaries, but I don't want to waive liability, so --

MR. SPRAGUE: I agree with you. By the way, I don't think we need them, we have subpoena power.

MR. KERSHAW: The original came to Ray last March. He gave it to Mr. Lesar, we don't know what Mr. Lesar did with it, but that's something I would be interested in. Because this man has been trying to get his word out for that long.

MR. SPRAGUE: Can we hold this?

MR. KERSHAW: Sure, I made that for you.

MR. SPRAGUE: Okay, thank you.

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MR. LEHNER: That's referring for the record, pertaining to a letter from a Cliffton Baird.

Mr. Ray, was there something else that you wanted to state to us before we start?

MR. RAY: Yes. I don't want to take all your time, but --

MR. LEHNER: Take as much time as you want.

MR. RAY: All right, I testified last week about something about someone seeing me sitting in the car or something; and there might be the possibility that I read that, and you know, just decided to add that in. Well, I found out where I read it at, it was in a book by Harold Weisberg called "Frame Up" and I think I first got - he sent me a copy of it in 19.. while I was down here, I think it was in 1970 sometime, around the middle of 1970. I read the book -- I read through the book again a couple -- over the weekend, and this car business of when someone was suppose to be sitting in the car, people were suppose to have seen this individual. Their name was Elizabeth Copeland, that was on pages 151 in the book, and then there was a Peggy Hurley, and that was on page 151; and then here husband Charles Hurley, that was on page 182, and that is all that -- and then there's one other thing, and the only other thing that I have to ask you about this morning is this immunity business. I know you can't grant immunity, but I was thinking about -- Let me put a

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hypothetical question out, if say, someone had been in trouble with me several years ago, and say the FBI or someone knew about that time, and never took no action; and then if I raised it before this Committee or some judicial body then the FBI would start harrassing that individual. I don't know if technically, I guess they could prosecute the case, but it would seem funny why they would let something go for several years and then raise it, then raise it, you know after I testify, and I don't want to go into names of who the individual is or anything at this time until I see how the Committee would feel if the FBI should start harrassing somebody or something. The reason I bring this up is there has been various harrassments of my relatives. I think my sister Carol Pepper, somebody she claims, and she don't want to prosecute. The FBI burglarized her house and there has been various threats against my brothers at different times and the one time I ever complained about this I wrote to Senator Sam Ervin in 1971 and he was a United States Senator, I believe, and he interpreted this as some type of a request from me for help in my case. But it wasn't that. And he answered back, and I let it drop there because they don't seem to be more than harrassment at that particular time. I think that is about all on this.

MR. SPRAGUE: I think what you are saying is that as we go along there may be some areas where to really detail, it might involve something from the past about

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someone else being involved in another matter, and while you might be willing to detail it, you don't want to do it in the event there might then be any prosecution or harrassment of that person, is that right?

MR. RAY: That's right, it would have nothing to do about what happened. Foreman, Percy Foreman, during the guilty plea, he suggested that maybe my brother, Jerry - they put a charge on him and there is also another family member that they might wind up in jail on another matter and that was one of these when he was trying to get the guilty plea. I'm not, really I don't want anything from the - from the Committee for myself like any type of recommendation or anything, but if we should be in some area where it might be necessary for me to testity, I don't want someone to --

MR. SPRAGUE: Okay, I got it.

MR. RAY: You understand what I'm trying to say?

MR. SPRAGUE: I understand. Okay.

MR. LEHNER: Okay, maybe if we could get into it. I will take you back to the time I think you were talking to us about going out to get the binoculars, you didn't get them, you came back and you went out a second time. Maybe you could take us back through the chronology from the time you came back when you did not have the binoculars and you spoke to the person that you were - Can you take it from there?

A. Well, I came back and I spoke to Raoul, the

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other party, I'll refer to everyone as another party unless you want me to be more specific.

Q. What ever you feel comfortable with.

A. I feel kind of uncomfortable with all these aliases when you start reading some of the FBI's Zorros and all that. It don't make much difference to me. So, anyway, yes. I went there a second time. I thought about that some more since you asked the question but I am not the only thing that is unclear, is just where the place is located. I can describe the inside of it to a certain extent, but for some reason I don't know how far it was from the rooming house.

Q. Well, as I tell you -- you told us the last time you went out looking for the place you didn't find it. You were out about 25 minutes and you came back to the rooming house and you saw the individual in the room?

A. Yes.

Q. Why don't you take it from the time you came back without the binoculars and what conversation you had in the room, if any, you can take it from there.

A. Well, I just told him I was unable to find the position and place and he described it to me again.

Q. Do you recall what he said, the words he said?

A. I think he probably described the name of the place or something. I know it was more detailed and I left again and at that time I located it.

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Q. And where was the place you located. You came out of the rooming house, what turn did you take, and where was it?

A. Well, I'm pretty sure I turned right, I think it was on the right-hand side of the street going north, but I just don't remember too much about this binoculars but where the place was at or anything but I know the fellow I think I bought them off of. He seemed kind of nervous or something. He had some kind of type problem. Someone was picketing his store or something. That's about all I remember about that.

Q. Do you recall approximately how far it was from the rooming house when you took that right turn out of the rooming house?

A. Well, I thought it was between two movies but I looked at the movie house, but I'm not sure just how far it was.

Q. And when you went into the store, you said you could describe some of it. Can you describe this store as best as you can remember?

A. Well, I think - I don't know, that's been a while. For some reason I have trouble on this store business. I think the counter was on the right, but I am not positive. But I was - I noticed. The only thing I remember with any clarity, I think the individual was kind of nervous or something. I don't know.

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Q. You mean he was being picketed by labor people?

A. Well, he said something about somebody was bothering him or something, the salesmen. I got --. I don't know who was picketing him. Someone was outside I think, of course, they may not have been picketing him at all. It may have been someone just in the general area. I think there were people running around. I'm just not clear the only thing I'm really clear on is that he was having some problems, and I don't know what they were.

Q. What was the conversation you had with him in the store as best you can recall?

A. Well, I asked him for some infrared binoculars, and he said something about that, well, he didn't have them and I think he may have recommended to me some military store or something and so, I just took whatever he had.

Q. Do you remember how much it cost?

A. No.

Q. You paid for it in cash?

A. Yes.

Q. And how long did you stay in the store approximately?

A. Well, I stayed about 10 minutes. I stayed longer than necessary because he was talking quite a bit, I wasn't saying too much. He was discussing not only the sale, but other things too, so --

Q. And when you left the store, did you go directly back to the rooming house?

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A. I could have stopped somewhere, but I think I went back there. I could have stopped somewhere, a tavern or something, but I don't think so.

Q. When you located the store on the second trip, did you realize at that time that you had passed the store the first time when you spent that 25 minutes and missed the store?

A. No, I don't think - I don't recall if I did or not.

Q. As you think back at it, now, do you recall whether or not you passed that store on the first trip when you - you didn't find the store?

A. I couldn't say, for everything happened that day. That is one- that's probably the most vaguest, when I went.

Q. So you say you think you came directly back to the rooming house. You may have stopped somewhere, do you have any recollection of where you may have stopped?

A. I don't have no recollection, but I could have - I went - I stopped at a tavern once. I think I got a sandwich, but I'm not positive when that was, what trip.

Q. About what time did you arrive back at the rooming house?

A. I don't have any idea, I would guess that it would be about quarter to five or so.

Q. Well, how long do you think that second trip, when you got the binoculars, took from the time you left

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the rooming house until the time you returned?

A. I really don't know how long.

Q. Do you want to give an approximation?

A. No, I - I don't - I'm really not certain how far it was now, I was positive how far it was then. I could probably determine it.

Q. All right. When you returned with the binoculars did you go to your room?

A. That's correct.

Q. And what happened at that time when you were at your room with the binoculars?

A. Well, I turned the binoculars over to this Raoul, or the other party, and then I don't think I was in there over three or four minutes, but I'm not sure under what circumstances I left. Whether I went to the restaurant or, but I think I left voluntarily on my own. I wasn't going after anything else.

Q. Well, when you gave him the binoculars was there any type of discussion as to these binoculars? Whether they fit what he wanted or anything of that sort?

A. I just mentioned that I couldn't get the infrared ones and I think the salesman mentioned - I think the salesman did mention where you could get them, but I think I mentioned that and that was all. He said all right, and that was it.

Q. And what happened then?

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A. I believe - I'm not positive, but I know - I think I left on my own and went somewhere. It may have been that. I know I went to the Chickasaw Restaurant once. The reason I think I possibly went down there was because I think that was in the other direction and there wouldn't be no point of me to go in the other direction except to go to a restaurant or something like that.

Q. Did you know about the Chickasau Restaurant before you came upon it?

A. I never heard of the restaurant until the police told me in the Memphis jail. Now, I'm not -- These names, the Chickasau Restaurant, they might not be no place like that. I'm just telling you what approximately Weisberg run down. I told him about it. He is the only one I told about, because I learned about this Chickasau Restaurant in probably late February and Percy Foreman wasn't interested in it. I think Hanes would have been interested in it, but as I mentioned, I don't think anyone investigated that aspect of the case until the 1970's.

Q. So you gave the binoculars over to him, you were in the room for about two or three minutes you think?

A. Approximately.

Q. And then you went out, you think, you went left rather than right as you had gone with the binoculars?

A. Well, I could have went three places, either left to the Chickasau, or downstairs to the tavern, or to

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the other tavern where I think I had a sandwich or something.

Q. Which tavern would that be?

A. I don't remember too much about it, again, I don't know, I mentioned last week that I think it was Jim's Grill. Now, I'm going on what I think Arthur Hanes told me. I think he went down and checked it, whether it was Jim's Grill versus Jim's Bar or something. There's two Jim's, but now that would have been -- That tavern would have been across the street. I think it would have been fairly close to one of those movie houses. Now, I don't up and down that street I think there's three or four movie houses, but it would have been sitting on the corner.

Q. So you think you would have either went left out of the rooming house to the Chickasau, went out and went to Jim's Grill, which is directly below the rooming house, or you might have crossed over and went, which left or right to this other place?

A. Well, that would have been right across the street on the corner. I'm pretty certain it was on the corner.

Q. And what did you do at this time, the time you left after the delivering of the binoculars?

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A. Well, I either went downstairs and probably drank a coke, a half a beer, or something like that. It couldn't have been much, or I went to the restaurant. I know I ate ice cream there or I went down to the tavern. And I think I had a sandwich there, and that would have been across the street, but I'm not - I can't be certain just - But I'm inclined to think I went to the Chickasaw because that would have been the only opportunity that I would have had to go in that direction.

Q. And you told us a little bit about the Chickasaw, the last time. About how long did you stay at the Chickasaw?

A. I'd say 15 or 20 minutes.

Q. And do you remember who waited on you there?

A. It was a - I don't remember who waited on me. I remember the waitress, I think I mentioned last week, that she was - they were breaking her in it appeared to me. They were breaking her in, because I know the manager was trying to show her how to operate the cash register. I think she was black, but I'm not - I don't think - I'm not certain she waited on me because I think he was instructing her on how to use the cash register.

Q. And you had ice cream there?

A. Yes.

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Q. Did you have anything else there beside the ice cream?

A. Probably a coke. I know it was ice cream.

Q. Now, what did you do next after this trip following the delivery of the binoculars?

A. After I went to one of those restaurants or taverns?

Q. Yes.

A. Well, sometime later I returned to the rooming house.

Q. Do you recall approximately what time that would have been that you returned?

A. I couldn't say. I assumed it was sometime after 5:00 in that general area.

Q. What happened at that time?

A. Well, I think that -- I think that was the time that this other party mentioned he wanted to use the car that night or something. Nobody told me to go here or stay here or wait here so long, from the conversation I assumed that the car was going to be used that night, that evening, and I think I mentioned that I would go to the movies or something. I did go. I know at that time I went to a tavern, I'm positive

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of that. It may have been the same one that I just got through describing to you, but I think it was across the street from the movie theatre, and I don't remember how long I was in there. And the night before that I had a flat tire or a slow leak or something, and I decided to get that fixed; and that's when I went back to move the car out and --

Q. Let me see if I have it right. You returned, you think, from the Chickasaw. Then you had the ice cream, maybe a coke, you came back and he was still in your room. You had a conversation with him, where you had the impression that he was going to want to use the car that evening?

A. He just said he wanted to use it.

Q. Did he say what he wanted to use it for?

A. No, I didn't inquire.

Q. And how long did you stay back in your apartment that time, that he told you that he wanted to use that car in the evening?

A. I wouldn't say, it was very, maybe 10 minutes at the most.

Q. So approximately what time was it you left your apartment, your room, on that occasion?

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A. Well, from reconstruction, I think, it would be somewhere after 5:00. I'm not positive of that.

Q. And this time you think you went to the grill. Which would be across the street, and to the right, and you also think it is opposite a movie theatre?

A. It would have been in the general area, because I think you can see the movie theater from this particular tavern, but I'm not, like I say, when you come out of the rooming house you go to your right, you go down two blocks and cross the street, and I think there is some - I don't know how many taverns there was, there is just a couple, so it wouldn't be too hard to --

Q. Now, how long did you stay at that tavern, at that time?

A. Well, I would just guess 15 or 20 minutes.

Q. Did you have anything to eat or drink at that time?

A. Well, I had a sandwich in one of them, at one of them, but I don't know just what time it was. But I don't know, during all this period I probably bought three beers, and I probably drank one out of the whole three. Because I don't care too much for -- I probably had one sandwich, but I'm not certain just --

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Q. You probably had one what?

A. One sandwich. I know I had one sandwich, but I'm not certain how long I stayed in there or anything.

Q. Okay. Now, at this time after you left that grill, which might be across the street from the movie theater, what did you do then?

A. Well, I was thinking about that, well, at that time I started thinking about the -- He was going to use the car, and I just happened to have a flat tire in the trunk, and I went back and got the car.

Q. The car was still parked in the area in front of Jim's Grill, but I think you told us the last time, if you were standing in the roadway I would be to the left of Jim's Grill as you looked at Jim's Grill. Is that correct?

A. Excuse me, that, that is just my opinion from reconstruction. It would probably be sitting to the north of Jim's Grill.

Q. Which would be, if you are in the roadway looking at Jim's Grill, to the left?

A. Not much, but somewhere.

Q. Was the car still there when you returned?

A. Yes, I never moved the car except after I once parked it.

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Q. Did you then get in the car after you left the Grill opposite the movie theater?

A. That's correct.

Q. About what time was that, that you got into the car?

A. Well, that would be reconstruction, but I don't have any idea of it now, but I assumed it was close to 6:00, 15 till maybe 15 till 6.

Q. When you got in the car, did you sit there for any period of time, or did you immediately start up the motor and drive off?

A. I don't believe I sat there for a very long period of time. I think I moved off pretty quick. The only thing I remember clear, is that I had trouble either backing up or going forward, or something. I think there were cars, a car in front of me, right, right directly in front of me, or directly in back of me. I don't know if I was hooked on to him or not, but that is the only thing I remember about it.

Q. From the time you parked the car there, to the time you got in, and as you said, you had a little trouble getting out of the parking spot when you took off. Had you sat in that car for any period of time?

A. I sat in there one time, but I'm not positive

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just what time it was. I'm trying to reconstruct when I sat in there, but I can't, I'm not, I'm not certain when I sat in the car.

Q. How long of a period of time did you sit in that car in the area, when the car was parked in the area of Jim's Grill, at any time?

A. I don't think it would have been a long time, maybe 15 or 20 minutes at the most.

Q. Was anyone in the car with you during those 15 or 20 minutes?

A. I have some recollection of being in the car with this Raoul for about one or two minutes, but I don't know just in and out, but I don't know what the reason for it or anything else about that stuff.

Q. Was it before or after the time you first saw Raoul in your room, that you sat in the car with him?

A. No, it would have been earlier on in the meeting.

Q. Before you saw him in your room for the first time?

A. That would be -- That would be difficult to say, wouldn't it, just when I saw, when I was in the car. I think it was, because I don't ever recollect him leaving the room while, while I was in the area. On reflection it would have probably have been during some type of meeting in the tavern below. We left the tavern rather than hanging around

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there, so I'm just not clear on that point, but I do have somewhat of a clear recollection of being in the car twice. Once very short period, and maybe another time 15 or 20 minutes.

Q. And the time you were in the car with Raoul, did, do you recall the conversation you had with him in the car?

A. No, I don't even know what the reason we was in there. There was some reason, but I can't remember, I can't recall the reason for it. I assume - I assume from the past experiences when you are in a tavern or something, you want to get out of it because you are concerned about somebody over hearing you or creating suspicion or something, sitting around talking in a tavern. I assumed that there was some reason. He may have run down to me what he intended to do that night or something. I just don't recall the details of that brief meeting.

Q. All right. You were telling us about the time you got in the car. You had a little trouble getting out of the parking spot, but then you drove off. Can you take it from there, please?

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A. Well, I drove off and I made a right hand turn, and I don't know exactly, I can't recall just how far I drove off, and I went several blocks the other way, and I run into this service station down there. I have some recollection of there being two of them down there because I think I went in two of them.

Q. Two service station?

A. Yes. I think the first one of them, I think I asked to get the car fixed. It was a busy time of day, and I think I may have gotten some gasoline at the other one, but I don't, I'm not sure just -- Later, I think they were on the same side of the street. I'm not certain.

Q. The first one you went to, did you get gas or not?

A. No, I think the first one I went to, I think, I believe that is when I tried to get the tire fixed. That was the main thing, to get the tire fixed. You can get gas anywhere. I may have gotten some gas or asked to get the tire fixed. I got a habit of, I don't like to go into service stations and ask for a bunch of favors and not take up the time and buy something. I probably just bought some gas while I was in there. Let me - before I go any further on this tire business, I mentioned this

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to attorneys, first Foreman. I think I mentioned it to Arthur Hanes, but I don't think they ever. but I don't know if Hanes ever checked into it or not. Foreman might have, but later on I was going to get this as some type of evidence or something. I told Weisberg about it and he started checking into it, and what it led to was getting my brother, records from my brother Jerry Ray, and he and the Memphis officials after the guilty plea, they had certain evidence, and they turned this various evidence over to my brother. One of them was a tire. I think they took the seat and floor boards out of that car and gave it to him, the mats, and they gave him this radio which was suppose to have this number on it, and four or five other items which appeared to me to be valid evidence, but they wouldn't give him the car or certain other things. So whatever it is worth as evidence, I think he still has the radio. He told us he had the radio, but I don't know if he has any of the other stuff or not. But I assumed that the prosecution checked out all the evidence they had in the car.

Q. Let me ask you this, do you recall the first service station you went to? What inquiry did you make there?

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A. I asked about a tire, getting a tire fixed, repaired.

Q. What did they say as you recall?

A. They said it was the busy hour or something. They didn't have time, at the time to come back later or something to that effect.

Q. Anything further at that service station?

A. No.

Q. Then you went to a second station, also on the same side of the street, is that right?

A. I believe it was, I'm not positive.

Q. And what happened at the second station?

A. I think I just got -- May have gotten some gas or inquired, I just have a recollection inquiring in one place to get the tire fixed. I don't have no --

Q. How did you know there was a problem with the tire?

A. I had been driving the day before that, and it been slowly leaking, and it was about half way down. It wasn't a flat tire, just a slow leak.

Q. So at the second gas station you got some gas, but you don't recall inquiring about the tire? Is that correct?

A. No, I'm not a hundred percent sure that I got gas, I assumed that because this is usually what I do.

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Q. And then you left the second station?

A. That's correct.

Q. Do you remember the names of either of the stations, the brand names of the gas they were selling?

A. NO, I told the investigators I thought they were major names. Just what the - Just what the names was, I don't recall. I think they were Gulf or Phillips, or something of that nature.

Q. Did you get the air for the tire in either of those two service stations?

A. No, I didn't.

Q. Did you inquire whether or not they had air pumps in either of those two stations?

A. No, I assumed they all had air pumps.

Q. Was there any reason you did not inquire about the air pumps?

A. No, I put air pumps - I put air in the night before that, when it first had the leak.

Q. What tire was it that had this slow leak?

A. It was the back wheel, let's say that is the car here, it was the back right hand side.

Q. Did you have a spare tire in the trunk?

A. Yes.

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Q. Was that spare tire in serviceable condition?

A. No, that was the one I had on the car.

Q. Well, did you have an extra tire in the trunk?

A. I had five tires all together.

Q. And the one in the trunk what was the condition of that tire?

A. Well, that was the one that had the slow leak on it, after I changed it, I changed it on the highway.

Q. You changed it, what day was that, that you changed it?

A. That would have been April 3rd, outside of town somewhere.

Q. So you were only interested in the slow leak in the spare tire that you had in the trunk?

A. Yes.

Q. And what did you do after you left the second service station?

A. Well, I went, best of my reconstruction, I went south several blocks, turned right and that's when I came up several blocks. I don't know how far, four or five blocks and that's when I run into this - I run into the road block, but I'm not sure if I run right directly into it or was maybe a block down. Let me be more specific on this.

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My recollection would have been more clear shortly after Fensterwald came in on the case, I drew him a diagram. Whatever the diagram shows, I think that would be more valid of what I seen than five years later.

Q. In the first gas station do you recall approximately how long you stayed there?

A. Well, there were cars around there, I think one time I had to wait for a few minutes for some cars to get out, but I'm not -- At both service stations I don't know how long it took. It took probably 10 minutes anyway.

Q. Total for both station?

A. 10 or 15 minutes, I'd say 15 minutes.

Q. About 15 minutes for both station, is that right?

A. That's correct.

BY MR. SPRAGUE:

Q. Why didn't you get gas at the first station?

A. I don't know. I may have gotten gas there.

Q. But why did you go to the second station?

A. Well, I may have gotten gas there, I'm just not sure. I don't mean I'm not --

Q. I guess my question is, if you didn't do anything about the tire at the second station, then why didn't

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take care of all the business at the first station? What's the reason for going on to a second station?

A. Well, I don't know what the reason. I don't consider everything I do to be overly rational in those types of circumstances. I was a little bit nervous, I'm not saying that I was nervous and that's causing me to do what you are suggesting.

Q. What were you nervous about?

A. Well, at one time I thought I was being followed in the area. I seen the same individual in two taverns, and of course, there were guns around and things of that - and things like that, but to get back to your question, I'm not positive of just - I'm not positive I bought gas. What I'm testifying to on this specific incident, I'm trying to figure out what I would do in another situation similar to that one, and usually when I go into any type of establishment I will buy something, like the tavern, I'll buy a beer even though I don't want it. I don't like to make a lot of inquiries and walk out.

Q. But you didn't buy anything at the first station?

A. Well, I could of, but I think I, well, I went in there for, well, I didn't go in there exactly for a favor, I was going to pay the guy to fix the tire, but at the

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same time, I seen that I might buy something off of him just by going in there and taking up his time or something. But I'm not positive on this service station.

Q. But if you bought anything in the first station, it would have been gas then?

A. Yes.

Q. If you bought gas then you wouldn't have bought any gas in any second station, and there would have been no reason to go to the second station?

A. Well, the only thing -- Well, I don't think I asked the guy in the second station to fix the tire, so if I went in the same station, it might have been to get gas or something. It might have been a thought when I drove out of the first one.

Q. That's why I ask you, why didn't you get gas in the first station?

A. Well, it could have slipped my mind or anything. I can't - Everything is not clear on these things.

Q. Where you had parked your car on the street were there parking meeters?

A. No, I don't believe there were.

No, I think there were signs up there that you could park certain hours or something, but I'm not certain on that, I have just been told that later on. I know there

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was no parking meters.

MR. SPRAGUE: That binocular store, what else were they selling in the store?

A. I don't have any idea what they were selling.

Q. Was it a camera store? What kind of a store was it?

A. I don't recall too much about that store. I think you have to make certain assumptions what they were selling there. I think it was a general store. I just don't know.

Q. Well, what was in the window, what was in the counter, just binoculars, other items, what were the other items?

A. I don't recall, I recall, I think there was a name on the place or something, and possibly an address, I know I had the name of it.

Q. Were there things in the window?

A. I can't recall.

Q. If you hadn't of been given the name, would you have recognized that as a store to get binoculars?

A. I don't think so. I don't even think I recognized the store at this time.

Q. I mean at that time, if you weren't given the

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the name, would you have been able to recognize it as you walked by that that was a store that sold binoculars?

A. Well, I don't, if you would or not. I just don't recall at this time what the store looked like.

BY MR. LEHNER:

Q. At the first service station I think that's when you told us you had to wiat, that there were some cars in front of you?

A. I know there was a lot of, the traffic was a little heavier than probably than it would be in the night time or something.

Q. I think, did you tell us it took about 15 minutes from the time you entered the first service station until the time you left the second service station? Would that be correct?

A. I would say both of them. And as I said before I'm not a hundred percent positive on these two stations, but I'm fairly positive, but I think I know it wasn't just the thing you driving in and driving out. I think - had - I talked to this attendant. I don't know if he was the gas attendant or not. I think he may have just been the fellow to fix the tires, but I think, no, I don't think the gas attendant and the tire repair attendant were the same ones.

Q. Well, fromthe time you entered the first service station until the time you left the second one,

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do you approximate that to be 15 minutes or some other time that you approximate it to be?

A. I would approximate it to be 15 minutes.

Q. Now, at the first service station, do you recall having to wait some period of time until you got up to the area where you could make your entry?

A. Well, I think I have some recollection of taking a little time to get through the transaction. I don't know what the reason was, they couldn't find the guy, was busy with the tires, or he was doing something else or something; but I know it took a little time, it took more than ordinary, but I don't know, but I just wasn't that interested in details.

Q. Were there cars ahead of you, do you recall any of that, whether there were cars ahead of you that were waiting at the pumps, that you had to wait behind them to get to speak to the people that were servicing the pumps?

A. Well, there wasn't no line out in the street or anything like that, but I believe there was cars coming and going all that.

Q. When you made the inquiry about the tire, were you at the pump or were you in the garage area.

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A. I was at the pump.

Q. And do you recall the person you spoke to at the pump when you made inquiry about the tire you had in the trunk?

A. No, I -- Do I recall what he looked like?

Q. Anything about him?

A. Well, it was my, well, I thought at the time, he was white, but later on somebody said he wasn't. The fellow that recognized me was black, but I wouldn't be paying much attention to what shade he was and all that stuff. I would be buying gas, that was just on recollection.

Q. You say someone told you that he wasn't white but that he was black?

A. Yes.

Q. Who was that person?

A. That's the guy that I -- Well Harold Weisberg went down there and took - I understand that he got some recordings of some of the people down there or something.

Q. Was it Mr. Weisberg that told you that the man was black and not white?

A. Yes.

Q. Now, this person you saw at the first station,

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your present recollection is that you did not ask for any gas of him?

A. I wouldn't go under oath to say it, but I just, I know I don't believe I did.

Q. And at the second gas station, you present recollection is that you did get gas, is that correct?

A. Yes, I think so.

Q. Did anything unusual happen either at the first service station or the second service station?

A. Well, I don't know what you mean, unusual, what would be unusual at that time of the day. I don't know.

Q. Do you recall anything happening other than the fact that you waited a little bit to speak to the man at the first station? He said it was too busy to give you - to fix your tire, and then you went to the second station to get gas, is there anything else you can recall of this entire incident which lapsed, you think, about 15 minutes?

A. I don't recall, things were so hectic at that time of day. I don't know what distracted me, the place maybe blew-up or something.

Q. At the second service station, the person you spoke to, do you recall what he looked like, can you

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describe him ina any way?

A. No. I can't describe either one of them.

Q. Can you describe the color of the person at the second service station?

A. The only, I think, the best of my recollection they were white, they might have been some blacks around there, but I ddidn't give it much thought.

Q. About what time was it when you left the second service station?

A. I don't have any idea.

Q. And what did you do at that time when you left the second service station?

A. Well, I either drove down the street and turned right a block or turned right in that area. I think, I think I probably pulled out of there and went down a block and turned right and then I hit a main street. I don't know if it was Beale Street or what street it was. I don't think it was Beale Street but I think it may have been a street, a couple of streets before that and then I seen this police cars and that was it.

Q. Where were you when you say you saw these police cars?

A. I'm not sure on that. What I thought it was either a block from the general area of the rooming hosue when I, when I,

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I assumed when I drove around this area I, just that when I got back there, I'd be pretty close to the general area. I'm not certain whether there was - The only think I am certain about is the squad car parked right in the middle of the street.

Q. What kind of car, can you repeat that please?

A. Squad car, police car.

Q. Parked in the middle of the street?

A. He had the street blocked off.

Q. You mean his car was facing sideways so you couldn't get through? Is that right?

A. That's correct.

Q. Was that a oneway or two-way street, that he had blocked off? Do you recall?

A. I think that was a twoway street.

Q. And best you can recollect what street was that?

A. That must have been Main Street.

Q. And how far was it from you rooming house that this police car was blocking the traffic?

A. I'd say it was a block, block and half. The reason I say that on reconstruction, according to the layout that I seen, the street here ordinarily, it would have been a block, but under the circumstances I think it was a block and half.

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Q. What do you man by that, under the circumstances?

A. I think the street angles off, it is longer than a block or something. That is what I have been told. I don't know. Let's just say it was a block, because for the sake of arguement.

Q. Well, Okay. This police car which was a block or block and a half rom your rooming house, which side of your rooming house was that police car on? The side when if you leave your rooming house and take a left, or is it on the side if you leave your rooming house and take a right, say the way you were going to the binocular store?

A. The rooming house would have been, the car would have been facing the rooming house to the best I can remember.

Q. What I'm trying to get at is, about a block or block and a half from the rooming house, is this police car which is cutting off the traffic, is that correct?

A. Yes, that's correct.

Q. Now, I want to know if you were coming out of the rooming house would you face left to see this police car or would you fact right to see this police car?

A. Left.

Q. Left?

A. Yes.

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Q. So the police car was a block or a block and a half on the side of the rooming house which is opposite the side of the rooming house where you went to get your binoculars?

A. That's correct.

Q. Did you have a conversation with any police officers at that time when you saw the car blocking the street?

A. I don't recall. They recall having conversation with me, but I, I - I was somewhat nervous at that time. I wouldn't recall any kind of conversation. Sombody might have waved me out or something, but --

Q. You say waving?

A. There was no conversation with anyone that I know of. Sombody might have hollered at me.

MR. SPRAGUE: Let me say this, just so I'm clear on this. How far was this police car that was blocking the street from the second gas station, approximately?

A. How far was the -- how far - was the police car from the second block, let me see.

Q. Approximately?

A. I'd say about, let's see, three, four, I'd just guess seven blocks.

Q. And with regard to the police car that was

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blocking the street, you were coming in the direction towards the police car and toward the rooming house as opposed to toward the police car, but away from the rooming house? Do you get what I'm asking you?

A. I think so.

Q. In other words, just to be clear, the rooming house let's say is here, here is a street. You said when you came out of the rooming house it would be going left?

A. Yes.

Q. The police car is down here somewhere blocking the street, so when you came up to the police car you are coming from somewhere out here towards the police car, and had you been able to continue you would be going on towards the rooming house?

A. No, I was coming from this direction here, this way.

Q. From which direction, would you show me please?

MR. LEHNER: Would it be easier for you to draw your own diagram or can you work with this one?

A. This is all right.

MR. SPRAGUE: Here's the street and here's the rooming house.

A. My recollection versus what people have told me.

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Q. Forget what people have told you, just tell us what you remember?

A. Well, here is, this is my recollection. The filling station was down here, you go about three blocks or four down here and turn right somewhere down in here, maybe four or five block, maybe more, I don't know, then I came up this way, then I came up this way, and where I started to turn along here and I saw the car blocking the street.

Q. Okay.

A. Then, I went this way.

Q. In other words you did not come up to the police car?

A. No, I just looked down that way and started to turn and went the other direction.

Q. And you turned this way?

A. That's correct.

Q. All right, when you came out here you would have been turning in the direction back to the rooming house, but instead went the other direction?

A. That's correct.

Q. So that the street you were on when you came up to where you first saw the police car was not the

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main street, that was where the rooming house was, but was a street that came into the main street?

A. Yes, that was a street that came in. Now, this is, I'm not positive this is Main street, but I assumed it was.

Q. When I'm saying main street, I just mean the street, that was the rooming house street.

MR. KERSHAW: You don't know the name of the street the rooming house was on?

A. Well, it's on Main, but I assumed this police car was parked on Main, but I'm not a hundred percent positive because I wasn't familiar with that area.

MR. SPRAGUE: Now, my next question is, this street you're coming on to, the main street of the rooming house street, is this the first street that is to the left of the rooming house? I mean are there any other streets between the rooming house and that street coming to the main street?

A. Well, I don't know, no, well, I'm not even a hundred percent sure that this street is main street.

Q. Well, forget the name of it, it's the street that the rooming house is on?

A. Yes, I couldn't tell you how far it was from there because --

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Q. Are there any other streets that are coming in between the rooming house and the street you were on?

A. I couldn't, I don't know, I'm not familiar with this area down here. I went out this area and went through the black section of town, but the other streets here I'm not familiar with.

Q. Now, as soon as you came from the street into the rooming house street, you saw a police car blocking the road, is that correct?

A. Yes.

Q. And he was somewhere between this intersection and just up here somewhere towards the rooming house?

A. It appeared to me that he was blocking off another intersection, but of course, I could be wrong, but I think he was blocking off an intersection down further on.

Q. What do you mean about that?

A. There has been some discrepancy on just how far the police car was from me.

Q. Well, you just tell us what you think?

A. Well, I think it was, he would have been further away than --

Q. But there is no doubt in your mind that when you came out from this side street on to the rooming house

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street the police car was to your right?

A. Yes, I'm positive of that.

Q. And secondly, the police car was on the street that the rooming house was on?

A. Well, I'm not positive of that, but I assumed the police car was on the street, see I'm not familiar with this area up here, but I am familiar with that place, because I was down there, but I think there was the assumption that this was Main Street and that I turned left and went off into the --

Q. And as soon as you saw the police car on this street, the police car being to your right, you went to the left?

A. That's correct.

Q. You were starting to make a right turn until you saw the police car?

A. Yes, I think I saw other things too, but I'm not --

Q. What else did you see?

A. I'm not clear what else I saw, but I saw --

Q. To the best of your memory.

A. But I saw enough to get out of there. I may have saw someone running around, around there, but I'm

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not positive, but the only thing I'm positive I know the police car was there, that was enough.

Q. From the time you left that second gas station until you saw that police car on your right, did you hear any sirens?

A. Well, that would be hard to get in your mind, because in large cities you always hear sirens and things like that. If it was right behind me or something like that there wouldn't be any problem.

Q. Do you have a recollection of hearing any sirens?

A. No, I don't have any recollection.

MR. KERSHAW: Was this a complete intersection or does this street deadend, do you remember that?

A. I don't have any idea. This is from my recostruction. The Mississippi River is over here some place, but I never been in that area.

MR. LEHNER: Now, when you left the rooming house, was there just one exit that you left the rooming house each time when you went, went out into the sidewalk or were there different exits that you used coming from the rooming house.

A. No, I believe there was just one exit coming down the stairs.

Q. And that was on to the street where Jim's Grill

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was, on one side and Canipe's was on the other?

A. Well, I don't know about the Canipe's, except what I have heard. I think that Canipe's was somewhere beside Jim's Grill.

Q. But that was the exit you used from the rooming house, the one that had Jim's Grill underneath it, is that correct?

A. Yes, that's the only exit that I used.

Q. And that street where the rooming house was on, you heard that is Main Street, is that correct?

A. Yes, I have heard it was Main Street.

Q. You didn't know it was Main Street at the time?

A. Yes, I was almost positive that it was Main Street.

Q. Was that a one-way or a two-way street?

A. I don't have no idea.

Q. And when you were parking your car in the vicinity of Jim's Grill, how was your car facing, was it facing towards where you think the police car was, or was it facing towards where the binocular store was?

A. The car.

Q. Yes.

A. It was facing toward the binocular store.

Q. Now --

MR. SPRAGUE: At that corner where you saw the police

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car to your right, was there a traffic light, a stop sign, or what?

A. I don't recall, I don't, my guess is that there was no stop sign because I don't recall looking or seeing one. If I were turning making a right turn I'd have to get a green light, I wouldn't have run a red light or anything like that, so I don't, I'm just not positive on that.

MR. LEHNER: Had you stopped at this intersection before eventually making this left turn?

A. Had I ever been there before?

Q. No, on this occasion, did you stop at this intersection or was it a continuous turn where you were starting to turn right and then you changed and turned left?

A. Yes. I just started to turn right.

Q. And then you started to turn right, you saw the police car is that right?

A. Yes.

Q. How far away from you was the police car at the time you started to make this right hand turn?

A, I thought I was a block or at least --

Q. And did you see -- What did you see pertaining

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to that police car other than it was blocking traffic?

A. Well, I didn't wait around to look at all the writings and everything, I just noticed there was a police car.

Q. Was the dome light flashing?

A. No, I didn't even notice that.

Q. Were there any policemen in the vicinity outside of the car?

A. I think there may have been one, but I had a recollection that there was one inside of it, but it was just a fleeing moment, so I got out of the area.

Q. Did you see a fire station?

A. No, I didn't see any fire station.

Q. Do you know of any fire station in the vicinity of the rooming house?

A. I know about it since I read about it.

Q. No, I mean do you recall?

A. No, I don't.

Q. Now, when you started to make this right turn, did you then back up to make this left turn or did you make a right and then just swing around to make a left?

A. No, I think I just, when I turned, I turned left here. I don't know, I know I got - I'm - I got off this

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street pretty quick, I'm almost positive because I almost got lost, in fact, I did get lost down in this town because it was, I guess what you call the ghetto area or some -- The streets are all running different directions and a lot of people down there. I'm not positive of how I even got out of town. I just know I went the general direction of south.

MR. LEHNER: I see, so you started to make this right and then you swung around and made the left, is that correct? And this would be continuing on Main Street as you recollect?

A. I don't know if that's Main Street or not, but I believe, I kind of assumed it was from my earlier conversation from investigators.

Q. Now, you told us before when you - I was asking you did you speak to any police officer. You said, well, someone told you that they had spoken to you. Did you start to tell us something like that?

A. Well, someone told me that someone told me to get out of there. I have some recollection that someone may have waved or something, but I don't have any recollection of anyone speaking to me, because that wouldn't have been necessary anyway.

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Q. Let me see if I understand what you are saying? You are saying that as you sit here now, that you have no recollection of speaking to anybody or any police officer when you decided to get out of town when you saw the police?

A. I have vague recollection of somebody might be waving at me or something, but I don't have no recollection at all of anybody telling me to get out of the area or anything.

Q. But have you spoken to any police officers since that incident that told you that they did speak to you?

A. No, the investigators talked to the policeman. I think his name was Berry, and he told, he told them that he saw the car, came, come up and he told them to get out of there, he used a curse word or something, but I don't recall that. But I - If he did say it I certainly don't recall it.

Q. Who did this police officer speak to?

A. I think he talked to Robert Livingston, the lawyer.

MR. LEHNER: Our stenotypist has given us a signal that he could use a break. I guess we could all use a stretch, so maybe we will stop, stop at this time to continue in a couple minutes.

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MR. LEHNER: We have just taken a little break.

We have drawn a diagram, I guess Mr. Sprague started, and then you, you drew something on it. I'll just put the date, today's date is March 28, and maybe I'll sign it and if you will sign it to show that this is what we were discussing. I'll just make it Exhibit 1.

A. You want me to initial it?

Q. Could you just sign it under my signature?

A. (Mr. Ray signs the diagram).

Q. Thank you.

Now, you were telling us about making, that you started to make a right turn, then you made a left turn, you think it is Main Street, although you are not exactly sure that that was the street. What did you do next?

A. Well, I went in generally a southern direction, but I was winding around and going in different directions, but I know I was, kept in a generally southern direction, and I finally hit a main street going into Mississippi.

MR. SPRAGUE: Why did you decide just to get out of there when you saw the police car?

A. Well, I - There were guns around there and that's one reason, that's a violation of the law. I had a twenty year sentence in Missouri, and that's another one. I

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didn't want to be questioned by the police under any circumstances.

Q. What about --

A. I think maybe instinct might have been stronger than anyone of those reasons. I think the natural thing to do is just to get away, out of there, from the police.

Q. Well, was it because this police car was there on the same block that your rooming house was that you thought that this was maybe connected with that?

A. My intention was that to get out of the area so that certain, certain, maybe a few miles and call New Orleans and try to find out if something happened, and if it wasn't why I would have went on back.

Q. Well, let me ask you this. If you had seen a police car at let's say seven blocks away would you have just taken off or would you have gone back to your rooming house to return the car?

A. No, I think it would have had to been in the general area. It appeared to me in that general area, because of the way I drove around the service stations, cut back and cut back. I know I was in the general area of the rooming house.

MR. LEHNER: Now, your intention was to go where when you were going south out of the area?

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A. My intention was after I thought about it for a while, was to make a phone call somewhere a long the highway, somewhere between Memphis and New Orleans, maybe outside of the State of Mississippi. It was my intention to ride down about 15 or 20 miles and maybe not that far and call up and ask them if anything had happened or anything.

Q. Call up who?

A. Well, the telephone number I had.

Q. Of where?

A. In New Orleans.

Q. I thought you were telling us the last time that your intention was to go to New Orleans after you saw the police car. Was that what you told us the last time?

A. No, my -- Well, if I did, I told you wrong. My intention was never to go down there. I just wanted to call up first to find it out, if anything had happened in that general area. If they hadn't, I was just going on back.

Q. What telephone number did you call?

A. I don't have that phone number any more. I changed that in Mexico and I don't have no recollection what it was,

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Q. Who were you intending to call in New Orleans?

A. Well, it was a number, I used to have criminal contacts or whatever you want to call them.

Q. Was that the number that you said that this person Raoul had given you?

A. Yes, that's correct.

Q. Is this the number that you had called Raoul on in the past?

A. Yes, I had used that number in the past.

Q. Now, this time, who were you intending to call in New Orleans?

A. The same place.

Q. Well, you told us that Raoul was in Memphis. Whom did you intend to speak to in New Orleans?

A. Who ever answered. I never did - I don't believe I ever talked to Raoul on the telephone, maybe someone else.

Q. Who would you speak to on the phone on previous occasions?

A. I don't know who he was. I just used that name. I guess it was an associate or something.

Q. You say you changed that number while you were in Mexico? How did that come about that you changed the number?

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A. Well, see after we crossed this custom bureau in -- I think it is 40 or 50 miles inside the interior of Mexico. 40 or 50 kilometers. I was given another number, if I was ever to call back there again, and I recall part of the second number, but the first number I threw it away. I don't know when I threw it away. I may have threw it away in Mexico. I may have threw it away in Canada, but I don't have no recollection of where it is.

Q. You would call the first number and the person on the other end told you to call a new number in the future?

A. No, No, this Raoul he gave me this phone number in Mexico after we crossed this second customs place.

Q. So he gave you the new number to call?

A. If I ever needed it.

Q. Did you have that new number when you were leaving Memphis on the 4th of April as you were telling us?

A. Yes, I had it. That number --

Q. And did you still have that telephone number when you were apprehended in London?

A. I remember the last four digits of it. I thought I threw it away in Canada. I got stopped in a place up there, and I threw everything I had away.

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Q. So you are telling us that it was you intention to drive 10 or 15 miles out of Memphis and then call that telephone number in New Orleans?

A. I was -- My intention to drive for a few miles down until I seen a roadside phone or something and call up.

Q. What did you do?

A. Well, I think I drove about 30 minutes and that is all together the time it took me to get out of Memphis, which I guess it took me 30 minutes to get out of Memphis, and I heard on the phone, on the radio, that Dr. King had been shot, and I think some time after that, there was another bulletin about a white Mustang. So the first street or highway going left I turned left, and it started to rain, and I threw everything out of the car and went on into Birmingham.

Q. What did you throw out of your car?

A. Well, it was dark. I threw out everything I could find, plus, I tried to wipe the car for finger prints and everything, plus, I had a bunch of photographic equipment and I threw all that out. I don't think I threw everything out because it was dark, but I threw everything out that was large, that I could get my hand on.

Q. Did you make that call to New Orleans?

A. No. I didn't make it.

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Q. Why did you not make the call to New Orleans?

A. Well, I think two other people had been caught at that time.

Q. Why was that?

A. Well, that would have been an easy situation to get shot in or something. You had to assume the worst, and why should I call anyone with any type of criminal contacts in a situation like that. I wanted to keep away from them.

Q. Before you heard on the radio that Dr. King had been shot, did you know Dr. King was in Memphis on the 4th of April?

A. I don't think I had ever heard of him. I probably heard his name or something like that, Johnson, Kennedy maybe.

Q. I'm sorry, I didn't hear you.

A. I say, I don't ever recall mentioning his name or knowing very little about him except that I know I heard him on the radio or something.

Q. You said something about in Canada, and I thought you said the word Johnson. I don't quite understand what you meant to say?

MR. SPRAGUE: He said Kennedy and Johnson.

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A. Well, I mean, I probably know King and Johnson from radio, but I don't know all the public figures, at that time they were --

MR. SPRAGUE: But his question was, did you know that King was in Memphis?

A. I had no idea he was in Memphis

MR. LEHNER: And as you recall now, you don't think you even knew of Martin Luther King before the time you heard it on the radio that he had been shot?

A. Well, I probably knew he existed, because he was on the radio, but I never had any clear recollection of any public figures.

I see --

Except maybe Kennedy or Johnson or something.

Q. But you think you did hear of Martin Luther King before the time you heard on the radio that he had been shot?

A. Well, I may have heard him on the radio or something.

Q. Did you have an opinion about him prior to the time that you heard he was shot?

A. Well, the same opinion of all politicians or public figures, I don't -- They are looking out for their

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interest, and I'm trying to look out for mine.

Q. Did you ever say anything derogatory about Martin Luther King?

A. I don't ever recall mentioning his name any - in any derogatory or otherwise.

Q. Now, about how long was it from the time you saw the police car until you heard on the radio that Martin Luther King had been shot in Memphis?

A. Well, I'd just have to guess. I don't know. I'd say if it took me a half hour to get out of Memphis, 45 minutes or something.

Q. And you had not yet come to a phonebooth or a place where you could make a call to New Orleans, at that time, in those 45 minutes from the time that you saw the police car until the time that you heard the radio messages about Dr. King being shot?

A. Well, I wouldn't stop in Memphis to make any type of phone call. I don't recall seeing anything on the highway. I think the Highway was kind of a small highway from Memphis.

MR. SPRAGUE: Was you radio on when you saw that police car and you made that left turn?

A. It might have been. I usually play the radio all the time when I'm driving because it distracts me,

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when your driving. No, I don't think -- No, I don't think I put it on around town.

Q. Well, when did you put your radio on?

A. Well, I probably put it on when I got outside of town or something.

Q. Well, if you saw this police car and your thinking of leaving town, and you are thinking about calling someone in New Orleans and finding out what happened here, wouldn't you put your radio on. Maybe they would say something?

A. I doubt it, I don't think every robbery or arrest, I don't think they put it on your car radio. I never turned the car radio on to find out what the police are doing. I usually just turn the car radio on to, on the highway. I usually keep them on but when I'm --

Q. Well, why wouldn't you turn it on while you are in the city?

A. Well, it's kind of a distraction in the city. It's difficult for me to try and drive and listen to the radio and worry about the police pulling you over for traffic stuff and all that. I'm positive I never played the radio much in the city. But I use to keep it on on the highway.

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Q. So you turned it on after you got out of the city?

A. I would say so.

Q. And before you made that left turn on the highway?

A. I'm almost positive that I didn't have the radio on any time while in the city. I probably, when I hit the highway I snapped it on from reflex.

Q. This was the highway going to New Orleans?

A. Well, there are several highways going out of there. I never studied a map or anything. I know it was going south. I know it was going south, that's the only thing I know about the highway.

Q. What did that first broadcast that you heard say, as best as you can remember?

A. Well, the first broadcast I think it said that Martin Luther King had been wound or shot or something. I didn't say he had been murdered or anything like that. I just said it was some kind of a shooting or something. It was kind of vague.

Q. What else do you remember?

A. I don't remember anything else.

Q. Was there anything in that first broadcast that

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you heard as to where it occurred in Memphis?

A. No, I don't believe so.

MR. SPRAGUE: Was there anything about any car in that broadcast that you heard?

A. No, there wasn't no -- I'm positive it wasn't about the car in the first broadcast, I think the broadcas is a bulletin. I don't think it is the regular news.

MR. SPRAGUE: He interrupted you mean?

A. I think so, yes.

MR. SPRAGUE: And when you heard that nothing, yet, about the car, what did you then do?

A. I didn't make no association then.

MR. SPRAGUE: So you kept driving over this highway, south?

A. Yes.

Q. And you then heard a second bulletin, is that correct?

A. I'm not sure if that was a bulletin, That may have been the news.

Q. You heard a second matter on, what, can you best remember, did you hear in that?

A. Well, I don't know what else. I know they mentioned the white Mustang.

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Q. What do you remember that they said about a white Mustang?

A. Well, they said it was leaving the area or something like that.

Q. Did they tell you then whether King was dead or not?

A. I don't recall. I don't recall too much about -- I wasn't paying too much, a lot of attention to it until they mentioned the Mustang. I got interested in it them. I don't think--

Q. Was it after you heard them say about seeing a white Mustang leaving the area that you then took a left on that highway?

A. The first highway I came to, it wasn't a main road or anything like that. It was a small highway.

MR. LEHNER: How long from the time you put on the radio to the time you heard that Dr. King had been shot?

A. How long before I heard it?

Q. From the time you put on the radio until the time you heard it?

A. I don't think it was too long.

Q. Seconds, minutes?

A. No, I don't think it was that many, maybe 10 or 15 minutes.

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Q. Why did you think people in --

MR. SPRAGUE: You were outside of the city at that time?

A. Yes.

Q. How long after you were outside of the city before you heard that radio broadcast?

A. Of the shooting?

Q. Yes.

A. I think it was about 10 or 15 minutes.

Q. Why had you not passed any phone places between the time you left the city and the time you put the radio on?

A. Well, I hadn't seen any. I know I had been looking on the right hand side of the road. It is my recollection that, that is a kind of a small road too, and there wasn't too many. In Mississippi and Alabama you get on these small roads and a lot of times you don't run into telephone booths and big service stations on those type of roads.

Q. Well, were you still in Tenn. at this time?

A. No, I was in Alabama at that time. I mean in Mississippi.

Q. Do you know what highway or road you were on?

A. No, I've looked at maps, but there are so many.

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There was three or four going out of there and I couldn't determine it.

Q. And from the time that you got out of Memphis until you made this turn at Alabama, you didn't pass any telephone booths, telephone places on the right side of the road?

A. Well, I wasn't looking for any after I heard the Mustang.

Q. Well, up until, for the 10 minutes after you left the city of Memphis on whatever road, you did not see any telephone booths?

A. No, I was looking for one in a service station, because usually they have them, but I don't, I'm positive I didn't see any and there wasn't any to see, and I don't even recall, no, even seeing a service station even though there should be one that close to the city. But I just don't recall seeing one.

MR. LEHNER: Why did you think that the person in New Orleans would be able to tell you why the police car was blocking that street?

A. Well, I was always under the impression, I always used those various phone numbers, maybe five or six times, and I never had any trouble contacting anyone. They seemed to know where various other parties were at,

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This one party called Raoul, I never had any trouble, they never seemed to have any trouble locating him, so I assumed that if he was in the area he would call them and if he couldn't call them I assumed the worst. That he had been arrested with guns or something.

Q. Well, you were calling the New Orleans number thinking that they would know why that police car was blocking the street? Is that what you are saying?

A. Well, they would know if there had been some arrest for the gun charge or something.

Q. Well, how long was it from the time you left Raoul in your room until the time you saw the police car blocking that roadway?

A. Well, I would guess 40 minutes.

Q. And it was your impression if Raoul had been arrested during those 40 minutes he would have been able to call New Orleans and told them about it, is that what you are telling us?

A. No, I thought maybe they would have been able to contact him somewhere and find out if he had been arrested. They couldn't contact anyone. No, I was just calling up to try and get some type of instructions. To try and learn what I could learn.

Q. What I'm trying to understand is you left Raoul

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40 minutues prior to seeing the police car, you then upon seeing the police car some distance, you don't know how far from the rooming house, you decided to leave Memphis, go 10 or 15 miles, call New Orleans so that the people in New Orleans could tell you whether or not that Raoul had been arrested, is that what you are telling us?

A. Well, they could check on it. I don't have -- I didn't have no other alternative, I couldn't think of anything. I wasn't going back to check on it myself.

Q. Well, you had been arrested previously by police on previous occasions when, involving other cases? Is that correct?

MRS. KERSHAW: Excuse me, he is a fugitive, he had escaped from the Missouri Penitentiary, so he was what --

MR. LEHNER: I understand that Mrs. Kershaw, but it was your impression that if Raoul had been arrested during those 40 minutes that he would be able to make a phone call to his friends in New Orleans and tell them about it?

A. Well, he might have, or theymight have been able to contact him and find out what was going on because that didn't seem right to me, but of course, that is standard procedure when -- I know a lot of -- I have been in jail and people have been in jail that I knew, and we all tried

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to contact the police station and the certain parties there, and if he is then you usually leave town.

MR. SPRAGUE: You said that when calling down there you said you would receive further instructions. Are you saying that, that you thought there was somebody down in New Orleans who, lets say over this - this person that you called Raoul as well?

A. I know there was the people I have always called down there. The person has - was never Raoul. There was someone, an English speaking individual. As I say, I just assumed that, he could be an informant or something there, but that's really, on reflection is the only alternative I had was to call New Orleans.

Q. But I'm trying to find out, is it your impression that whoever was in New Orleans was over Raoul, the person who used the name Raoul?

A. No, I never got that impression. He just told me where certain parties was at.

Q. What - What did you mean when you said, you received maybe further instruction by calling?

A. Well, what should I do or something in that nature. Based on what he found out.

MR. KERSHAW: I don't want to interrupt ya'll's line, but could I ask a question?

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MR. LEHNER: Sure.

MR. SPRAGUE: Sure.

MR. KERSHAW: Did you have any intimation of what Raoul was doing in the rooming house. That is, you knew he was up to nothing legal, but did you have any intimation of what he was doing, in other words, did he give you any intimation that he was in the field for gun smuggling or what?

A. Well, I think I testified to that before here. I thought it was some type of gun operation, of course, on reflection you see things differently than you see them at the immediate time.

Q. Well, at that immediate time what went through your mind in regard to Raoul and a police car near the rooming house? Was it anything that you knew he was doing that could connect that car to him in your mind, at that time?

A. Well, I was concerned about the guns more than anything else. That's a serious offense. That's the first thing that went through my mind. It's a possibility.

Q. Well, all that you had done was bought him a perfectly legitimate hunting rifle. Had you bought -- Had anything been discussed in regard to illegal guns?

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A. Yes.

Q. What?

A. Well, I think as I testified, there was some talk about buying some surplus rifles at the Birmingham store. I did check a lot of them out. I don't know if I left my prints on them or not, and some talk about we were suppose to buy a certain amount of these, scope rifles, and I just assumed that they were for night-time shooting or whatever you were going to do with them.

Q. Did you assume that they wanted the Army surplus rifles for shooting moose at night in the Rocky Mountains?

A. No, I didn't. The surplus rifles were, I think, the were foreign imports or something. The ones I looked at in Birmingham, they were on the racks there. I don't know, mounted or something.

Q. Had Raoul given you any instruction or any indication whatever, that he might be involved in something in that rooming house that it might cause a sudden visit by the police?

A. Well, I guess that rifle was enough, plus the conversation that maybe I may get more and bring up there, there was enought conversation to that. I knew that it wouldn't be unusual for the police to break in there,

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And, of course, there was a lot of informants floating around there.

Q. Had you been nervous about working for Raoul within the United States all along?

A. Well, nervous may be the wrong word.

Q. Okay. What word may be right?

A. Well, there were certain -- Any type of criminal activities there's a certain, you get a certain feeling, you get certainly apprehensive, I think is a better word to describe it.

Q. Yes, and particularly in the United States for you?

A. I wasn't too concerned about Canada or Mexico, because they didn't have my prints, but in the United States you get caught with a traffic violation, they take your prints, and match them up.

Q. So your frame of mind all the time that you were in the United States was one of apprehension for the slightest offense, is that correct?

A. I think you can say -- I don't know, people disagrees with me. Some people complain that when they are on the sneak they're apprehensive all the time, but the only time that it bothers me on escape is when I'm driving a car or doing something that might be considered a violation of the statutory law, but I was never under any apprehension while I was just walking down the street or something like that.

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Q. Was there a phone in the rooming house?

A. I didn't see any. I don't think there would be any in that type of rooming house.

Q. You don't remember that at all?

A. No.

Q. It didn't occur to you to call the rooming house and ask for Raoul?

A. No, I don't -- I don't think, there was no phone in that place. A bathroom, that was about it.

Q. That's all I have.

MR. LEHNER: Was there a phone in Jim's Grill, downstairs?

A. I don't know if there was down there or not, I'm not sure.

Q. It is your impression --

MR. SPRAGUE: When had you seen the bathroom?

A. Pardon.

Q. When had you seen the bathroom?

A. I may have been in it one time or another, I'm not positive.

Q. When was that?

A. Well, I mean after, I may have used it one time, I'm not positive.

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Q. Do you remember when you said in answer to Mr. Kershaw's question, you said a bathroom?

A. Well, I said from my experience in that type of establishment, about the only thing in there is a communal bathroom, as far as telephones and --

Q. When did you use the bathroom?

A. When did I use it? I don't know if I used it or not. I assumed I may have used it once, but I'm not positive. But the reason I assumed that, they claimed they found my palm print on the bathroom wall and I thought that maybe if that was my palm print, then I may have been in there.

Q. Well, did you have any recollection of going in the bathroom?

A. Not no clear one. No, I don't have any recollection of using it period.

Q. Do you remember going to the bathroom at all that day, if so when?

A. Pardon.

Q. Do you remember going to a bathroom that day --

MR. KERSHAW: Any where.

A. It probably would have been in the tavern, but I wouldn't have remember something like that.

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MR. LEHNER: Is it your impression that the owner of the rooming house did not even have a phone at the desk or somewhere in the rooming house?

A. Well, I don't -- I don't -- I don't, don't recall I don't think, I just assumed a place like that, I have been in several places like that and I assumed that they don't have no type of telephones. Once in a while they have one hanging on the wall and you usually see it, and I didn't see anyone there.

MR. KERSHAW: Was there a register, was the rooming house up stairs exclusively, I mean, it was not up stairs and down stairs?

A. I don't know what was on the other floors.

Q. Where did you sign in, up stairs?

A. Everything was up stairs.

Q. Did you go into Mrs. Brewers rooms, or was there a reception desk or was it the type rooming house where you don't have a reception desk?

A. I don't have any clear recollection as it was just up front, or whether it was up front somewhere. She had a -- She had a office up there or something.

Q. You'd call it an office or something?

A. It's just a room with the door cut off or some-

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thing, I don't know what you'd call it.

MR. LEHNER: You didn't think of calling Jim's Grill to find out, to ask them there what the police were in the area for?

A. I don't think, I never had a phone number of Jim's Grill, in fact, I'm positive of that. I assumed --

Q. And you didn't think, I'm sorry.

A. Go ahead.

Q. And you didn't think of putting on the radio in Memphis to find out what the Memphis radio said about police activity in Memphis?

A. I -- I didn't think to put on the radio.

Q. Yes. Until you were 10 miles out of Memphis? In other words, you were concerned about what the police were doing in that area. Did it cross your mind that if you put on the radio in town that you might find out?

A. No, that didn't cross my mind.

Q. Had you read the Memphis newspaper that day?

A. I usually always read the newspaper, and I assume that I read it that day.

Q. Did you read it the previous day when you were staying at the New Rebel?

A. Ah, I probably read it the previous day, but I don't think I read it that April 4, because I don't

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know if I'd had time to read it or not.

Q. Do you know whether or not there was any union strike that was goingon in Memphis at the time you were there on the 3rd and 4th?

A. The only recollection that I had of any kind of trouble there, was this guy that I purchased the binoculars from. He was having some type of trouble.

MR. KERSHAW: Who?

A. That could have very well been that.

MR. SPRAGUE: The guy that he purchased the binoculars from said something -

MR. KERSHAW: Yes, I thought about that a little while ago.

MR. LEHNER: Well, at the time up until the time that you heard the radio flash about Dr. King being shot, had you heard of anything pertaining to a sanitationmen's strike in Memphis?

A. No. No, I have no recollection.

Q. And you recall reading the Memphis paper on the 3rd of April?

A. I don't recall, but lots of times I buy it and look at the sports section or something. I don't specifically recall. I know they say they found it in my luggage or something, but I'll just assume that I bought it.

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Q. And what luggage would that be?

A. Well, the luggage they found laying on the street, in Main Street.

Q. And when did you buy that newspaper?

A. Where did I buy it?

Q. Where and when?

A. I have no idea. It was, I think it was, it was apparently the Commercial Appeal. So if it was the Commercial Appeal, I probably bought it in the morning.

Q. And you, of course, a fugitive from justice. You were concerned with what was happening in any town, that you happened come into, on the score of whether or not there was any unusual police activity or there was anything that might be relevant to your being able to stay away from the authorities?

A. Well, almost everytown I went to at that particular time in history, there was some type of unusual activity going on. I usually tried to keep away from that except where it was necessary.

Q. Do you recall seeing in the Commercial Appeal the news items pertaining to Dr. King being in Memphis; pertaining to the sanitationmen's strike?

A. No, that wouldn't interest me a bit. The strike or anything like that, If I read it, it wouldn't have stayed

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with me, that wouldn't have been no interest to me.

Q. The same thing about Dr. King? If you had read about Dr. King, that would not have stayed with you?

A. That would have been the least of my interest, something like that.

Q. And if you saw a headline pertaining to Dr. King, you would not have read that article?

A. I wouldn't have paid it no attention.

Q. Did you know at the time that you heard the radio broadcast, did you know up until that time, where your rooming house overlooked, other than the front? Did you know where the back portion of the rooming house overlooked?

A. No, I had no idea.

Q. When you heard that first bulletin on the radio, did they state, did the radio announcer state where Dr. King was when he was shot?

A. No, I don't think there was any, the only thing I remember is just him breaking in and saying something about, about shooting and saying that Martin Luther King had been shot.

Q. And when you had spoken to Raoul, had it ever come up in any of the conversation that he was interested in shooting Dr. King, or anyone associated with Dr. King?

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A. No, there was no mention of anything except what I consider common criminal activities.

Q. How much time was it from the first radio bulletion where you heard that Dr. King had been shot until the second time when you heard about a white Mustang being sought?

A. I don't think it was too long. I would guess that it would be about 15 minutes, but I'm not positive.

Q. Now, when you first heard about Dr. King being shot, did you then realize in your mind that this had nothing to do with you, because you had left Raoul 40 minutes before in the rooming house and no discussion about Dr. King and that therefore, Dr. King's being shot had no relationship to you or Raoul?

A. The only connection I had was when they mentioned the Mustang and I thought some type of --

Q. I'm talking about the 10 or 15 minutes between the time that you first heard the bulletin until the time that this Mustang was mentioned, when you first heard the bulletin that Dr. King had been shot? Did you in your mind then realize that this had nothing to do with you or Raoul?

A. I didn't even pay too much attention to that.

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There was another bulletin and I listened to it and I think music was on before it, and --

MR. SPRAGUE: But his question is that when you heard that, did you at least then assume that that must have been what that police car was blocking the --

A. No. No, there was no connection there whatsoever.

MR. LEHNER: Well, when you heard that Dr. King had been shot in Memphis you realized that that was an important occurrence?

A. Well, so far, I never considered it an, well, I had other interest and other concerns. That really, of course, if it just, if it been my brother or something, then it would concern me more than someone --

Q. I'm not asking you whether it was important to you, was it important to, to the people in Memphis, did you realize at that time when you heard that Dr. King had been shot that it was an important occurrence to the people in Memphis?

A. No, I didn't make that type of connection.

Q. Well --

A. Just the only connection I, was that just a public figure had been shot and that happened not infrequently and that was just, I just never considered it all that important.

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Q. Well, did you realize

A. I don't want to seem callus about it, but --

Q. I'm not asking about your reaction, I'm asking you whether when you heard that Dr. King was shot in Memphis that that was an important occurrence to the people in Memphis as far as the authorities considered it?

A. Yes, the authorities, I don't know if it's important to the average person. I know if you think about it, if you reflect on it, of course, it would be important to the law enforcement and politicians.

Q. Well, it was also important to the people in Memphis, was it not, in that at least the radio station thought it was, in that they interrupted their, regular broadcast, to announce it as a bulletin?

A. You are talking about.

Q. About you making that connection?

A. No, I don't know, I think there is a certain, I think there is a certain separation between the average person and the power structure. I can see where something like this, a public figure being shot, could be very important to the police officials, the mayor, and the people that control the city, but I don't think of the, but I'm just telling you what I think. Now, it wouldn't been something

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that would cause me to get real excited, but because things like that happen so much.

Q. Well, you realized that the people in authority, the police, would be interested in it?

A. Yes, I realized that the police would be interested, that's their job.

Q. Now, did you connect the fact that the police - man had blocked that roadway with the fact that the policemen would be interested in the shooting of Dr. Martin Luther King from the time you heard that first broadcast?

A. Well you see, I don't connect things like that, too much, police they go around sirens and blocking roads and all the time just, I don't consider it an important event just because the police happened to block off the road or something. Unless there is something else.

Q. Let me just --

MR. SPRAGUE: Well, if you consider it important enough for you to get out of town because you thought it involved maybe guns with this person called Raoul --

A. To me personally, it was of interest, yes.

Q. Well, what he is saying, is when you heard that King was shot, didn't you then at least assume, well that that must of been what the police car was there about?

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A. No, I didn't make that connection.

Q. Let me ask you, when you said that happens all the time, the shooting of public figures, what do you mean by that?

A. Well, I'm not referring specifically to the United States, but almost every day when you pick up the paper somebody has been shot in Lebanon or Northern Ireland or something like that, some important official and it's, you know, I don't, you can sympathize with someone's family, but at the some time you don't since it don't connect with you directly your don't get too excited about it, because there is so much.

Q. When you heard that King was shot, did you think that Raoul may have had something to do with that?

A. Well, the first, I thought possibly when the Mustang was mentioned.

Q. No, when you first heard that King was shot, did you think that Raoul might have had something to do with that?

A. No, I don't think that went through my mind at the time. I don't think, I really don't think, I don't think the first incident that I heard King was shot. I don't think it made any impression on me anyway except of course, it distracted me cutting on the radio and it was in my mind under the circumstances, but, of course,

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I thought it was more or less your ground movement they was working all the time. When you see the police around, I don't think I made any type of connection until I heard the Mustang, that affected me personally.

Q. At that point, did you think that Raoul may have been involved in the shooting of King?

A. I assumed then, I had to make that assumption.

Q. Well, was that the assumption you made?

A. Well, the assumption I made was that they would probably be after me in the Mustang.

Q. But did you assume that Raoul, or whoever was being called Raoul, did the shooting of King?

A. Yes, I assumed someone up there may have very well may have.

MR. LEHNER: Was there anybody else in the room other than this person called Raoul?

A. I never saw anyone if there was.

Q. You assumed that the shooting had occurred from the rooming house at the time you heard about your white, a white Mustang being mentioned in connection with the shooting?

A. Well, that went through my mind with all them rifles and things up there, but I didn't make any, I didn't

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give that too much thought actually after I heard the Mustang and King, and things on the radio. I just thought of unloading the car and the only thing that was in my mind at that time was to get rid of that car and get out of Atlanta as quick as possible.

MR. KERSHAW: Do you know about where you were when you unloaded the car?

A. I was going towards Birmingham at the time, in that general direction.

Q. What specifically did you throw out?

A. Those large cameras. I threw them out. They were still in the case. I just threw out everything I could get my hands on.

MR. SPRAGUE: What kind of cameras were they?

A. Pardon.

Q. What kind of camera?

A. I don't know what kind, they were pretty expensive. They were still in the case.

Q. Who had bought them?

A. I had bought them for this Raoul or whatever you called him, but he never did seem to want them. I offered them to him in Mexico or sometime. I finally threw them away.

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Q. Were they American cameras, foreign cameras?

A. I believe they were American cameras.

Q. Were they 35 mm?

A. I don't have any - I don't know anything about cameras. The information was written down what he wanted, I ordered it, I got everything I ordered.

MR. KERSHAW: Well, was the camera about the size of that box there (pointing to mini cassette recorder).

A. No, this was bigger. This was a moving picture camera.

Q. Oh, a moving picture camera.

A. The type you take, like a TV camera, something like that.

MR. LEHNER: Did you know what area the room that you had over looked on to, as far as the window was concerned?

A. Well, it was my recollection that the room was closed in. It was kind of dark.

Q. What made you believe that Raoul was in anyway connected with the shooting of Dr. King?

A. What lead me to believe that? Well, the Mustang stands out more than anything.

Q. Well, how was the fact that the Mustang was mentioned, how would that connect Raoul?

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A. Well, the Mustang was mine. I was associated with Raoul. I wasn't really concerned about other parties, Raoul or anyone else, I was just concerned about myself.

Q. Isn't it true from your account, that your Mustang could not in anyway have been connected with the shooting of Dr. King since you had been driving your Mustang to these gas stations and weren't in any area where Dr. King was? Wasn't that - Wasn't true that you knew that?

A. Yes, I knew that, but they were still looking for a Mustang.

Q. Well, how did the fact that they were looking for a Mustang connect in your mind the fact that Raoul was involved in the shooting of Dr. King?

A. Well, it seems simple to me especially when you are in a postion that I was in. The police were after me and everything. I really don't have to make any, I didn't have to have any documented evidence or anything that they were looking for me, I just --

MR. KERSHAW: Excuse me, didn't you testify or say a while ago that the Mustang had been parked or moved in front of the rooming house?

A. No, it was parked in a certain area.

Q. It had been seen around the rooming house?

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A. Well, even the Mustang had been parked 20 miles from the rooming house, I still would have been cautious enough to find out who the Mustang they were after, of course, I can see your point, but of course, that wouldn't make any difference where the Mustang was at --

MR. SPRAGUE: What was it that you heard on the broadcast about the Mustang?

A. I don't remember all the details. They said that the Mustang was seen in the area or something, seen leaving the area, I'm pretty sure that is what they said.

Q. Well, that is all true, isn't it? The Mustang was in the area and the Mustang left the area, I mean, what you heard of the broadcast isn't that true?

MR. KERSHAW: And that made you move away faster isn't that right.

A. Yes.

MR. SPRAGUE: Well, now, lets take first, what you heard on the broadcast about the Mustang was true wasn't it?

A. Yes, that's correct, the information. They didn't give the specific details on it or anything.

Q. But they said a Mustang was seen and a Mustang was seen leaving?

A. Yes.

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Q. You did leave and so that part is true, isn't it?

A. Yes, that's correct.

Q. And regardless why you wanted to leave, his question, Mr. Lehner's, is since that part of it, the broadcast about the Mustang is all true, even though you didn't do anything, why did you then start to think that Raoul must have been involved in the shooting of King?

A. Well, he ahd been associated with the Mustang, and he had been associated with me.

Q. But you are saying that you were in the Mustang, had been in the area, you had left town, you know that that had nothing to do with the shooting of King. Right? Right?

A. That's correct.

Q. So why when you heard the very things you knew to be true about the Mustang did you start to think that Raoul must have been involved in the shooting of King?

A. Well, I had to make that assumption because from what I had heard on the radio and what I just, I didn't try to you know stop, stop --

Q. Did the Mustang have to do, have anything to do with your making the assumption that Raoul was involved in the shooting of King, or was there something else?

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A. Well, no, I can't think of anything else except that.

Q. Well, it can't be the Mustang, because of what they are telling about the Mustang is true. That has nothing to do with the shooting of King so why, what ran through you mind that made you think that Raoul was involved in the shooting of King?

MR. KERSHAW: What do you shoot people with, a gun?

A. Well, yes, I'm trying to respond to these questions --

MR. SPRAGUE: Do you get what I'm asking you?

A. Well, I'm trying, I see its kind of long, the question is kind of long and I --

Q. What I am trying to say, since the things they are telling about the Mustang is true, whether you decide you want to get out of there or not, that has nothing to do with it. It must have been something other than the Mustang to make you think that Raoul was involved in the shooting of King. It can't be the Mustang.

MR. REYNOLDS: Was that the first time you put the crime in the area?

A. Let me try to get one question at a time.

MR. SPRAGUE: Do you get what I'm saying, James?

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A. Well, I get a general idea of what you are saying, yes.

Q. Well, let me repeat it again.

A. Yes.

Q. All that they are saying on the broadcast about the Mustang, is that the Mustang is seen in the vicinity and the Mustang is seen leaving the vicinity, that is true.

A. That' correct, yes.

Q. That's got nothing to do with Raoul.

A. Yes.

Q. You are the guy that's in the car and your the guy that's driving it out of there?

A. That's right.

Q. Now, if when you hear about the shooting of King, you then think that Raoul maybe involved in the shooting of King, it's got to be because of something else that you know other than the Mustang. It can't be any tie in with the Mustang there, the Mustang's got nothing to do with that.

A. Well, as I testified a while ago that the guns were considered originally, but --

Q. Now, is that one of the things that when you heard this broadcast about the shooting of King, because

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you had taken a rifle up there that you then thought that Raoul maybe involved in the shooting of King?

A. Well, I hadn't actually taken the rifle up there, but I made the assumption that he took it up there, but this was this stuff runs through your mind, but --

Q. Well, that's what I'm tring to pin point, when you started to think Raoul maybe involved in the shooting of King, what was it that you were thinking of? It can't be the broadcast about the car, it's got to be some other things and what were they?

A. Well, of course, the guns always was a consideration, I thought that when I, I first pulled out of the area in the car, but I hate to keep getting back to this same thing, but that Mustang was really what concerned me.

Q. That's why you wanted to get out of there, but I'm trying to find out what is it that made you decide or think Raoul may be involved in the shooting of King?

A. Well, I think it was his association with the Mustang, he was in the general area and, of course, the guns. I really didn't connect the guns, it might have went through my mind. There are certain things that go through your mind and they don't stay there. It seemed like, but I evidently gave these guns some consideration

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after I heard the shooting, but I don't--

Q. Did you hear the shooting?

A. Did I hear the shooting? No. But I evidently considered the guns, but that wasn't, that wasn't the upper most thing in my mind. The upper most thing was that, I don't want to keep getting back to that Mustang, but that's, that's what, that's what I think I probably forgot everything else.

Q. Did the broadcast that you heard about the shooting of King, the first one state that he was shot by someone with a rifle?

A. I don't have no clear rec - clear recollection of that. It said, the only recollection I have of that is that it said he was shot and that was it.

MR. KERSHAW: Did it say with what?

A. I didn't hear any details.

Q. Do you know how Raoul got to that boarding house?

A. No I don't know anything, how he --

Q. You - You met him I believe you said in Jim's and then ya'll went up to the boarding house together? Did you see him drive up in any vehicle?

A. No, I never saw any other vehicle.

Q. Did you evere see --

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MR. SPRAGUE: He didn't say, by the way, that they went up there together.

A. Pardon.

Q. You didn't say that you went up there together.

MR. KERSHAW: Did you go up to the rooming house together?

MR. SPRAGUE: He said he met him at Jim's and then he went up to the room.

A. Yes, there's some question. I think your right. I think I explained all this when Hanes, when he first took the case, that I made some errors on things, but of course, you're not interest in what I told Hanes, I suppose, but --

MR. LEHNER: No, you can tell us.

MR. SPRAGUE: No, no.

MR. LEHNER: Explain that to us.

A. Well, now, I think what I'm going to do is, I'm going to give you all these papers.

MR. SPRAGUE: Well, let me say this. I have got not interest in trying to trip you up. I'm trying to understand each step a long the way here, and the fact that something is said a little different, I'm not trying to catch you.

A. I -- I see your point, what you were trying to

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connect Raoul and all that stuff, but I --

MR. SPRAGUE: See, I'm interested -- You said that you thought that Raoul or someone in this rooming house did the shooting of King. Now, what is it that you heard that made you think that, because I don't see how the car bit could make that association, because you are the guy in the car.

A. Well, if I, I made the assumption that if I didn't, then someone else had to. So---

Q. Now, you are talking about someone else that might be after you, and why are you getting out of town?

A. No, I'm talking about the shooting. I think you make the assumption that if you don't do something, somone else did do something.

Q. But if you didn't do anything wrong with the car, and all the broadcast is, is something that you were doing with the car, getting out of town, which you did, that doesn't associate in your mind that Raoul is involved in the shooting, does it? Because you are driving out of town, that means to you that Raoul is involved in the shooting?

A. When they mentioned the Mustang, and all, these other things fall in together, the guns that --

Q. Well, did they mention guns?

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A. No, but I knew there were guns up there. I assumed there were guns up there, myabe more than one. So that is just something, I think that is just something you have to assume as prudence and --

Q. What else did you disgard fromthe car other than the cameras?

A. Well, it was dark and raining, Camera, I don't think there was too much else that I disgarded, anything of importance.

Q. Had any pictures been taken with those cameras?

A. No, they had never been taken out of the cases. Now, these weren't cameras, they were -

Q. Movie?

A. -movie films, yes.

Q. Movie films or movie cameras?

A. They were cameras. They were in some type of a - I don't know what kind of a case they were in.

Q. To take pictures?

A. I don't know too much about them, the only thing I --

Q. Or to show pictures?

A. I think they were, I don't know what they were. I had it wrote down. This information of various, was written down and I had it written down and later on I sent the letter to the company, bit it is all greek to me the technical.

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Q. Well what's the reason for throwing stuff like that out that hasn't even been used for anything?

A. Well, I just wanted to get rid of everything that would connect me with the Mustang. Or that would connect me with anything. I wiped my finger prints off the Mustang. Got rid of everything. Of course, it was dark in there, it was dark during this time I was unloading it, and that's about it. The police may, the FBI may have the cameras, I explained in detail where they were at.

MR. LEHNER: How much had you paid for the camera equipment that you had thrown out of the car?

A. It's pretty expensive, I don't remember correctly.

Q. Approximately how much?

A. Five hundred dollars.

Q. Now how would that have connected you to the crime in anyway?

A. I'm looking at things from a criminal point of view. Now, I assumed the cameras were to be sold in Mexico, ah, because they are expensive down there, but --

Q. How would the fact that those cameras were found on your person, how would that have connected you to the crime of shooting Dr. King?

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A. I didn't think they would connect me with that. I was trying to get rid of anything that would, would leave any type of trail to me or anything or help the police in any manner.

Q. How would that have helped the police in getting a trail to you?

A. Well anything helps them. I think the prosecution the prosecutor's trying to get everything possible that, you know, it may not be relevant, but it looks good to the jury. Well, say,here he's bought this and all this. I was just trying to get rid of everything including the car and everything else that could have been associated with me.

Q. Well, you needed money because you wanted to to travel away, away from that area, is that right?

A. Yes.

Q. Why did you throw the camera equipment away, that you say you bought for about $500, that was new and hadn't been used, rather than selling it?

A. The same reason that I threw the car away. I didn't want to -- I didn't want to slow down for anything. I had the check in my pocket, I threw it away. I got rid of everything after this.

Q. Well, how would the camera equipment have connected

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you to or helped the police find you?

A. I don't know. That might have been an irrational move. I don't know. I just -- The only thing I knew, I wanted to get rid of everything that I possibly could. I wiped the prints. I just wanted to get -- I couldn't give a rational reason for everything.

MR. KERSHAW: Let me ask you this. You met Raoul at the Rebel Motel, when?

A. That was sometime in the evening of April the third.

Q. And Dr. King was shot on April the fourth?

A. That's correct.

Q. Did Raoul drive up to the motel in any kind of vehicle?

A. I have no Idea.

Q. Did you ever see another Mustang parked in front of the rooming house?

A. I have a recollection. I think I explained to attorneys before that there were several white cars parked there, but what make or model I don't have any idea.

MR. LEHNER: Well, you've met this, you've me Raoul on different occasions as late as the last time you met him before the rooming house, was at the New Rebel, is that right?

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A. That's correct.

Q. What car did he drive?

A. I have no idea.

Q. Well, when he came to the New Rebel he came in a car, didn't he?

A. I don't know. He came to the door with a rain coat on and he knocked on the door, I let him in, I didn't see any car.

MR. KERSHAW: You are well familiar, I believe Mr. Hanes says in writing in his piece in Look magazine, I believe states that there were two white Mustangs parked in front of the rooming house and one of them had a white, I mean, a long whiplash aerial, do you recall? Did you and Mr. Hanes discuss that?

A. He discussed that. He questioned me about it, but I don't recall seeing any type - that car around around there.

Q. What color was the upholstery of that Mustang you were driving?

A. I don't recall. I think it was red, but I'm not sure.

Q. Did the police mention the color of the upholstery, or did they just say white Mustang?

A. No, I don't recall.

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Q. But Raoul had bought this Mustang for you, or had given you the money to buy it?

A. We bought it together.

MR. LEHNER: I'll take that up.

MR. KERSHAW: Is that what associated - was a strong association then between the white Mustang, the gun, and Raoul, and the Police report near by?

A. Well, these things all run through my mind, there is no doubt about the white Mustang since that was mine, and I was driving that stood out more than anything else.

MR. LEHNER: What check did you throw away.

A. What check?

Q. You mentioned a check.

A. When they sent these camera equipment, they sent the wrong camera. I sent it back, and I think I sent additional money to get the correct camera, and then they sent the check back. I changed addresses three or four times in the meantime, so I finally got the check, I think I got it in California and I neglected to get it cashed.

Q. How much was it for?

A. I think it was about 150 or 60 dollars.

Q. And made out to what name?

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A. I think it was made out to Galt.

Q. And it was made out by the camera people?

A. That's correct.

Q. Why did you not cash that check?

A. Negligence I guess.

Q. Why did you throw it away?

A. Well, they were, I think they were looking for, I assumed they were looking for me at that time, I think.-- Did you say when I threw it away?

Q. Why did you throw it away?

A. Well, naturally I couldn't cash it at that time.

Q. Why couldn't you cash it?

A. I thought the police were looking for me at the time.

Q. When did you throw it away?

A. I'm really not certain. I had a lot of these - stuff in my billfold. In Canada when I went up there the second time and the police stopped me and another fellow for jay-walking, and he asked me my name and identification and address, and I gave him a name and I had some address of some hippies, some Lonely Hearts outfit, So, I gave him that address and I went back to the room then and flushed all, everything I had, and that name down the drain.

Q. That was in Canada?

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A. That's correct.

Q. Let me ask you this. At the time you threw the camera equipment away it was unused? Is that correct?

A. That's correct.

Q. And you purchased it for about how much money?

A. $500.

Q. And at that time you were driving to where?

A. I was going in the general direction of Birmingham.

Q. And all you had heard on the radio up until then was that Dr. King had been shot, and that a white Mustang had been seen leaving the area.

A. Yes.

Q. Just based on that, on those broadcasts, you decided to throw away $500 of new camera equipment, that you had purchased under the name of Galt?

A. Yes.

Q. Can you explain that to us?

A. Well, I don't know if any explanation is needed. I just decided I would not only to throw that away, but to -- get rid of the car and everything else. I would throw everthing away.

MR. SPRAGUE: Mr. Ray, let me ask you. Did

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you shoot Martin Luther King, Jr.

A. No, I did not.

Q. Did anyone at any time offer you money to shoot, to kill him?

A. No. There was never any offer, not for that.

Q. Did you know before he was ever shot or killed whether or not anybody was talking about raising money to have him killed?

A. Did I know that?

Q. Yes.

A. No. I had no idea of that at all, of course, I have heard of people that have lied about that situation, but I don't --

Q. Then the answer is, no then, as far as you know.

A. That's correct.

Q. Is anybody offering you money to keep your mouth closed about the killing of King, and they're offering or paying money to have it done?

A. Have they offered me money?

Q. Has anybody offered you money or promised you money eventually for the killing of Dr. King, and for you to keep your mouth shut about it?

A. No. I have never had any contacts since April 4th with anyone.

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Q. Was there any offer of money before April 4th for you to kill King, and that they would take care of you?

A. No. There has never been any type, that type offer.

Q. Would you be willing to, as I read in the paper, to take a "lie detector test" to that?

MR. KERSHAW: Yes. I was going to go into this today.

MR. SPRAGUE: Wait just a minute so that this whole area and secondly would you be willing, and I'll explain our rules to you in a minute, for us to have these tapes submitted to the "stress evaluator" for evaluation also; but let me tell you at the same time, that under the rules of our Committee, even if you should agree to it, it would not be unless the Committee itself agreed to it, notice it's not just you, they have to agree, and there is another rule that the Committee, that even if you don't want to take the test there is never to be any mention made that you don't want to take the test; and secondly, in the event you want to take the test there is never to be any mention made of the results of the test for purposes of coming to any conclusion. So, I wanted to explain that to you, and this is something you need not even answer right now. I just put that there, and you can think about it,

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MR. LEHNER: Mr. Kershaw, I just wanted to add this, that the results of the tests are to be used for our purposes, for investigation, not to be, not to be publicized.

MR. KERSHAW: Yes, Jim and I discussed this, and I had explained to him what I felt must be your rules, which was pretty much along the lines that ya'll were investigating and that you were not a court, and all you were impowered to do was to try to find answers, and that he need not be submitted to the court,and Jim has expressed a willingness to submit himself to a polygraph test. I have not discussed with him the stress evaluation of these tapes and he'll have to tell you that himself. But I was very much impressed this weekend reading all of Mr. Foreman's deposition, and I have glanced at Mr. Huie's deposition, and I have always been very gravely concerned with Gen. Clark's gratuitous announcement two days after the shooting that it was an action of a single man, and there was no conspiracy. Now, this is a statement, as you realize, by a high law enforcement officer in the United States. I think this is prejudicial to any defendant's day in court. So, I would like to see polygraph tests of James Earl Ray, William Bradford Huie, Percy Foreman, and Ramsey Clark. The latter with some reservation, I think that Ramsey Clark is an honest man, and that he wouls simply submit himself to an affidavit or a sworn statement that might be satisfactory. But the statements of Ray, and the statements of Huie, and the statements of Foreman are so diametrically opposed that somebody is lying. Now, here is one man that is willing to put himself to a polygraph test, if they are.

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MR. SPRAGUE: Well now, of course, I cannot put anthing conditional on anybody else, and I want that understood.

MR. KERSHAW: Of course.

MR. SPRAGUE: And my request of you is not on the basis of anyone else at all. It is, in going through what you are saying, and asking you on the basis of what I have said which is what the rules of our Committee provide, whether you would be willing to submit to the polygraph and stress evaluator in terms of these tapes?

A. I don't know what the - what a polygraph test - I think Sen. Sam Ervin, he's called them medieval witchcraft or something. I don't know what the value is. I've talked to Mr. Kershaw, about this. See the ghing is, that I'm not, I'm not really concerned about what the Committee's mandate is, you can understand that. I'm not interested in asking, being interrogated day in and day out, and taking all these tests, but nothing would come out for me, even if everything comes out in my favor, the committee, the courts still have jurisdiction. They're the only ones that can grant me relief, of course I understand they might be a little pressure if certain things come out in my favor. But at the same time they are not required, when we talked about the Alfred case in North Carolina where you can plead guilty and not be guilty when you plead guilty because you think it is in your interest. That kind of judicial you can't get around that. But I think before we go into all these tests, but I don't have anything against them personal, but it would have to be some type of a quid pro quo. I'm not just interested in performing a public service. I'm interested in --

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MR. KERSHAW: Getting a new trial.

A. Yes. I'm not interested in pardons, paroles, or anything. The only thing I'm concerned with is trying to get a jury trial, and anything further than that I might go along with.

MR. KERSHAW: Well, lets study this a little bit. Let's see now, what Mr. Sprague has offered, is asking and offered, or asking, would you submit yourself to a polygraph test with the understanding that, in a nut shell, it is kept absolutely confidential the result.

MR. SPRAGUE: And that he is even taking it.

MR. KERSHAW: Or the fact that you even do it. In other words, we could do it right now and nobody knows but us and the Committee.

MR. SPRAGUE: Well, you can not do it now because even if he agrees to do it, it can only be done if the Committee then agreed.

MR. KERSHAW: Now, then let's ask you the next question, and I'm just talking out loud with you here. Does that do us any good, by us, I mean you and your lawyer, we wanting a new trial before a jury, does that do us any good?

MR. SPRAGUE: Of course, let me say this to you, the prohibition concerning any tests is on us. There is no prohibition on you and your client.

MR. KERSHAW: To use the results of the tests.

MR. SPRAGUE: Or to — You will be told what the results are. You will be given a copy of it, as well, and there is no prohibition on you, if you have results that you believe - you advise are favorable in terms of whatever you want to do with them.

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MR. KERSHAW: I see, all right then, let me ask you something else, and I ask you to instruct me, because I frankly don't know too much about polygraph tests or stress evaluators, but I have read that you are somewhat of an expert and have used them often, and do believe in them; and I do understand, and you can tell me whether this is true or not, that on any test that they are subject to evaluation and the evaluator may see some things that another evaluator may not?

MR. SPRAGUE: That's true.

MR. KERSHAW: So if such a test were made then it would be reasonable, I suppose, to have arbitration rules, to have three evaluators evaluate them, or have three people prepare questions. I could see how the polygraph test, the very preparation of the questions must be very carefully done in order not to prejudice either one side or the other.

MR. SPRAGUE: Well, frankly, if you agreed to it, I would get somebody who has never worked for the Federal Government, a person who has worked for me on a number of matters, who is not a member of any police force today, who I have confidence in them, and my thought would be that after his test, we might then want to have others do them or to read the charts. You see, the charts exists regardless. You do not need three people for that. It might be the subsequent reading of the charts, and of course, if there is a wanting for others to do it fine. The person I'm talking about is someone that I have a lot of confidence in and has given these tests in cases, where I know of an incident where the police were convinced that they had

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an iron clad case against somebody, and, frankly, I thought that they did too, and this person said that that person is innocent. On the other hand he has given the test against people who have said they are innocent and the evidence has turned out pretty strong that they were guilty. I'll tell you it's someone that I have absolute confidence in.

The stress evaluator works on the basis of the stress of the vocal cords when making statements. Now, between the two tests I think the polygraph is probably the more reliable, but I think would be better to use everything. Now, if you are saying to me, am I telling you that I think both are absolutely gospel, no, I'm not going to lie to you and say that they are, but I think that they are helpful tools. I think they can be helpful to us and I think since, in a sense, the disclosure lies in your hands, you don't have that much too lose.

MR. KERSHAW: And I can see that, and let's lay this by the by on a waiting hook, and we will have a little recess directly.

MR. SPRAGUE: And we are going to continue on questioning. I just wanted to get that out.

MR. RAY: Let me say something. I think there are two aspects of the case. I think one would be my culpability, if any in defense, and the other would be fraud. I haven't discussed this too much with Mr. Kershaw and that would be fraud. Whether Foreman was lying or Bradford Huie, and I think this might go to the motive and things like that.

MR. SPRAGUE: Of course, you understand this, that if you have taken these tests independently of anybody else as we investigate

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along, and let's say that the results are results that you end up liking, and you have released --

A. Uh huh.

MR. SPRAGUE: It makes it a lot more difficult for others to turndown the tests.

MR. KERSHAW: I was just going to say the same thing. That we could take the test, and then depending on the results, I mean your stress evaluator might look like a yoyo and we don't want to say anything about it, but if the results are good then you might be in a position to challenge.

MR. SPRAGUE: Between the two, I would put greater reliance on the polygraph.

A. What my concern is here, is that I'm a little more - I don't want to appear questioning the integrity of anyone else, but I'm more concerned with me giving all these waivers and everything. where you could do some type of investigation and then look into some aspect of that first, before - once I give - once I go through all these tests and give all this testimony and come up with all the documents and everything, I don't have any more levers with the court or anything else.

MR. SPRAGUE: Except, Mr. Ray, I'm not asking you to come before the Committee and testify or anything. What we are doing in this interviewing on the basis that I said the last time, that this is not for any disclosure. I think that you both know that there has not been one word said by us, and there won't be. All of this is for the investigative work out in the field. I'm not one of those

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hot shots, that thinks he just trots people before a Committee and just have them just blithely say what they want. What really is involved in your case or, any case, is a lot of legwork out in the field. You have given and we are going through a lot more stuff to work on. What I'm asking for is something that also aids not only in the interrogation of you, but could be a subsequent pressure on others depending on the results of you. Now, you have the key as to whether - what happens with you, is released or not, under our rules we can't, so it's all to your advantage.

MR. KERSHAW: Yes. I think — I think, Jim, you have got to look at this angle too. You haven't got so much a worry about betting games with cards that you hold, that if you got a full house, so to speak, in other words if what you tell, Jim, what I was getting at is this. If you are telling the truth and you are laying that truth out there on the table, you aren't giving away anything, you are putting yourself in a hell of a strong position, you are throwing up a wall that other people have declined, and it is a demonstration of your good faith. You aren't giving away bargaining points.

MR. RAY: Well, I'm not opposed to the truth, I mean, but I read a legal definition in a legal book last night. There is three defnitions to truth, and I'm just trying to find out —

MR. KERSHAW: Jim, give me a defintion. I don't know what they are. Well, I know what they would be. I bet he's on one side, that's his truth; I'm on the other side, that's my truth; and the judge he has his truth.

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MR. SPRAGUE: Well, let me tell you this, so you understand from our standpoint. We have been talking here previously, talking again today, and we will be talking to you again. Your case has been in the courts. Whether you were a participant or not, we have not the slightes interest in proving that you are or proving that you aren't; accept really trying to find out what the truth is, and if the truth shows that you are and that you acted alone, so be it; if the truth shows that you were not involved in it, so be it; if the truth's that you were in it and others were in it, so be that as well, now that is our role. Now, I agree with you, you are not a public spirited citizen just working from that standpoint, but your interest, and Mr. Kershaw said, if in fact you were not in it, then to that extent our interest coincides. This kind of test --

MR. KERSHAW: That's right.

MR. SPRAGUE: From that standpoint it gives you an advantage because the disclosure lies only in your hands. Now, on the other hand, if you are involved in the thing, but that there are others who were in it, then that's a different ball game. That's got nothing to do with this test. Then you really get back to what you were walking about before, a quid pro quo, what's the best kind of deal or situation that you can make out of it. And the last hand if it is you and you alone except for just taking a shot, which why not, then you go out for what you can try to achieve or bamboozle.

MR. RAY: Well, my testimony --

MR. SPRAGUE: But that's the three sides of it.

MR. RAY: My testimony, most if it is this. I have always emphasized this to my attorney - my testimony is really not worth two cents.

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It's not worth any more than the communication industry and all these books, but that's why I have always tried to get someone to corroborate what I have testified to, and that is why I wrote if somebody seen me a certain place, my sitting there doesn't mean nothing.

MR. SPRAGUE: Well, let me tell you this. If, in fact, it's the first of these, that you got nothing to do with it, that kind of test that we are talking about -

MR. KERSHAW: Well, he'll verify that.

MR. SPRAGUE: Not only verifies it, but you talk about then giving you some trump cards, because the disclosure of it is strictly in your hands, and if it doesn't verify it, what have you in that sense lost?

MR. KERSHAW: That's right. In other words that's what I was going to say. If we can dig up verification of your testimony here, and/or new evidence, corroborative evidence of the existence of Raoul or whatever, any little shred, then you get a new trial.

MR. SPRAGUE: How is it going to look if you have taken this test, and you have disclosed that, and those results have been in your favor? And then we are questioning Foreman, or whosoever else, and he refuses to take that test.

MR. KERSHAW: That makes him look bad.

MR. RAY: Well, let me -- We can --

MR. SPRAGUE: Just think about it and we'll take a break.

MR. RAY: Well, I have never talked to attorneys about this case. He has just been representing me, what ?

MR. KERSHAW: Four weeks.

MR. RAY: See, we never went into any of these things.

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MR. SPRAGUE: You don't have to give me an answer now.

MR. RAY: Well, I might just add this one point you bring up about me being involved with others knowingly, I think that's legally, I think that's, it might be of interest to legally, I think that is a mute point, because under the treaties that is explained to me by the English attorneys, the United States they couldn't try me for conspiracy or aiding and abetting or anything like that, that would be —

MR. KERSHAW: Well, I wouldn't put too much faith in that.

MR. RAY: Well —

MR. SPRAGUE: Except that if you are involved and others as well, then you know what I'm talking about, you do have a couple of trump cards because you are still in a bargaining postion.

MR. KERSHAW: Right.

MR. SPRAGUE: And I'm enough of a prosecutor to appreciate that.

MR. KERSHAW: But so far as England taking any interest in whether the United States keeps a treaty about which you are charged with, I wouldn't take much —

MR. RAY: Well, I don't have no contest in judicial, in the court.

MR. SPRAGUE: Okay. Why don't we stop for lunch.

(Break for Lunch at 12:15, A.M.)

MR. LEHNER: Okay, this is the afternoon session. It's now five after one by my watch. The same people are here that were here at this mornings session, and we are continuing to tape the conversation with your consent, Mr. Kershaw and Mr. Ray, do you consent, each of you?

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MR. RAY: Yes.

MR. KERSHAW: Yes.

MR. LEHNER: I think we were talking about the time that you were traveling from Memphis after you saw the police car blocking the street, and you told us about during a radio report stating that Martin Luther King had been shot. That first report, did it state where he was shot, what location?

A. If it does I have no recollection of it. I just heard that he had been shot, that's all.

Q. Now, the second report that also mentioned beside the fact that Dr. King was shot, that there was a white Mustang that left the area, did that second broadcast state where, what location the shooting had taken place?

A. No, again if it did I don't recall it. I recall a white Mustang and that's about all.

Q. Do you recall whether the Lorraine Motel was mentioned on either of those broadcasts?

A. No. I have no idea.

Q. The next place you stopped at after arriving from Memphis, was what city?

A. I don't believe I stopped at any city, I drove through Birmingham to go to Florence and through Florence I kept on driving through.

Q. So where did you stop eventually?

A. I think I -- I wasn't on the main road. I did make a stop I believe at a service station somewhere between, somewhere close to Atlanta, I believe that was the only stop I made.

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Q. And you then went to Atlanta after that stop at that service station?

A. Yes, that was daylight.

Q. That's when you abandoned the car, is that correct?

A. That's correct.

Q. Now, had you heard about the Lorraine Motel up until that time that you abandoned the car in Atlanta?

A. I have no recollection.

Q. And up until the --

MR. SPRAGUE: Had you made any phone calls?

A. None whatsoever.

Q. Up until the time you left Atlanta?

A. No, I didn't call anyone.

Q. Why didn't you call that New Orleans number?

A. I didn't want to have any contact with anyone, family members, criminal associates.

MR. LEHNER: Had you heard up until the time you had been in Atlanta that anyone had been captured in connection with the shooting?

A. No, I didn't hear too much when I got to Atlanta. I was - I didn't listen to any type of radio. I was busy getting reservations.

Q. Up until the time you got to Atlanta did you hear whether or not the authorities were seeking any named person?

A. No. I think they mentioned the Mustang a couple of times. Again, I clearly remember that, but I don't remember anything else.

Q. Now, you mentioned before, in response to one of the questions that Mr. Sprague had asked you before lunch, that Raoul was in the general

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area of the shooting? How did you come to that conclusion that Raoul was in the general area of the shooting, if you hadn't heard on the radio where the shooting occurred?

A. Well, he was in the house. I made certain assumptions based on, I think you make assumptions based on different things. I don't know just how to put it in words, but I think I had to make certain assumptions that he might have did it, and they might be looking for me in some manner, and I really didn't try to diagnosis and plot everything out. I just assumed that the police were after me, and that's about it.

Q. Well, what did you base the assumption upon that Raoul was in the general area of where the shooting took place?

A. Well, because he was in the general area when we were in the rooming house, when I was last there.

Q. Well, why did you make the assumption the the rooming house had anything to do with the shooting?

A. Well, I didn't make that assumption. The assumptions were step by step. The first assumption I made was when they started looking for the Mustang, was that they were looking possibly for me. If they were looking for me then the next assumption was they might have been looking for this Raoul and there may have been some offense committed in that area. These are just live thoughts back then, I can't be really specific on the, something like that.

Q. You said before, I think, in response to one of Mr. Kershaw's questions, that there was another white car parked near where your's was parked, is that correct?

A. Yes, that correct.

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Q. Was that a Mustang?

A. I don't recall. I recall several cars, light color, parked in that area, and I mentioned to attorneys several times. I don't know how come that stuck in my mind, but I know there seemed like there were several white cars. I know there was one parked directly in front of me at one time, and I think -- I think that's, I believe that's when he must of parked there after I, after I parked there. Maybe he backed into me or something.

Q. Who must have parked there?

A. Whoever owned the car.

Q. At the time you heard white Mustang mentioned on the radio at that time did you realize that there were other white cars in the area where your car had been parked?

A. Well, no, I don't think I made that connection to it. I got back and I was arrested, I started thinking about it. I didn't make no connection with it at that particular time.

Q. Is it true that at the time you threw out of the car the $500 worth of camera equipment that all you had to connect you or Raoul to the shooting of Dr. King was that there was a police car in the area between where you were returning and the rooming house, and that a white Mustang wa mentioned as leaving the scene?

A. Yes. I think, well, I think there were several things. Yes, I think the Mustang leaving the scene, the police in the area, and the fact is that I had been in that area, there were most likely weapons in the area, that's all that I can think of now.

Q. Did you connect that police car in the area with the shooting of Dr. KIng when you heard it over the radio that Dr. King

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was shot?

A. Did I later on connect it? No, not particular, well, it might have been certain connections because the police car was there. I didn't try to make all those various connections, these things were like a tape they just all come together.

Q. Did it cross your mind that the police car might have been there because there was a traffic accident and that the police car was diverting traffic?

A. At that time I didn't have any idea as what he was there for. At the time I was — he was the police and that was enough for enough for me to leave the area.

Q. Well, you were going to go through that — You were going to travel on that road that the police car was blocking, right?

A. I think, I velieve I started to make a turn on that street.

Q. Now, what was your thought as to what the police car was doing there, as to why it was blocking traffic?

A. Well, the first thing I think I thought about at that time was these guns in that area of the house, the rooming house.

Q. You were thinking that maybe the police had seized the guns from the rooming house?

A. That's what went through my mind. That was the only major or serious thing that I could think of, that there's the possibility that an informant or someone might have tipped off the police or something.

Q. Had you seen any guns in the rooming house?

A. No. I hadn't saw any.

Q. On any of the occasions that you saw Raoul in the rooming

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house did you see him with a rifle or a container that might contain a rifle?

A. No. I didn't see anything up there. I think possibly a radio.

MR. SPRAGUE: Did you move a dresser in that room in the rooming house?

A. No, I didn't know there was a dresser in there, in fact, I didn't think there was a dresser.

Q. Do you know how many doors there were in that room?

A. I believe there was -- one was all I saw.

Q. That's the one which is coming into the room?

A. Coming into the room.

Q. Any other doors in the room?

A. If there was I didn't notice it.

MR. LEHNER: Can you tell us how you connected the fact that there was a possible seizure of guns in the rooming house with that car blocking the roadway? What connection did you make in your mind?

A. Well, we discussed guns the night before that, and we discussed guns in Atlanta, and we was talking about, oh, just general gun conversation you might say. I was suppose to -- I was going to buy some surplus rifles and he was talking about buying other stuff and infra-red binoculars and everything, and that was on my mind, the guns more than anything else, that's - that's really enough as far as I'm concerned.

Q. Did you think of before, well, before you were to -- did you think of whether or not you should make some call to either Memphis, to New Orleans or any other place to find out what happened in Memphis

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prior to throwing $500 of camera equipment out of the car?

A. Well, I probably would have made a call if I had found the - found the - ran across a phone, say minutes after I got on the highway or something.

Q. The reason you threw the camera equipment out was you thought that if the police had stopped your car they would have seen the camera equipment in there?

A. No, not -- No, not -- I don't believe that was it. I was trying to get rid of anything that had my name on it or had my alias on it. I couldn't, I was thinking about ditching the car there somewhere and trying to get a bus in Birmingham but, it was dark at nightime, the streets were deserted, and so as far as the cameras, if I could have ran the car off in a river, the cameras and all, that's what I would have did right there.

Q. Well, why did you desert your orginal plan of calling New Orleans to find out what had happened just after hearing the fact that a white Mustang had left the area? Why did you desert that plan and instead start to throw camera equipment away?

A. Well, I thought that was enough, the Mustang, I thought that what else I heard on there about the shooting, the Mustang is really enough, that's all. If there hadn't been no shooting, if they had been looking for the Mustang for say a bank robbery I would had to have gone anyway.

Q. But in this case you knew in your own mind that the Mustang had nothing to do with the shooting of Dr. King didn't you at the time you threw the camera equipment away?

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A. Well, what I know and what the police think are two different things. Of course, the average person would go up to the police station and say, here I am and if you want to interrogate me I'm innocent and all that stuff, but my experience with the police and prosecutors that's - that's not the way you get acquitted.

Q. Did you have a weapon on your person at the time you were driving to Alabama?

A. No, I didn't

Q. Where did you -- Did you have a weapon that you later obtained?

A. Well, I had a weapon at the time. I didn't have it on me. I left it in the rooming house under neath the basement in the Atlanta place. I left -- I didn't know if I was going to come back there or not. From the conversation I had with the other parties I left it, plus clothing and stuff.

Q. When you went back to Atlanta you obtained that gun and took it with you on your travels?

A. Yes, that's correct.

Q. What is the reason that you had a gun with you, which would cause you to be arrested if someone were to stop you and search you, a police officer, and yet you discarded $500 worth of camera equipment which would aid you, and you could sell it in traveling?

A. This camera equipment was very bulky. I don't think - If I could have gotten it in my suitcase, suitcase, anything that I -- I think that anything that I could carry probably I would probably take with me which I think I do take with me, but the pistol I just had it in my back pocket for protection, and threw some other stuff away: a typewriter,

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things that I couldn't - things that were too bulky to carry.

Q. And at the time you abandoned your car you still hadn't heard over the radio that any named person was being sought, is that correct?

A. I'm not certain what all, what I heard on the radio. The only thing that really stands out is that they were looking for the Mustang and that old New Rebel Motel address. I don't know it might have jumped out there somewhere in the night too. I don't know, if it did that would have been enough for sure.

Q. Well, you knew there were a lot of white mustangs on the road, did you not?

A. Well, I - There's a lot, but I don't know what percentage. Let's see, maybe three or four percent, but there's not enough of them that I'm going to drive around in it.

Q. Well, is what you are saying, just having heard that a white Mustang was seen leaving the scene, you decided to abandoned your white Mustang, to throw away $500 of camera equipment, to leave other items in Atlanta and head towards Canada?

A. In my position with what I have been through before, yes, that's - but let me say this, if I hadn't been through none of that stuff before I think probably I would of still threw the - in other words, if they had just been looking for the Mustang on another serious charge, and I hadn't been in Memphis, in that area or something, I would still, I'm sure I would have got rid of that Mustang.

Q. On the radio or anywhere else did you learn that, did you hear or read that your license number was the license number of the car that was being sought?

A. No, I don't have any recollection. There may be some recollection,

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I might have to look at past notes on the New Rebel Motel, but I'm not even sure about the New Rebel or anything coming out on it, but I assumed that I picked up enough on the radio to make certain, to come to certain conclusions.

Q. What beside the fact that a white Mustang had been seen leaving the area, which you acknowledge is true that you were driving a white Mustang that did leave the area, what beside that led you to do all these things: the disposing of a $2000 car or a car that you paid $2000 for; $500 worth of camera equipment; abandoning your apartment in Atlanta; and heading to Canada?

A. Of course, the two thousand dollars to me, it was a - I say that was a substantial sum to me, but you can get more money, but getting out of jail's another thing, and I can't expand on it any more than what I already have on the reasons for disposing of all that stuff.

Q. And you can't think of any further reason as to why you did not call back to Memphis to find out more details or whether or not Mr. Raoul was still in the rooming house or to call New Orleans to find out more details from that number?

A. No, I still — I would have called probably New Orleans. But after, after I got to Atlanta I didn't think that would be, I didn't have any number in Memphis to call. I couldn't call New Orleans, I just, I wouldn't thought that would be healthy or anything else.

Q. Why didn't you think that would be healthy?

A. Well, I could have very well - let me put this in a type of situation where I could have been shot or something. You can consider not only this, but the FBI a lot of times you get shot in the attempted escapes and all that stuff.

Q. Didn't you want to find out whether or not Raoul had been in any way connected with the shooting of Dr. King?

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A. That was the least of my concern at that time who shot anyone.

Q. Well weren't you concerned whether or not they were looking for or they were looking for someone in another white Mustang?

A. Well, I had to go on the assumption that they were looking for me. Based on what I knew, and where I had been, and what I had been doing and things like that.

Q. You learned subsequently that they were looking for you?

A. Did I learn subsequently that they were looking for me?

Q. Is that what you said, I didn't hear.

MR. SPRAGUE: He was going on the assumption they were looking for him.

MR. LEHNER: Oh, the assumption, I didn't catch the word assumption.

Q. Oh, did you stop in Birmingham before you got to Atlanta on your way from Memphis?

A. No, the best - the best of my recollection, I arrived there sometime, it was night, the streets were deserted. I know I seen one or two cars driving on my way through there. And I'm positive I didn't stop at nowhere. The first stop I ever made I'm pretty sure of this, it was daylight and I was getting close to Atlanta, and I stopped at the service station. I think I got some gasoline and I believe that was the only stop there.

Q. And then you arrived in Atlanta. Can you tellus what happened from the time you arrived in Atlanta?

A. Well, I got on one of the freeways and there was a lot of traffic I remember about this time. And I drove out looking for a place to park and I parked in a parking lot.

Q. What parking lot was that?

A. Where was it at?

Q. Yes.

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A. I don't know, I understood later that it was the Capitol Hill parking lot.

Q. Had you ever been to that area before in Atlanta?

A. No.

Q. Did you --

A. No, I had never been there before.

Q. What happened when you parked your car?

A. Well, I got out of the car, I think I, before I got out I think I wiped the, wiped it off lightly, the rear view mirror. And I didn't know if I locked it up or not. And then I, then I walked in the general direction of where I thought was the rooming house. I'm not certain now how I found the rooming house, whether I got a cab. I think I got a cab, yeah, I believe I did get a cab to the rooming house. Do you want me to go on from there?

Q. Yes if you would.

A. Well, let's see, I had a typewriter, I think I threw it away. I was getting rid of everything I couldn't carry. Some clothing in there, I don't think they were mine, I left them there. I velieve they was this other fellows, he left some clothes in there. And I went to the cleaners, there's a cleaning plant up on the corner. I don't know what the name of it is. I had some clothes in there. I went up and picked those up. I think I checked on the bus schedule and drove towards Detroit I believe it was. And I think the bus left at 2:00 and I think I took the suitcase with the stuff I had and locked them in the bus - the - where you lock the stuff up at, and then I went somewhere. I don't know, I don't think I went to the movie. I went somewhere out of the area where I was staying at until the bus left. And then it left and I got on to it and went to Cincinnati.

A. What did you leave behind in Atlanta, and what did you take

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with you?

A. I left behind everything I couldn't carry. Everything that wasn't mine. There was clothes, there was some clothing in there, they wasn't mine, I believe they belonged to this fellow Raoul or whatever his name was. There was a typewriter that I couldn't - I used it and I threw it downstairs underneath the staircase.

MR.EVANS: Underneath the staircase where? The building you'd been staying at, the apartment?

A. Yes.

MR. LEHNER: What apartment was that?

A. I don't know the address. It's right on Peachtree Street.

Q. Do you know the name of the street that the rooming house was?

A. 14th or 16th or something like that.

Q. On what street?

A. I think it was about a half a block off Peachtree Street. There was a hippy place right beside it, a motor cycle gang or something.

Q. What did you leave in that apartment and what did you take with you? If you can?

A. Well I left the typewriter, and I think I threw it in the stairwell. Underneath the stairwell. I threw something int he barbage can, but I think, I don't know what that was. I left the clothing in there. I left the TV in there. I left some, that's about it, everything else I took with me the police got it when I was arrested in London, so what they got in there I don't know.

Q. What was it that you took with you?

A. I couldn't say.

Q. You told us you took a gun with you, where did you get the gun from?

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A. I bought it in Birmingham.

Q. And where did you retrieve it from, in Alabama, in Atlanta?

A. I had it in the basement. I believe the basement was a, was no floor, was a dirt floor. I think I hid it either there or under some ashes, but I think it was a dirt floor in the basement.

Q. And this was the gun you got in Birmingham, when?

A. September I guess, September of '67.

Q. How much did you pay for that gun?

A. I don't know.

Q. This was the gun you had with you when you were captured in London?

A. That's correct.

Q. And was it loaded?

A. I suppose.

Q. How many rounds did it have in it?

A. I believe it was my practice to carry a round in every chamber accept for the - where the firing pin was, so I assumed it was four.

Q. Had you shot that gun at all?

A. Yes.

Q. Where was that?

A. Mexico.

MR. KERSHAW: Have you ever shot anybody?

A. No, I shot myself once.

MR. LEHNER: You said there was some clothing that was left behind, but you say that was Raoul's clothing. Where was the clothing left?

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A. It was hanging on a rack or something.

Q. Did you have any papers that you left in the Atlanta rooming house?

A. Yes, I left, I think I left the Los Angeles Free Press there and, a, a John Burch Society tract. And I think there was a —

Q. What tract did you say?

A. John Burch, Burch, John Burch.

MR. KERSHAW: John Burch Society tract.

MR. LEHNER: What do you mean by tract?

A. Pamphlet, folder.

MR. KERSHAW: Pamphlet, folder.

A. Then there was a letter from the Republican party in Georgia or something like that.

MR. LEHNER: Why did you leave these items there.

A. Well, I assumed the police was after me, they might possibly look for them and that was just a brilliant after thought I guess, to get out of the area.

Q. Did you leave any other papers there?

A. No, I kept, I put everything else in the suitcase.

Q. What about maps?

A. I may have left some maps there.

Q. What maps were they?

A. I'm not positive now. I'm starting to think what the police claim they found in there. I did have a map of Atlanta, Los Angeles, and I think a couple others.

Q. Where had you gotten those maps?

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A. I usually get them first time I go into town, usually from a service station or a book store.

Q. Lets start with the Atlanta map, where had you gotten the Atlanta map from?

A. I either got it from a book store or service station.

Q. And what was the reason that you had marked that map?

A. I usually do that whenever I go into town to get my bearing of what's north, what's south, where I'm at, where I came into town and everything.

Q. Well, why did you mark that particular map?

A. I marked where I was staying at. Places I came in, the highway I came in off of. Peachtree Street, where I went to the bank one time to cash in some money. I marked a restaurant on there and I think I glanced at it a few times to get my bearings on it and that was it.

Q. You marked, you say, the highway you came in on?

A. That's correct.

Q. What highway was that?

A. I don't know what it would be, I could probably describe it to you. I think I came in from the north, I'm not positive now. I'm thinking that you can see the ball field from the road that we came in on, where the Braves played ball at, we was coming from that general direction. I don't know whether that was north or south.

Q. So you marked the highway you came in on, you said the bank, what bank was that?

A. Let me — Do you care if I draw you a picture of it?

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Q. Very good.

A. I'm positive about this, here's a - here's a - like here's the road I came in on, the highway or something. I drawed a line something like this, a street here, this line may had been covering four or five blocks. I drew another line like - I guess like that. This is where I live at and that probably would cover four or five blocks too, and then I drew a line on Main Street, Peachtree Street, or something like this. I don't know how many that would be, I imagine that would be 10 blocks then I started going to a restaurant. I either put an X or circle on the restaurant. That would be way down in here somewheres.

Q. What about the third circle that you drew, the only here that I'm pointing to, what was that for?

A. That connected this and this. And besides, I went up to two different banks and cashed in Canadian money, but I think that is where the circles went. This is where I found them, this is Preachtree Street. Now, when we rented the room I didn't come that way, we drove all over the town, that's the - that's the general --

Q. The first circle you drew on the map was the highway you came in on?

A. I'm not positive if that's the first one I drew, but when I was drawing the map that was one of the considerations. I don't know if I drew this one first or this one first.

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Q. Now, this one here that I'm pointing to is the highway you came in on, is that what you're indicating?

A. It's this street I think. Now, I'm not positive of that because I wasn't — the next day I wasn't certain which street I come in on, but I just, I got that in my mind I come in that general area.

Q. The one we are pointing you think that's the one you drew because that's the highway you came in on?

A. That's correct.

Q. Will you just put an H. in there so we will know which one we are pointing at?

A. Yes.

Q. All right, now what do you think was the second one that you drew?

A. I drew one of these or one of the other. This is where I lived at.

Q. Lived, all right. You put in the word "live" there and there's another one here between the one where you just drew the H and the one here you just wrote live, what is this one indicating?

A. I know that's Peachtree and I know there's two banks up there.

Q. So you are writing the word Peach there, Peach Tree rather and you drew two lines, are those two different banks?

A. No. I didn't draw no lines there I just marked them in there while ago because I know there was some banks up there.

Q. Well, did you use a bank in this area?

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A. Yes. I took some Canadian money, I wanted to exchange it for United States currency.

Q. Was that the reason you drew this, this circle with which, where — you put Peach Tree, because it contains a bank?

A. That was one of the reasons, but that's not particularly, I drew these more or less to get my bearings on these various streets. where I lived at, Peach Tree Street where I went to the bank, plus where I thought I came in at. I drew them in conjunction with the restaurant here, I went down here.

Q. The what?

A. The restaurant, the general area that was —

Q. Why did you draw the restaurant on the map?

A. Well, I was just trying to get my bearings where I was at. That was the first time I had ever been to the city and —

Q. What restaurant was that?

A. I drew it in the general area. The restaurant, I went there two or three times subsequently. Just, it was a, I think they sold beer there plus sandwiches and everything, but I'm not positive I have recollection of drawing this thing, but I'm not positive, it's just in the general area of the restaurant. I don't know. I was just fooling around with the map.

Q. When did you draw up these markings on the map?

A. I think the day after I arrived there, I guess.

Q. Did you draw all the markings at the same time?

A. Yes I believe, yes I'm almost positive of that. I was doing, the day after I got there I was doing quite a bit of thinking. I think I got the

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map at the book store. I think I went to the bank, cashed in my, got the money exchanged because I was getting short of money and I think I put the -- I drew this here on this. Now, the FBI has the map, I guess, so if that's not right, well, my recollection --

Q. I didn't hear what you said again.

A. I said the FBI has the maps, so if that's not right, well my recollection is --

Q. Had you been to Atlanta before, before you purchased the map?

A. I think I drove through there one time in 1955 on a bus, but I never stopped there for any length of time.

Q. How long had you been in Atlanta before you purchased the map?

A. I believe it was the next day. I am not positive.

Q. How long were you -- How long was it from the time you purchased the map until the time you did the drawings on the map?

A. I think I did the drawings about the same time I got it. I think that's the reason I got it.

Q. Had you been to the bank before you made the drawings?

A. I believe I went to the bank about the same time. Because I was short of money when I arrived there.

Q. Well, where were you when you made the drawings?

A. I was evidently in a rooming house.

Q. Well had you been to the bank before you made the drawings?

A. I think I probably had, yes.

Q. And you were in the rooming house at the time you made the drawings, is that correct?

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A. I'm positive of that, yes.

Q. Had you been to the restaurant by the time you made the drawings?

A. Yes, I'm — I think — I'm positive of that too.

Q. What day in Atlanta did you go to that restaurant?

A. I think this all took place some time in the, in the following day, in the afternoon I was, say, between 12:00 and the time the bank closed.

Q. So this is the second day?

A. Well look, now, what I'm saying I don't know all this for sure. I'm assuming what I would do under the circumstances.

Q. Well, we are getting it from the best of your recollection I take it, right?

A. Yes.

Q. The second day you are in Atlanta you purchased the map. What day was it you went to the bank?

A. It must have been the next day. I'm assuming the next afternoon because I had to —

Q. The third day in Atlanta?

A. Well, no, we arrived there that night, and the next day I talked to this fellow named Raoul. He was having troubles, having to get in and out of the house without getting the landlord, his building was next door to their's. I think when most of this took place I went to the bank probably two different days. I know I went to two different banks because I didn't want to take too much money in one bank. So this was probably the first day in the afternoon after I arrived there.

Q. The first day after you arrived which was the second day you were in Atlanta you bought the map?

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A. That's correct, yes.

Q. When did you go to the bank, was it the same day you bought the map?

A. I'm pretty sure it was, yes.

Q. When did you go to the restaurant?

A. Well, that was probably the same day or somewhere in that neighborhood.

Q. The same day?

A. Yes.

Q. Then, later on that day in your rooming house you circled, you made these circles?

A. I made the circles. I'm not positive when I made them though. I know I made them.

Q. Did you go back to that restaurant any time?

A. I think I went back to it a couple of times.

Q. Can you tell us why you made these different circles?

A. I made these circles to get my bearings in the town where I was at, where I came in at, Peachtree Street, and that was the main reason I made them. The restaurant was quite a ways from there. I was just driving around more or less getting familiar with the town when I went to it. It was on a main street about, I'd say about, two miles from the rooming house and that would have been maybe it would have been north. It was a residential area. I'd do the same thing usually on every large town I'd go into, so —

Q. What were the other maps that you left in the rooming house?

A. Well, I don't know if I left any in the rooming house or

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whether they got those out of the suitcase when I was arrested.

Q. What maps were they of?

A. The maps I had?

Q. Yes.

A. I don't know. I've had, I must have had 50 maps out there then. London, I think I even had one of London, Mexico, various state maps, city maps, I didn't have none of Chicago, I live there, Los Angeles, Birmingham, New Orleans, I don't know how many maps.

Q. Now, how manymaps were with you when you were arrested in London?

A. I don't know, maybe all of them were with me.

Q. How many did you leave in the Atlanta rooming house beside the Atlanta map.

A. I don't know if I even left the Atlanta map in there. I may have took it with me.

Q. The other maps that you had, did you have circles on them?

A. I think I had some of them marked?

Q. Which ones?

A. I don't recall. I think I marked the Los Angeles map one time.

Q. What part of the Los Angeles map did you mark?

A. I'd probably marked the area I was living in or something. Los Angeles was different from the other towns. It's harder to get your bearings. You can drive all day and you'd still think you was in Los Angeles, but marking maps and trying to diagnosis where you was at would be sort of a difficult proposition.

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Q. Do you recall what marking you made on the Los Angeles map?

A. No, I have no ideas.

Q. What other map do you recall marking besides the Atlanta map?

A. I don't particularly recall marking, I don't even, the Atlanta map. I don't particularly recall marking that except that they made a big issue about it and I started to thinking about it. I would probably never recall all the details on that if I hadn't have tried to -- Let me try to explain why. I don't know if you have read all these books or not. William Bradford Huie said he found the map in Atlanta somewhere in my suitcase. It had circles of Dr. King's church, his house, his office and his ministry, his church or something, and I knew that was all false. I mean, I knew -- I started thinking and I knew I marked a map, but I knew that would have been a coincidence If I had marked all these places that would have been too big a coincidence. I could never explain that away to the jury. So, I got to thinking about it, and I gave it a lot of thought and that's the best I could come up with. Now, if you can look at that map get it from the FBI, I think that would settle that once and for all, if I marked anyone's church.

Q. Well, maybe so that I understand it, I'll ask you this. Is it that you recall making these markings, these circles, around where you lived, the highway you came in on, where the bank is, and where the restaurant is, or is it that you think that is what must have happened just from trying to recreate the incident after reading about Huie's explanation?

A. Well, this is not something I'm just trying to reconstruct.

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I can remember marking that map, but I did give it a lot of thought how I marked it, and I come up with that's the way I marked it.

Q. Did you go back to that bank after the first time?

A. I think I went to a different one.

Q. What was the purpose of marking the circle where that bank was if you did not go back to it?

A. Well, I went in that general area and I think I went to a bank a little bit further up. The first time I didn't want to take too much money in the bank to get cashed and the second time I think they required your name or something and I didn't want to go back to this same bank with more Canadian money and that would create a little suspicion. So I went - I'm pretty sure I went to another bank, but I'm not positive of that though.

Q. How long were you planning on staying in Atlanta when you arrived there?

A. Well, I didn't have any idea at the time.

Q. You were planning to stay there days, weeks, or months?

A. Well, I really didn't know. I figured from conversation that I had, I believed two - three weeks or something.

Q. Where did you plan to be going after leaving Atlanta?

A. I assumed that we were going to Mexico or somewhere like that.

Q. How did you enter Atlanta, from where?

A. I don't know. I recall seeing a ball park or something, I think it's from the north. The ball park you pass it coming in from the north and I came in from the north.

Q. And you were not planning to leave by that same highway that you came in were you?

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A. No, not particular.

Q. Why was your reason for circling that highway then?

A. That was just to get the bearings, no other reason.

Q. Now, you say that when you heard on the radio that the white Mustang had been seen leaving the area, for some reason you associated that Raoul was involved in the shooting of Dr. King, is that right?

A. That's right.

Q. And you were concerned with the fact that you might be traced through Raoul?

A. Well, my concern wasn't right then, when I left that area, it was after the Mustang, but I mean I can't explain this on the basis of what the average person would think, I've got to explain it on the basis of what someone with a background of law violations would think.

Q. Well, the reason you didn't contact the phone in New Orleans after you heard about the white Mustang was because you thought that Raoul was involved in the shooting of King, and that therefore, if you contacted New Orleans some how it could be, the phone could be traced back to where you were calling from and you could be apprehended, is that what you were telling us?

A. No, that's — No, that was, that was no concern at all.

Q. What was the reason you didn't call the New Orleans number to find out what had really happened?

A. Well, if it was the King matter it is obvious I'd gotten in something a lot more serious than what I was led to believe. If someone misleads you, you don't try to contact them and make some kind of arrangements with them.

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Q. But you didn't know whether Raoul was involved at that time, isn't that ture, that all you knew was that a white Mustang was seen leaving?

A. Well, that's correct. That's funny, I didn't need any more than that.

Q. So that is why you wanted to cut off all contacts you had with Raoul, is that right?

A. Well, I thought it was in my interest and prudence to not only cut off all contacts with any criminal activities, but family members or anyone else.

Q. The reason you threw away the camera equipment is that you didn't want the police to trace the camera equipment to you despite the fact that you hadn't yet transferred it to Raoul?

A. I don't have any rational explanation. What you would consider rational I suppose for getting rid of the camera equipment, it's just something that comes instinctly when you think the police is after you to try to chuck all this stuff, all this excess baggage that you might have.

Q. Well, you wanted to cut off all contacts you might have with Raoul, where the police might be able to trace Raoul to you?

A. Well, yes, Raoul, Galt and everything else.

Q. Did you think that Raoul was captured and may have been telling about your participation as well?

A. Well, it's my experience with the criminal that a lot of them are shortsided as far as what's in their best longrange interest. I mean, they will be a State witness or where otherwise they might get out.

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That's always in the back of your mind. You might not be thinking about it at that particular time, but if you think that way long enough then you start acting that way.

Q. Can you explain to me why you threw away the $500 worth of camera equipment that could not be traced to Raoul, that Raoul never had in his possession that you bought under the name of Galt, and yet you went back to the rooming house in Atlanta which Raoul had occupied with you and, therefore, if Raoul was talking to the police, the police would be waiting for you at that rooming house?

A. That could very well have been. There are certain chances you have to take. I'm not — If the cameras that I threw away, if it had been something small like a, a small camera or something, I wouldn't of threw it away. If it had been valuable I would have kept it and took it with me, but it was too bulky. But as far as the going back to the rooming house there were certain things I thought I had to bet back there. I had the pistol. I had the, that's just certain chances you have to take, getting back there, getting rid of certain things, picking up other things. I don't have no real, ah, you can accept two or three different explanations and I suppose one might seem as rational as the next, but I can't, I can't give you no real strong answer on why I did this and why I did that.

Q. Well, you told us you went and got the gun because you wanted it for protection. Is that right?

A. The .38?

Q. Yes.

A. Well I thought it would be prudent to have it.

Q. Who were you protecting yourself from?

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A. Well, anyone that — I'd been robbed twice during the time I was on the street. Theives start robbing other theives. I assumed you — you need to have some type of —

Q. Mr. Ray, are you telling us that you went back to Atlanta to a place where Raoul knew you were staying to get a pistol to protect yourself against being robbed by some theives?

A. Well, no, that's not — No, that's not meant to be taken seriously, although I did want the weapon. There were other things, there were reasons I thought I should go back there. I'm not, well, let me put it in this perspective. If you are leaving you think the police is after you, you are running, you have to go somewhere, right? You just drive the car off in a ditch and start running down the road. Well, I had choices of where I could go. I had to get rid of the car. Well, I thought first I would leave the car in Birmingham somewhere and try to catch a bus , but it was late and at night and I had no where to go. If I had, I never would have went back to Atlanta. I would have just left the, I probably would have just left the car in Birmingham and caught a bus if it had been in the daytime, but I didn't have too many options of where to go and Atlanta would just seem to be the natural place to go to get my stuff out of there. I think I did wipe my prints off various things in the rooming house contrary to reports that I left my prints on the maps. But I think I cleaned the place up the best I could and got rid of all the junk and that's it.

Q. What was the real reason that you went to get the pistol?

A. Well, I don't know the reason why I carried the pistol. Like I say, you just, you might need it for some reason. I can't explain

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why. I don't have the practice of carrying a pistol on the street. Very seldom if I had I would probably be in the penitentiary in California. I think there's a certain situation where you think you might need one.

Q. Well, did you get the pistol so that in case you were being followed or attempted to be captured by the police that you would be able to have a chance to shoot it out?

A. No. Not that a lot of times, usually people don't carry pistols to shoot someone, they carry them to intimidate someone. You very seldom have to shoot anyone if you have one, and they know you have one, just the fact that you got it is enough to keep somebody from strongarming you or something like that.

Q. Well, did you get the pistol so that you could commit robberies to get money, or did you get the pistol so that if you were being sought by the authorities you would have a chance to display it and make an escape?

A. No, I was never under any impression that I could take a .38 with four shots in it and overcome the authorities. The FBI, they usually travel in packs anyway. I did think once I had it in my mind that if I was short of money I may have to do some holdups to get out of the country, whichever country I was in, Canada or something like that. Actually I should have did something like that, but I never did, the occasion never arose. I had to weigh certain things aganist being caught in a robbery.

Q. How many holdups did you commit from the time you excaped from the Missouri State Prison until you were apprehended in London?

A. One.

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Q. Where was that?

A. Canada.

Q. Other than that one hold up, you never committed any other robberies from the time of your escape from Missouri State until the time of your apprehension in London?

A. Well I told Percey Foreman and Bradford Huie - I told Bradford huie indirectly I committe a couple more, but that was just testing attorneys. They had been giving what I considered privileged information to book writers and I was just seeing if they were, and if, it confirmed that they were violating their privileged rule, whatever you call it.

Q. What other reason did you have to return to the rooming house in Atlanta other than to get that pistol?

A. Well, I don't know, I think on reflection I know I wiped everything off in the rooming house. I wanted to get the finger prints off there. I wiped the prints off the car when I left, I threw a lot of stuff away as I said in the rooming house -- I don't know -- I don't think I had too many alternatives after the, after I thought, you know, they were after me.

Q. Well, did you go back to the rooming house to wipe the prints off?

A. Well, that was just one thing I took care of while I was there.

Q. Didn't you think that it would be more of a risk, that they would be waiting for you, the authorities would be waiting at the rooming house to counter balance the advantage you'd get of going back there and wiping some finger prints off?

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A. Well, I mean there are certain changes you have to take in a situation like that. Of course, anybody could have been waiting there, the police or anyone else.

Q. What was the advantage in your mind of wiping the finger prints off at that rooming house?

A. Well, beings I was there, I thought it was - that's just something instinctly you wiped the prints off. I am always considering that assumption what you should do if that possibility that the police were after you, but they had been after me probably, even if subsequently the police might have decided that I wasn't involved in the King case, that if they found my prints there and connected it to the Ray name, well, it would have been to Jefferson City, but those are things that go through your mind in a flash, and you don't recall all the details of just why you do these things.

MR. EVANS: Listen, James, you realized that you were a fugitive, right, you were a fugitive? You knew you were a fugitive?

A. At that time, yes, I was well aware of that.

Q. Okay. Now, you flee from Tennessee into Ala-into Mississippi, into Alabama then into Georgia with this same car, and you know of your own knowledge that the police are looking for a white Mustang?

A. Yes. That's what it said on the radio.

Q. Now, if you are going all the way back to Atlanta just to wipe the prints off, the thing that is mostly going to give you up is the car because they are going to stop you in the car. Can you sort of explain that?

A. If there could have been anyway I could have gotten rid

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of that car and gotten into Atlanta or anywheres else, then I would have gotten rid of it because I, I'd thought about that several times, but it was nighttime, there was no buses and I just, I didn't know what, I'd gotten that far with the car after I heard the reports. I'd gotten to Birmingham so, I assumed that if I'd keep on these side roads, I might get somewhere, where I might catch a bus, but when you are under that type of pressure you don't always act logically. But if I had to do it again I couldn't have thought of any other way now that I would do it. I would do it the same way again under the same sort of circumstances.

Q. Okay. Then why abandon the car in the parking lot at the Capitol Apartments?

A. I believe I had a problem finding a place to park where I would of abandoned it on the streets, but this was, seemed to be a handy place. The lot was empty and I think they had the street signs or something on most of the streets, and I just thought that would have been a better place to abandon it than on the streets because a lot of places the police will pick up a car parked on the streets, where if it's in a parking lot it might sit there a few days before -- Those are all th ings I think that went through my mind when I was thinking about ditching the car?

MR. LEHNER: Did you pick up anything in Atlanta in the way of money?

A. No. I went to the cleaning plant, I think that's about the only thing.

MR. EVANS: You went where?

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A. I went to the cleaning plant to get my clothing. I think that's the only --

MR. LEHNER: What day did you get your clothing from the cleaning establishment?

A. That would be on April the 5th.

Q. And what was your purpose in doing that?

A. Well, I guess to have clean clothing, that's all.

Q. Okay. Unless anybody wants to ask any questions as to this episode?

MR. SPRAGUE: Well, when you said you took the money, Canadian money to the bank, you thought of doing it in two trips in order not to have too much at one time. How much did you take?

A. I think two or three hundred dollars.

Q. And did you make a second trip to a second bank?

A. I'm not positive of this, but I'm pretty sure that I made two trips to the bank and I think I'm just not positive, I think they have records, but I know I made one trip, I'm, I know that.

Q. This guns a .38.

A. That's correct.

Q. From whom did you get the gun?

A. Well, there was an ad in the Birmingham paper. I can't recall the fellow's name. I think I gave him 60, 50, 70 dollars for it, something like that.

Q. A private person?

A. Private person, yes.

Q. As a result of something you saw in the paper, an ad for it?

A. I believe it was an ad in the Birmingham paper.

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Q. Well, did you call or write him?

A. I believe I called him and he told me to come out and I went out, he showed it to me and I purchased it.

Q. Is one of the reasons you drove that car back to Atlanta the thought that other than the description of the white Mustang that perhaps they had no other description, no other identification, and that if you were going to ditch that car it would be better to ditch it back in the locale where it belonged so that there wouldn't be any suspiciousness even if you had done such a thing?

A. Well, I don't know if that was the reason I was — I had one concern about getting the prints off and I know it was raining, and I think I wiped the prints off I believe twice during the rain. I wiped it off good inside, and after I left the filling station it was daylight. I think I wiped them off inside and I think I wiped them off again when I got out. I don't know if the question you put would be positive or negative.

MR. KERSHAW: Where did you get the Canadian money?

A. Canadian border, someone from Canada.

Q. Who gave it to you?

A. I had some of this from the fellow called Raoul, and some of it I got from, I accumulated some of it I got. I think I exchanged it maybe in Canada or somewhere. I'm not certain where I got it all, but I just, I had some from the time I was up in Canada.

Q. Did Raoul give you most of it?

A. I think so, but I changed some of it in , I believe it was in Chicago or something, but I'm not sure about all this changing money. I know I changed it when I needed it, I would cash it in.

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MR. SPRAGUE: Where did you get the ammunition for the gun?

A. I got that ammunition in Louisianna I think.

Q. From whom?

A. Froma sporting store. I really wanted a gun not only for protection, but after I got - when there was some kind of determination to go to Mexico I went downthere and, of course, I guess there is ohther reason, I don't know, I can't explain all the other reasons. Let me explain one other thing. I don't, I haven't been saying anything because I assume you are going to investigate the case from the other sides point of view. While we are on this, while we get in this specific area, there's been allegations in various prosecutions, and Huie wrote I went to this cleaning plant and picked up my clothing on April 1st, and I heard about King being in Memphis and I raced to Memphis. Now, I could state under oath that I did pick up no clothes on April 1st in Atlanta, because I was in Selma, Alabama, either Florence or some other town up there, I can't think of it - Corinth, Mississippi, so that's it.

MR. LEHNER: First, before we leave this area of Atlanta, I'll do the same as we did with the previous drawing. I'll put exhibit number, this time I'll put number 2. I'll put today's date, March 28, 1977, I'll sign my name and I'll ask you if you would sign your name right there.

A. Let me, well this is, this is a - let me add this. I don't know if this is correct or not, I better add it, this restaurant down here is two miles, two miles, two miles from here.

Q. You are writing the area, you wrote something in the area of the restaurant and you -

A. That's my recollection.

Q. -you put a connecting line in the, to the circle where you put the word "live".

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A. Where I live, yes.

Q. I'll give you a pen and you can write it in there.

MR. KERSHAW: Before we leave Atlanta, I'd like to ask a couple of questions.

MR. LEHNER: I'd like to make sure for the record that both Mr. Ray and myself signed this in ink, and all of the pencil notations on this exhibit number 2 are your's? Is that correct?

A. That's correct.

MR. KERSHAW: Now then, is it anywhere on this exhibit any pencil notation or circling of the Rev. Martin Luther King's church, office, or home?

A. One of those circles, I don't know if any of them covers his office or business or not.

Q. Well, were they put on there for that purpose?

A. No.

Q. Would it be accurate to describe your state of mind on the trip, all night trip, from Memphis to Atlanta without over emphasizing the word, I don't mean you were screaming or anything like that, but would it be described as a state of panic and some irrationality?

A. Well, I mean what's rational to one person might not be to another though. I'd wouldn't say it was panic, but you do get apprehensive that the law enforcements —

Q. Well, in country talk, were you scared?

A. Well, I think I was probably apprehensive.

Q. And in a state like that you don't always figure out everything just real neat?

A. That's right.

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MR. EVANS: Now, one thing about the maps, listen, did you have a map of Memphis?

A. No. I'm positive I didn't have no map of Memphis, I'm — I'm —

Q. You're sure?

A. I'm pretty sure. I'm not positive.

Q. Okay.

A. I don't want to say positive. I don't recall leaving it.

Q. Well, previously you stated that it was your practice to purchase a map when you didn't really know the city, right?

A. Yep. If i'm going to stay there for a while.

Q. Now, in Memphis we know you were in Memphis the night of the third?

A. That's correct.

Q. And the fourth you sort of related that you had some difficulty locating the place you were suppose to meet Raoul?

A. That's correct.

Q. You had ample opportunity to obtain a map which might aid you in locating the place where you were to meet Raoul?

A. The area was described to me just the general area. The directions where laid out, that's one reason why I get a map, because I can't follow directions too well. I get mixed up, but I'm positive I didn't get no map, but if I probably had I wouldn't have been asking all those questions. The main point you wanted to know, if I bought a map?

MR. EVANS: That's right.

A. I don't, I don't know.

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Q. In other words would this be the exception, would this be the only city that you visited that you say you did not purchase a map?

A. I think I — I think any city that I stayed in any length of time or anticipated staying in any length of time I probably got a map.

MR. KERSHAW: What about Birmingham?

A. Yes, I think I had a map of, of —

Q. Birmingham?

A. Birmingham. I don't know if I kept all these maps, but I knew I had them.

MR. EVANS: Was it your rule to keep the map.

A. Well, not necessarily. I usually just threw them in a car or something. I threw them in the suitcase and there was never, I never had any rule where I had to keep every little map I came across. Maybe if I thought I was going to use it some other time I might have kept it.

MR. LEHNER: When did you last get gas before the time you went to those two gas station in Memphis just before you saw the police car blocking the place?

A. I really don't know. I think it would have been quite a while because I had been driving around. I think that day before that, I think I went to the drug store and bought some shaving cream. I don't recall when I bought gas. I know when I left, when I left the area here I know it was quite, I know I got some gas right outside of Atlanta.

Q. You were planning to stay in Memphis for an additional three

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days or so weren't you?

A. It was my impression that it would be a short while, three or four days or so.

Q. And you went to these two gas stations to try to fix the spare, did you think of getting a map of Memphis since you didn't know that city that well?

A. No, I don't think I — That was a different situation I believe in getting a map of the town where you were going to stay in, where you think you were going to be there a month or so.

Q. Let me ask you this Mr. Ray.

MR. SPRAGUE: Why do you say it was a different situation?

A. Well where by you were just going to stay somewhere two or three days or something, you weren't going to, to go worrying about all the streets and locations and everything like that.

MR. KERSHAW: Did Raoul know Memphis. Did he tell you where to go?

A. Yes, sir. Next to the water front.

Q. Did you know Atlanta?

A. I don't think so.

MR. LEHNER: You told us that Raoul mentioned to you that the last time you met him in the rooming house that he might need the car that night, is that true?

A. That evening or something, yes.

Q. And did you think that use of that car that evening was going to be for some illegal purpose?

A. Yes.

Q. When you went back to - towards the rooming house and you saw

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the car the police car blocking the path, in your mind since you had just had this conversation with Raoul about needing the car that evening for an illegal purpose, wasn't it clear to you that Raoul would not have engaged in any illegal activities until that evening when you were there?

A. Well that's -- Well, that was the impression I had received before 5:30 or whenever it was. Yes.

Q. So when you saw that police car there you had no reason to believe that Raoul had done anything illegal. You had just had a conversation with him which indicated to you that any illegal activities would be done with you that evening with the car.

A. Yes, I had no reason to believe that he did anything illegal, as far as any hand guns, illegal, but I just, I was just, I was playing it safe going on assumptions of what might have been. It would have been a lot easier to make a phone call than it would have been going in to a hornets nest before -- I know in Jeff City somewheres --

Q. Well, last week we told you that we were going to start with Memphis and I think Mr. Kershaw said, well, you're starting in the middle. I think at this stage we will start, we will start off, if you wish, in an area which you might call the beginning, what happened in Jefferson City and how you made your escape from there?

A. Well, let me just discuss two or three areas of it, and see if you agree that things that don't have anything to do with the King case or anything else. I was thinking about these over the weekend.

Q. Yes, go ahead.

A. Well, it was several times after I escaped, during my escape there were people that helped me in one way or the other, and I don't care

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to mention their names unless the, maybe the Committee or someone important can show where it would have a direct bearing on the case.

MR. SPRAGUE: Well, just say, when you get to those --

A. Well, let me take an example, there's been charges that the Missouri Prison officials let me out of prison and through some manipulation of the government to commit the crime, the offense. Of course, that is false. I don't like to go into -- There's been several, I think there's been three explanations of how I escaped. There was no official involvement in the escape, but there was former convicts that I could trust, so I don't, I don't like to go into too much details on how I got out. I got out, and I got out, let's just say I got out without any official assistance.

MR. LEHNER: Well, maybe we can do it this way. If there is more than one, if there is more than one just use X, Y, and Z. Don't use any names.

MR. SPRAGUE: But tell us how you got out, but just don't name who it is, just use a letter so we do not know the source.

A. Well, I think if I do tell you how I got out, it would be the same thing of telling you.

MR. SPRAGUE: Well, I'm not interested in prosecuting anyone.

A. I know, but there has been, there's a matter of credibility here between me and Bradford Huie, and I think

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there's another part on just how I got out. I think the prison officials have another.

MR. SPRAGUE: Well, I think it's important for you to tell us, you know, and not -- I'd ask Mr. Kershaw to agree with that, but just don't name the person.

Can I ask you a question, how did you shoot yourself?

A. Well, I was in a robbery, a shotgun went off and shot me there. I was running.

MR. LEHNER: Where was this?

A. Chicago.

Q. Were you caught for this crime? A. No.

MR. SPRAGUE: When was that?

A. Well, it was in the 50's.

Q. Well, the statute of limitations --

MR. KERSHAW: That's another one of those periods where everything was not rationally figured out ahead of time.

MR. SPRAGUE: And what happened, you were running after the robbery and had the gun in your hand or what?

A. No, I had a sawed-off shotgun and I triped over a wire and it went off, and it shot me in the leg.

Q. How much of an injury did you get.

A. Well, it healed up two or a couple of weeks.

MR. LEHNER: Well, did you get medical treatment for that?

A. No.

MR. SPRAGUE: You treated yourself?

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A. The shots are still in me.

Q. The shots are still there?

A. Un huh, yeah.

Q. Do you want to take a pause for a moment?

Okay, let's take a little break.

MR. LEHNER: It's now 2, it's now 2:30, we are resuming after a short break that we just had. Everybody is still present that was here before. Before we start with Jefferson City, which is the next thing, and then we want to go chronologically from Jefferson City right to the present. I just want to touch on one area, and that, that is the gun that you said you retrieved in Atlanta, and you told us you bought that gun in Birmingham, I think, when about did you buy that gun, gun in Birmingham?

A. I had another gun, but that was that second one I had and I bought it, I purchased it -- I must have, I'm positive it's around some time in september of 1967.

Q. So you had that gun from about September 1967 until June '68 when you were captured?

A. Yes.

Q. When did you take it with you and when did you leave it behind you? In other words, when did you have it on your person, and when did you have it elsewhere during that period?

A. Well, the only time I carried it is when I thought I would need it for protection.

Q. When were the periods that you carried it?

A. On my person? Well, I didn't carry it too much.

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Well, I carried it after they started looking for me for the King killing and --

Q. I'm talking about, now between the time you purchased it and the time you retrieved it in Atlanta on the 5th of April?

A. I carried it in Mexico after, well, that's after we crossed the border going towards the second customs, I think, I carried it -- I usually keep it in the car in the seat. People have a bad habit of ripping the car open and robbing you. I use to keep it down underneath the seat. They were bucket seats where you could get it under the springs. I really can't, other than that when they started looking for me in the King case I carried it very little. I think, I carried it in Mexico and where I thought a situation might arise where I may need protection.

Q. Would you keep it in the rooming houses, in the motels you stayed in when you left the rooming houses, and motels, or would you take it with you on those occasions?

A. Well, it's a bad --

Well, you have a problem about people cleaning up the rooming house and finding these type things. In Birmingham I think I kept it in a safety deposit vault for a while.

Q. In Los Angeles, where did you keep it?

A. Well, I had a different situation there, where there was no cleaning lady coming around, but some times there I carried it with me when I thought it necessary, I carried

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it underneath the seat under the spring or something.

Q. In general, when you met Raoul you figured you were going to get in some kind of criminal enterprise, is that ture?

A. Well, it would depend on the situation. I know in Canada one time I threw a pistol away because I had to cross the border and I didn't want, I didn't want to have it with me.

Q. Well, generally, when you met with Raoul you figured you were going to get into some kind of criminal enterprise, is that true?

A. Well, it was a question of whether I had to defend myself against maybe him or someone else. Lots of times, I guess you are probably aware of it, when you commit a crime with someone else he shoots you so he won't have no witnesses. I think there was a couple of situations like that where I carried a gun, but ordinarily I'd rather not carry it. Because you can get arrested with it.

Q. So in general, between the time of when you purchased it and the time that you retrieved it in Atlanta you would carry the gun when you would engage in criminal enterprises when you meet Raoul, and when you thought you would need it for protection, is that true?

A. Yes. I engaged in very few criminal activities, in fact, I didn't engage in any criminal activities in the United States, so I didn't have no reason to carry it, but

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I did carry it like I said a few times when I thought the neighborhood required it or something like that.

Q. What day did you leave Atlanta before going to Memphis?

A. What day did I leave Atlanta? That must have been the 28th or 29th.

Q. That's of March, right?

A. Yes.

Q. And at that time that you were leaving Atlanta you knew that you were going to be meeting Raoul in Memphis, and it had to do with selling rifles to the Latins, is that true?

A. Yes, that's true.

Q. Were you apprehensive at the time you knew you were going to be selling rifles to Latins that they might try to steal the rifles and pull a holdup and not pay you the money?

A. Well, we hadn't got that far into it yet.

Q. You knew that you would be dealing with third parties that were interested in buying rifles?

A. Yes, I knew that.

Q. And you knew it wasn't legal, right?

A. Yes.

Q. So you knew that they would be of a criminal type?

A. Yes.

Q. Such as Raoul was?

A. Yes.

Q. Could you tell us any reason why you didn't take the gun with you from Atlanta and you left it somewhere there?

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A. Well, I don't think they, I don't think I was intended to be used in any matter until any serious matter, until we got to Mexico and any-- that is about the only time. There's a different - there's a different climate in Mexico than there is up here, at least I had that in mind. I think there is more need to protect yourself down there than it would be up here. I think that if someone was going to shoot you that they would do it there rather than shoot you say in Memphis.

Q. Why didn't you take the gun with you to Memphis when you knew you were going to be selling guns, rifles to Latins, you knew it was against the law, and you knew they would be criminal types? What's the reason?

A. Well, let me put this in two settings. Well, I'm basically doing the same thing in Memphis that I would be doing in Mexico, but I think if I had the choice or if I thought it was necessary I probably would have carried a pistol in Mexico before I would in the United States. I just think it would be more -- If anybody was going to do anything, that's where they would make their move at, in Mexico, but here I'm in a, situation, in Atlanta going to Birmingham where I have to buy all these weapons, buy things like that, and I just, I didn't see any need to be carrying any weapon with me especially if I got questions with the police.

Q. Well, in Los Angeles you kept your gun in your car at different times, is that correct?

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A. Once or twice, I didn't make no practice to carry a weapon in Los Angeles. I think twice, in fact, I think one time I did have it and I could have got, you know, a lot of times when you are drinking a pistol will get you in trouble, and I tried, in other words I don't care anything about carrying a weapon unless it's, unless I think it's necessary. I don't get any satisfaction from just carrying it around in my pocket. If that's what you are trying to say.

Q. This is what I'm addressing myself to see if I can make it clear as far as my question. You said after you got back, back to Atlanta you got the gun, carried it in your possession because you wanted it for protection, you certainly weren't planning to do any drinking at that time, right, and you planned to carry the gun with you for your protection?

A. For that and possibly to commit some type of, I was short of money at that time. I thought it was always possible that I could commit a holdup again for some reason or another.

Q. Now, when you left for Atlanta to go to Memphis, this was not going to be a drinking spree by you?

A. No, it wasn't going to be.

Q. It was a business deal where you were going to buy rifles and you were going to sell them to Latins in Memphis, right?

A. Yes, but I was explaining about the drinking in Los Angeles.

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Q. What I'm trying to get at, is why would you not take this pistol, you leave it in the car when you are going to purchase rifles, why would you not take it to this Memphis meet, where you were going to meet this criminal types who were going to buy rifles from you, who might try to strong-arm you for the rifles, shoot you, whatever, not take it there, but then go back to Atlanta and take it when you are trying to make your escape and not be caught by the authorities and not have a weapon on you so that they could arrest you for possession of a weapon, finger printing you and then find out you are an escapee from Missouri State Prison?

A. Well, when I went to Memphis I don't know what all went through my head, how come I decided to leave the pistol in Atlanta in this basement, but there was never any doubt in my mind to strong-arm any weapon from me, because somebody else was paying for it. But, of course, I guess you could come up with a situation where someone would let you buy it and then shoot you with it. I think that's another, that's another chance you would have to take on it -- I can't, I can't -- I know what you are trying to get at, is how come you left the gun there and then you carried it somewheres else?

Q. Because you also told us that when you met Raoul, you usually had the gun because you were a little afraid of him too?

A. Well, there's a fine distinction there, but I'm not just, not able to articulate it.

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Q. Well, think about it, we will come back chronologically through the story and we will start off in Missouri State Prison, and if you will start with Jefferson City, take it from there?

A. Well, let me go, well on these three areas that I told you that I would rather not discuss. One of them there's a credibility and there is also a civil - a civil liability on how I escaped from Missouri. The other areas, one time I got a weapon which I subsequently left in Canada because an individual in East St. Louis, Illinois, and there was also an individual from East St. Louis, the same boy he hauled me one time from East St. Louis from where I escaped to Edwardsville, Illinois, and caught a bus and I went to Chicago. Now, none of this stuff had anything to do with the King matter.

Q. Why don't you do letters when you get to that person, to these people that you are talking about?

A. Well, what I'm talking about when we go into details on the escape, it's not part, I'd rather not go into them because it's going to be a case of civil liability on them. My credibility versus Huie's, and I'm positive the prison officials are going to have 15 or 20 convicts saying there version is correct rather than mine. I drew a map of how I escaped from prison, it's in Look magazine and if you want to I'll stipulate that that's how I got out and if they want to, if they want to contest it why they can bring their own witnesses, but I don't --

Q. Well, let me say this, if I may. I think Mr. Kersaw is going to agree on this. Civil cases may be interesting,

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and civil cases have to do with money damages and they are of some interest to many lawyers. We're not interested in civil cases right here. We're interested in the truth as to the assassionation. I think that is your prime interest, and you can be assured that we are not going to be interested in civil cases involved. So if you could just tell us, give us your account and just naming these people by letters, anything you want to do, I don't think that, you are going to realize that it's more important to get the truth out here than some how or other possibly in the future affecting some civil case which is a much more minor consequence.

A. Well, I - I don't know on the, on the escape on these other things, why don't we -- Look here, why don't we go from the time I escaped and then we can come back to this later, and I'll think about discussing it. I haven't discussed it with Mr. Kershaw. I will take it from the day I escaped until the time I got out and --

Q. Go ahead.

A. Well let's see, let's pick up on, I escaped on April 23d, I believe, or 27th or whenever it was, 1967. And after I escaped, I made my way along the Missouri River going towards Kansas City. Now, I'm not positive, I got on the railroad tracks once and I think I crossed the creek, or maybe the river once or twice, I hid underneath the bridge once, but I know I stayed, I stayed close to the Missouri River. I couldn't see it all the time, sometimes I'd get out of the view and sometimes I'd be quite, quite a ways out of

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view, but I usually walked at night so that way I could sleep in the day and that way I couldn't get caught.

MR. SPRAGUE: Other than clothing, did you take anything with you out of the prison?

A. I took about $250. I think I took some candy bars, five or six candy bars, and I ate a large breakfast before I left.

Q. A radio?

A. Yes, I took a radio and I believe that was it, money, radio, and I think three or four candy bars.

Q. And where did the $250 come from?

A. I'd accumulated that over several months.

Q. Doing what, or don't you want at this point to go back to that?

A. No, I'm not -- I'm not, that's not important. Various things you can do in the prison to make money, like people washing laundry, they make money doing laundry and various, renting books and then you get paid a certain amount, what is very little for, there is just various ways you can make small amounts. You can't make large money. $250 would probably take you, you might make a little bit more than that in a year, but at the same time you have overhead in prison like you do on the outside. Like stamps, you got to pay for all that stuff, tooth paste and all that stuff.

Q. How long about did it take you to make this $250?

A. How long would it take you?

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Q. Yes, this $250, how long did it take you?

A. Well, I'd say it take you a year, maybe more.

Q. Had you sent any money out of prison while you were in Missouri State Prison to other people?

A. Well, I sent a hundred dollars out altogether.

Q. To who?

A. I sent a hundred dollars to a lawyer named, representing me in a habeas corpus, and I asked him to give my brother fifty of it, the money wasn't, I don't believe it was in my name and he gave my brother fifty and I forget which one, John or Jerry, and then they mailed fifty into me, and the lawyer used the other fifty to represent me.

Q. Who was that lawyer?

A. Well, he representing me in a Federal Habeas Corpus suit in, before Judge, I can't think of the judge's name. I think Judge Higgs is a Appeals judge now in Jeff City the post office.

Q. Do you recall the lawyer's name?

A. I can get it, but I can't think of it right now.

Q. Okay. Other than that $100 that you sent out, you didn't send any other money out of the Jefferson City Prison, is that correct?

A. Not directly. I think other ways, I think I sent a $100 out plus that $100, but that was, let me explain the mechanics and then you'll understand. Let's say me and you is in the penitentiary in Jeff City. You can't give me a check, there are some prisons you can, you can't give me a

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check, but if you owe me $10 you'd either have to give it to me in cash or buy something from me, give me some products. Well, during the six years I was there I sent about five $20 checks out to my sister. Well, the way we work this is now you can buy legal paper from the street, and I just had the individual mail my sister a $20 check under the name of Carol Pepper Stationery Company and then she could take the check and cash it and mail the $20 back to me. I think I -- I think I mailed about five checks out in that manner over a six year period.

Q. Totaling how much?

A. A hundred dollars at the most, maybe not that much.

Q. So the hundred you sent to the lawyer, a hundred that you just in routine sent to your sister and the two hundred and fifty that you had when you left, that was money that you made in the prison?

A. Yes. That would be - that would be the sum total.

Q. And I take it you made other money in the prison that you spent for various items inside the prison?

A. Yes. I would guess overhead in the prison would average about 10 or 15 dollars a month.

Q. Okay. Why don't you take it from the time that you escaped, you say with $250, with the radio, what else did you have with you?

A. I think I had a few candy bars that was about it,

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Hershey bars or something. Well, anyway I walked on, I made my way toward Kansas City toward it, and I think the third day --

MR. SPRAGUE: Did you have civilian clothing?

A. No, the way I got -- You have to wear uniforms up there, the way I got out of this, they are all standard greens but I got a pair of pants and I dyed them with black something, some type of black, and I put them under the regular uniform plus a white shirt. I got that out of the bandroom and after I escaped that's what I had on, and do you want to go on? From there up the river, well, I think the third day I had, I ran out of food the first day but I think the third day I got into a fishing shack on the river. There was some eggs or something there.

Q. Let me interrupt one second. There is a report somewhere that one of these prisoners in Jefferson said that you had made a statement that you knew where you can get a lot of money from, some group that would pay to kill King. What comments do you have about that?

A. I know the fellows name. Do you want the background or any --

Q. All right.

A. His name was Curtis. I'm trying to think of his first name, his name was Curtis, but I can't, but that's -- I can find his first name, it's in the Time magazine, yes, he said that. Well, the first time I met Curtis was in Kansas City

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Jail in 1955. Now he was in Federal tank and I was too, but he had two accomplices and they were in a different tank and I think I played cards withhim up there two or three months, and subsequently I got 45 months in Leavenworth and at that time I didn't know what happened to him, but when I got to Leavenworth I was in segregation, they keep you in quarantine for 30 days, and his two accomplices were in there and they told me that Curtis had turned State's evidence and they had got 30 years and he had got 18. So that's the last I thought about it. When I got to Jeff City in 1960, about three or four years later and I'm not positive, well I seen Curtis on the yard one day so he come up to me and said something about escaping and I said something about he was an informer, and we use different names for informers. So that's the last time I saw him. So two or three days later, it might have been a week later, someone told me that he had tried to set someone up in narcotics and he'd checked into, he voluntarily checked into segregation. Well what happened he got 18 years and apparently the FBI or the Justice Department got him partoled from Missouri. And he had some back-up time in Missouri. I think he had 10 years there. I believe he, now after he went to segregation I never did see him any more, but later on someone said he went to the farm and after he got on the farm I think the FBI or somebody got him paroled, got him paroled again and then he went to Georgia, I think he killed someone in a robbery and he was in Jail at the time I was arrested in London, England. Well he wrote me a letter in London, England, he pretended he was my friend and everything and I tried to send a letter back, but they

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wouldn't let me send it back.

Q. Well, do you have the letter he wrote you?

A. No, I think I threw it away. Apparently many people wrote over there, but that's the only letter that the government worked out some deal to let me have it. So, I never did -- that's the last I heard of Curtis until he started to make all these accusations in the paper.

Q. What did he say in the letter?

A. Well, he just pretended to be a friend of mine, like he was real intimate with me and all that stuff. Well, then as I say, that's the last time I heard of Curtis until it appeared in the paper, where he was saying that he knew me, and that I said all this stuff about King and all this stuff. Well, anyway, that was in 1968. Well, on the murder charge I think he and -- I think someone got him on a road-gang and now he's escaped again, so that's all I know.

Q. He's an escapee now as far as you know?

A. According to the book he escaped in 19, in McMillian's book he escaped in 64, but apparently some one with authority just keeps getting him out and letting him walk off.

Q. Well, I also, I haven't read the book so, somewhere in the back of my mind is the story related, somewhere related, about you having a real hatred and dislike for blacks. Do you have any comments on that?

A. Well, I think that's the same Curtis story. He said that I use to see Dr. King on TV in Missouri and I'd go into

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some type of a tantrum or something, but the people that wrote this never did a lot of research because TVs were not permitted in Missouri penitentiaries.

MR. LEHNER: When were they first permitted in the penitentiary?

A. Well, I don't know. After I escaped they permitted them. I'd say 1970, but we were not even permitted radios up there until -

MR. SPRAGUE: Do they show movies?

A. Yes, they show movies.

Q. Do they -- Do they have any news reels?

A. No, no news reels.

Q. So there was nothing that you would have seen on TV, is that right?

A. No, that would have been impossible.

MR. LEHNER: There was no TV in the common area before you escaped from the Missouri State Prison?

A. No. It -- It wasn't allowed in the cells or anything else.

Q. I'm not talking about the cells.

A. No. Now, some times on Saturday and Sundays they had a TV. They, the prison officials will verify all this. They use to set it up on top of the recreation shack during a ball game and they'd close it off either before or which ever lasted longer, the yard which is about 3:00 or the ball game. They'd turn it off, but I probably watched that three hours in the

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six years, but there were never any, you never sat out there and seen any news programs or anything like that. And the story that you, you are referring to I think Curtis use to be in the cell with me and I'd be watching in my cell and that's what happened, the people didn't do enough research.

SPRAGUE: Well, what about your attitude, if any, concerning blacks?

A. Well, I really didn't have too much an attitude concerning them. I attempted to explain this one time. Dan Rather asked me on the TV show, you know, you know, the ethnic way, the changes over the years, you know, what's accepted 20 years ago may not be acceptable today in terms of what's the in-thing today might not be so 20 years from now. But, but I tried to explain to him about the Leavenworth Penitentiary, that's kind of a microcosm of the United States. You see, you know, Mexicans they usually associate together and blacks and whites. Even on a state level there's a lot of people from Texas there and they don't like to associate with people if they are not from Texas and, of course, I, most of my association there was with whites just like, more or less like the rest of them. As I told Rather as far as these other ethnics groups and things like that. They are just here and there, I assumed that they are looking out for their interest and I'm looking out for mine. That's not -- That's not the prevailing ethnic, you know you are suppose to be a big humanitarian, but that's, I consider that

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that a con game anyways. That's the best I can answer that particular question.

MR. SPRAGUE: Go ahead. So you were out of food.

A. And I got into the fishing - let me regroup. See, I'm when I testify here in front of Rather and all that, that's what I'd tell the jury. See, I'm not really concerned about - I'm not saying I'm not concerned about what I testify to here or to Rather, but the main thing is what I tell a jury. If I told you one thing and went back and told the jury, you know, if I tried to pretend that I was one thing and went before the jury something else, the jury, I believe they are, I believe they would be more or less from the class that wasn't concerned with all this, you know, this humanitarian bit.

Q. I understand that.

A. I'm concerned about that. But we will get back to the fishing house. I think I got some food out of there. I think the only thing I remember, recollection strongly, I think there was some eggs and a half fifth of wine, a half fifth of wine, and I think that took me for a couple more days. The only specific time I ever met anyone, was, I was underneath a railroad tresstles and a hand-car came by. I had a fire going under there. It was raining, kind of cold and they checked under there and I told them I was just, I'm not sure what I told them. I told them -

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I told this to Huie, I guess the FBI has their names. The next -- the next -

Q. To this point, did you call anybody, contact anybody?

A. No, it was a wilderness. It was just similar to as it was out here. I stayed on the railroad track. I walked on the railroad tracks at night and stayed off it during the daytime and--

Q. Where were you heading for, what were your plans?

A. My intention was to get to the first large town to catch a railroad train back to the St. Louis area, but I would guess I walked about seven days. I guess I covered between 45 and 60 miles, and like I say, during it, I walked around, lot of times on the railroad tracks you come to houses where they are lit up and you have to walk around through the fields. Consequently, I had, my ankles got pretty, very sore. I think, I believe it was after the seven days I ran into a town. I don't recall the name of the town. It was night time. I stayed outside of town until it got dark when I went in, I got, I went to a restaurant and I got some sandwiches, I think a pint of whisky or something. Then that was kind of a large train yard up there. Some time during that night I got a train back to St. Louis.

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I went to St. Louis and I got off in the train yard in St. Louis and --

Q. Where did you say you got a train? Did you hop a train?

A. Yes, freight train, coal car I think it was, and I got to St. Louis?

A. Up until this point had you been intouch with anybody?

A. No one.

Q. Had you talked to anyone on the train?

A. It was a freight train.

Q. Did anyone come by?

A. No, I saw a light or something, but I didn't get close to anyone to speak to. I think there was a few lights out there when I was waiting on it. I never talked to anyone. You see, when I got to St. Louis, I'm not, I got some clothing there, but I'm not sure whether it was St. Louis. I got them at the Goodwill or East St. Louis I believe it was in. It may have been in St. Louis. I know I got a cab to East St. Louis and called a individual I use to know in Jeff City, and we went to Edwardsville and I know --

Q. This was the second part that you are telling us before that you didn't want to mention who it was. You are saying that there are three things that you didn't want to

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mention?

A. Yes, that's one of them. The individual that took me to -- Now, he took me to Edwardsville. It wasn't no family member or anything like that, because I kept away from them. I assumed the police was after me and it was early morning, I remember, when I arrived in Edwardsville however, it was about daylight.

Q. Well, what's Edwardsville, just a little town?

A. Well, it's a, it's just a small -- I think it's the county seat of -- It's the county seat of this Madison County, Illinois, I believe.

Q. How far is that from St. Louis?

A. I would guess 20 miles, maybe slightly more.

Q. You were driven there?

A. I was drove there, yes, but I caught a bus, I don't know which one it was, Greyhound or Trailways, in Chicago and I arrived there about --

Q. You had paid your friend, I guess he got you a ticket or what?

A. No, I got it. I got the ticket and everything. He just let me off at the bus station. Let's see, I got to Chicago and I went to, rented a room on 7th St. I believe that about 20 hundred north, that area, and I think I told the

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landlady that I left my luggage in the bus station or something, and then I started checking for jobs, and I got a job through the Chicago Tribune in a restaurant. Do you want to go through all that?

Q. Yes, in Chicago, yes.

A. Well, I got the place, I went to work, it was the Indian Trails Restaurant in Winnetka, Illinois, a dishwasher, I think it was a dishwasher.

Q. What name were you using?

A. I was using one of my brother's old social security numbers, John, John L. Raynes I believe it was. I don't recall the social security number, I didn't have, I didn't have the card, I got the number off him. We interchanged these numbers all the time he used them, I used them so I used that social security number and --

Q. And that name?

A. John L. Raynes, yes.

Q. And had that been used before by your brother?

A. I suppose so. Not only by him but by other parties I assumed, he had 10 or 15 of them. Well there was nothing eventful in Chicago. I know I called up the Canadian Embassy and I contacted them several times, pule other foreign embassies trying to, checking on foreigh countries, possibly immigration. I wrote the Canadian Embassy, but I don't, I think I-

Q. When you said called and wrote, for what purpose?

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A. To get out of the United States.

Q. What would you ask them? You mean just to get out of the United States, couldn't you just walk over?

A. Well, I think I, used to write in for tourist information, usually in that type of information it usually gives you something about, you know, generally how to get out of the country, and they usually go into some details about traveling. I never did have too much experience with traveling.

Q. What name did you use with that?

A. That same name I had the room rented, John L. Raynes.

Q. What other countries did you inquire?

A. Altogether?

Q. At that time?

A. I didn't inquire too many more at that time. I don't think, I think Canada, I may have checked on Brazil, see, all those countries don't have --

Q. Extradition?

A. No, you don't have offices in various cities around the United States. I recall the Canadians specifically because I wrote them and I didn't only call them, I wrote them a letter.

Q. Did you got a letter back?

A. Yes. My main purpose of working in the restaurant I was trying to establish some identification, accumulate some type of job possibility, stuff like that.

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Q. What was your plan now, once you got some sort of identification setup?

A. To go to Canada. I purchased the car there while I was there for identification, not only for identification purposes, but to use. I think I gave a hundred dollars for it and I took it.

Q. Had you ever been in Canada before?

A. Yes.

Q. When was that?

A. 1959.

Q. What happened, what had happened back then, I mean had you gone there hiding out on a stake?

A. Yes, I had, had some trouble with the law. I was also trying at that time, trying to stay up there and I attempted to find work up there at that time, and I couldn't find any, they have some type of a situation something like the United States where you have to have an insurance card before you can work.

Q. How long had you stayed in Canada that earlier time?

A. About two months.

Q. Had there been any other times you had been there?

A. No. That was the only time.

Q. Did you figure this was a pretty good spot to go to at this time?

A. Well, the first consideration I gave on going to foreign countries was the language problem. The English

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language where I would prefer other countries to be far away from the United States. The English language always, especially if you have to work these are the final considerations.

Q. And then had you established an identity under the name Raynes?

A. Well, I think I purchased a car up there. I don't, a Chrysler or something. I gave $100 for it, primarily not only to use, but to establish identification, get a driver's license. I subsequently took a drivers test, passed it, but for some reason they never did forward me my license.

Q. Where did you take that test?

A. Chicago.

Q. When was that, do you recall?

A. Some time in April, probably May, May of '67.

MR. EVANS: What address were you using then?

A. That's --

Q. Do you know?

A. It was, was on Sedwick, but I'm not sure if it's correct. I'd say 1800 block on Sedwick Street North. Let's see, I can't think of anything else that happened in Chicago to report, but I did see my brother once when I was free, I think I called him once but that's about it.

MR. SPRAGUE: How long --

MR. LEHNER: Which brother was that?

A. Jerry Ray.

Q. The same one, Jerry, that you met on the street, and

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you also called him once?

A. Yes, I called him once and I met him on --

Q. Where was he working then?

A. He was working for some club or something in a suburb of Chicago.

Q. The same club he's been working now for years?

A. No. I don't think, I think he's working for a different one now for the last four years, but there was nothing eventful in Chicago, I was just --

MR. SPRAGUE: How long did you remain there?

A. I guess I was working, I worked at that place about seven, seven weeks I would guess.

Q. Then what?

A. Well, let's see, it was my intention to go to Canada, then after I had the -- I'm not sure how much money I had at that time. I think I would guess about five hundred, but I don't want to be quoted on that. I was waiting on the check after I quit. The people informed me that you had to wait 10 days or something to get your last check.

MR. LEHNER: While you were working at Indian Trial did you get any telephone calls?

A. I don't know. It seemed to me that I may have gotten one from my brother, but I don't think I did.

Q. Well, if you can think back and tell us whether you recall having any calls at Indian Trial, where you got into an excited conversation?

A. No, no excited conversation.

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Q. Well, did you get any calls which -- Did you get any calls other than that call from your brother?

A. No, that was it.

Q. Was that a call from your brother or to your brother?

A. I don't even know if that was such a call. If it was a call, it was from him, but I don't recollect telling him where I worked at. I don't think I ever gave him my address.

Q. Well, was there a reason you left Indian Trail?

A. Well, I had been working there several weeks, seven weeks, I don't know how long it takes the government to trace you through these social security cards. The card may not have been used in 15 or 20 years, so it may have looked funny. There was no particular reason for me to stay there any longer. I had enough money at the time to get to Canada, and I had accomplished whatever I wanted to accomplish so it's time to leave.

Q. Were you going out with anyone, hobnobbing with anyone while in Chicago?

A. No, I kept more or less to myself. I didn't have the money. I was trying to accumulate what money I had. I didn't have money to be hobnobbing.

Q. Or running around with anybody?

A. No, man or woman or anyone.

Q. It had been like that?

A. Well, while I was waiting on the check I think I waited

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around in my room on Sanford Street, and I went to Quincy Illinois and I stayed about, I don't know, it was maybe a week, five or six days, and I never had any trouble with the police in Quincy, Illinois that's where my father, he came from, and all his relatives. I never had any trouble with the police there so I figured I was fairly safe there, and I stayed in the hotel down on, I think I stayed in two hotels, cheap hotels down on, one of them was on Second and the other one was on Third I know -

Q. What name did you use then?

A. I think I used the, I signed a register, but I don't know what name I used. I use to use a false name on the register, but I may have used the Raynes name. I don't know -- I don't know what day it was.

MR. LEHNER: How long were you in Quincy?

A. I was there from five to seven days.

Q. Who did you see there that you knew previously?

A. Most the people I knew previously, Ralph Davis, I knew Ralph Davis and that was one, he was, I think he was in the general area, but I didn't get to see him. The only individual I ever knew before that, I knew fairly well that my relatives knew, was a bartender, a club owner by the name of Ted Crowley, and I think I told him I was on parole or something.

Q. Did you meet any relatives?

A. No, at the time, the only relative I had there was my aunt and she -- I may have called her up but I'm not

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sure. I don't believe I did.

Q. Did you speak to your brothers while you were in Quincy?

A. No, I didn't have any relatives up there.

Q. Did you call them?

A. No. No, not in Quincy.

Q. Up until this time you were in Quincy, had you called John?

A. No. John, I, I didn't fool with John too much while I was out there. I don't know if he had a phone. He was living in St. Louis I believe under a tavern or something.

Q. So up until the time you were in Quincy the only people you contacted in anyway that you had known previously is your brother Jerry, you saw him in the street once and you --

A. In Quincy now.

Q. No, up until the time of the escape until the time you were in Quincy, the only person that you had contacted in anyway that you had known previous to the escape was your brother Jerry, you saw him on the street once and there was one telephone call.

A. Him and the individual in East St. Louis, and there's Ted Crowley in Quincy. I think there was another individual named Willy Qualls in Quincy and that's it.

MR. SPRAGUE: Willy what?

A. Qualls.

Q. Qualls?

A. Q-U-A-L-L-S, or something.

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Q. Did you meet anyone else, anyone new in Quincy?

A. No, it had been sometime since I, since I'd been in Quincy and a lot of people had either left or something. It had been seven years.

Q. And who was Qualls?

A. He was a bartender or something.

MR. EVANS: What's the name of the bar that he worked for?

A. Qualls?

Q. Qualls.

A. He was working -- I don't know which one.

MR. EVANS: Well, what would have been the name when you were there?

A. At that time?

Q. Yes.

A. Where he was working at that time, I'm not too familiar with all the bars except Ted Crawley owned the bar there, I don't know if he was working for him or not. He was probably hanging out there, but he was just a bartender that works all over. There's no specific place you might see him anywhere.

Q. Let me take you back to Chicago for a minute, did you, were you living on Sed --

A. Sedwick Street.

Q. Sedwick Street, did you move from that address? When you moved from that address did you go to Quincy or what did you do?

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A. Well, why didn't I -- Well, I went to another place and stayed a week that night before I went to Quincy. I don't know where that was, 700 North, I can't --

Q. Why, why did you move?

A. I think I moved beings you raised that, I forgot about that, I think I moved two or three weeks before, before I quit work because it's a lot closer to where I was working at. Sedwick was 1800 and the place I moved was 7000 and would be five miles closer to where I worked.

Q. Did you have the car then?

A. Yes, I had the car.

Q. Okay.

MR. LEHNER: You were in Quincy when you were just relating, what happened in Quincy?

A. Nothing, nothing happened there. Before, it just seemed I was staying in these hotels, I believe they cost a dollar and a half for a day or seven dollars a week or somthing like that, and I stayed there I think a week and I went back to Chicago, I went back to chicago and I had rented a post office box and told the people to forward, forward the mail to the post office box.

MR. SPRAGUE: What name did you use there, Raynes?

A. My post office box, yes, and I think I did get the check out of the post office and I cashed it at the bank down the next town down. And that's about the only thing that happened there and then that's it as far as the Chicago area.

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Q. Then what happened, where did you go to from there?

A. From there I went to, I was going down to see my relatives. I was going to try to get this guy I knew across the river to get my brother and tell him I was going to Canada. It was my intention to go up there and have my brother or someone establish an assumed name in a post office and that way I could write them if I knew the assumed name beforehand. In other words if they could, say if they rented a box in Illinois under the Smith name then I would just write them under Smith, but I when I went down there I never did, I never did contact my brother or anything. I was concerned about them shadowing his house or something like that. Well, on the way down there I had trouble with this car, this $100 car, and I traded it for, I sold it for another $200 car.

MR. LEHNER: Who did you sell the first car to?

A. The guy that was running the filling station, I guess. He gave me $45 for it.

Q. Where was that filling station?

A. I don't have any idea. I can give you the general area. It would be south, southeast of East St. Louis, Illinois. Out towards the edge of one of those suburbs. They are all suburbs, Bellville and all of them are all mixed in there southeast, somewhere out there. I sold the car, I guess they have records of it in Illinois.

Q. What was the reason of your selling one car and buying another?

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A Well, it had stopped or something, but the guy I sold it to, he said he could get it going. What happened to it, it run all right but once it stopped once, you stopped it wouldn't start again unless it sit five or six hours and cooled off. So I couldn't wait five or six hours so --

MR. EVANS: Sounds like some of your cars Bob.

MR. SPRAGUE: Well, from Chicago where's the next place that you landed?

A. That's East St. Louis where I got rid of the car.

Q. And?

A. I had the trouble coming with the car from East St. Louis.

Q. Now, when you contacted this friend who, you, had been taking you out of St. Louis before at that time --

A. Not at that time, I did contact him. At that time I was thinking about having him see my brother or something. I don't know if he ever seen my brother or not. I don't believe he did, at least my brother says he didn't, but I was getting kind of short of money again after this.

Q. Where did you stay when you got to St. Louis, East St. Louis?

A. Well, I stayed at some place there, kind of criminal. I don't know it's something similar to the place in Memphis. I'm not quite sure if I should go into that this time. I think this is something we should lay aside.

Q. Okay. That's a future thing.

A. Well, if it's necessary when we --

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Q. When you got down to St. Louis you stayed at some place that we will kick around later, if we get to get into that.

A. The only contact I had there, I never did contact my relatives. I did ask this one fellow to possibly see my brother or something, but --

Q. No, this one person is the person you talked about before.

A. Yes we discussed him.

Q. Did you meet any -- How long did you stay in St. Louis?

A. In East St. Louis, I stayed in this place, well, not too long. I got the car, I got straightened out on the car, and everything and I had to move out of there pretty quick on account of my financial situations, and --

Q. Who were you in touch with here other than that person?

A. There wasn't no one. He gave me a pistol, I got a pistol from him, the only thing I had.

Q. This is this person that had helped you before?

A. Yes.

Q. What kind of a pistol was this?

A. I think it was a .38, except that it was larger than what --

Q. What had you end up doing with that pistol?

A. I took it to Canada. When I left St. Louis I think

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I went to Indianapolis, Indiana, the first time. I think the first night I think I slept beside the road or something. I know the highway patrol asked me about it, they usually don't bother you if you tell them that you are sleepy or something you'll have a wreck. I think I stayed in Indianapolis one night.

Q. Was anybody with you?

A. No. Nobody was there.

Q. And you are heading up now to go to Canada?

A. Towards Canada.

Q. Go ahead.

A. Well, let's see, well, I crossed the border -- I think I crossed the border in Detroit and between Detroit I was going to Montreal, I believe I --

Q. When you crossed the border, did you give any name, did anyone stop you?

A. I think what I did when I crossed the border was I crossed when all this.

Q. Rush hour?

A. It's four hours from Detroit to Windsor and I think I told them -- I think they just asked me where I was going and that was the second time they asked me, I don't think they asked me anything the first time. I just crossed, they just waved me through. I went through Montreal I think.

Q. What made you pick Montreal?

A. Well, I was going to try to get out of the country, and I had been there before and I knew they had a

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seaport. It's a rench city versus the rest of the towns in the provinces are Anglo-Saxon. The French, they are not so concerned with other people's business as much as the English are. There are several reasons I went there, probably because it was a seaport.

MR. LEHNER: What was the first place you stayed at in Canada?

A. I'm not sure about that. I know I was short of cash when I went up there. I think I, I think I stayed, I slept one time, I drove pretty straight on through as much as I could. I think I slept two or three hours roadside once. I think I stayed in one motel between Detroit and one motel between Detroit and Montreal, but that's it. I got some recollection of staying in motels then driving into Montreal for surveilling the place or whatever you want to call it.

Q. What name did you use when you stopped at that motel?

A. Well, I probably, I would probably use the, the Raynes name at that time. Because my identification was Raynes.

Q. This was some motel between Detroit and Montreal?

A. Yes, close to Montreal.

Q. It was in Canada?

A. Yes.

Q. All right, do you know what day that was?

A. No, I don't know what day that was.

Q. Where did you stay the next night after that motel that you gave the name Raynes?

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A. I'm not sure, this time during this certain period that I did several things and consequently it is difficult to remember where all you stayed at and all, but subsequently I did rent a room there in Notre Dame East. I can't think of the place now that I rented for a month or something.

Q. What name did you use there, Notre Dame East?

A. I think I used the Galt name on that.

Q. When did you first use the Galt name?

A. I think when I rented the room.

Q. In Montreal?

A. Yes.

Q. How did it come about, that you used the Galt name?

A. I have no idea. I just, just a name. I might have seen it in the phone book or something.

Q. Where were you when you saw this name in the phone book?

A. I don't know if I saw it in a phone book. I just, I'm just trying to explain to you where I could have gotten these various names from.

MR. SPRAGUE: Did you ever use that name before that time?

A. Not that particular name, no.

MR. LEHNER: Did you ever use a name like that before that time that you say you used it at Notre Dame East?

A. I don't think I have ever used any, any one name twice, that Willard, running a bill; but any other name, what I tried to do on the others is get something that was, that

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was something that you can remember like Smith would be hard to remember, whereas Galt or something, it is easy to get accustomed to it.

Q. What was the full name you used?

A. I think it was Eric S. Galt.

Q. Now, do you have any idea how you happened to pick that name?

A. I could have gotten it out of a book or phone book, or anything. It's something that I'd remember and it could have been, the names could have been from several different sources. I can't specifically say.

Q. Well, did anybody ever give you that name?

A. No, I don't -- No one give it to me. I didn't get it from any Canadian sources or anything.

Q. Did you read any novel or anything and --

I read somewhere where someone told me that somebody's theory was that you saw it in some novel?

A. I read a book or something that say something, one name, Galt, was in a James Bond --

Q. Bond thing, that's where I saw it, but that's not so?

A. No, it possible that I read a book somewhere and the name stuck in my mind and I might have used it, but you can't explain these aliases where you get them all at.

MR. LEHNER: Did you see the name Galt on any road sign?

A. Huie said that, but that wasn't the, the way I got the name. I'm positive of that.

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MR. SPRAGUE: I'm not interested in what other people say, I'm interested in what you say.

A. Yes, I didn't, I think I decided on that name when I left Chicago, but I'm not positive.

MR. LEHNER: When you left Chicago, you decided on that name?

A. Well, yes, well yes. It wouldn't spring up just when I went too the rooming house to rent a room. I would have to -- I'd have to thought about it beforehand.

Q. So you think it was a Chicago telephone directory that you used?

A. It's possible that I got the name out of there when I was in Birmingham. I checked the phone book I remember, and I think there was just one Galt in there, and I was trying to see if maybe, if I had the name someone else had or something.

Q. Well, in Chicago did you write down the name after you saw it in the phone book or did you just memorize it?

A. It may have just stuck in my mind. I know, I don't think I wrote down anything. I think I wrote down the name I was going to use when I got up there probably, and memorized it then, but I don't, I didn't copy out of the phone book or anything like that.

Q. When did you write it down?

A. I say I may have wrote it down so I could remember it and start -

Q. Where would you have written it?

A. Sometime before I actually used it.

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I wouldn't have waited until the day I was going to use it before, unless something come up where I had to have it, the alias really quick or something like that.

Q. So you think you must of written it down in Chicago when you got it out of a phone book?

A. Well, that's entirely possible, but I'm just, that's just one, one --

MR. KERSHAW: I think what he is saying is this is a no-fault-Galt.

MR. LEHNER: Did, when you looked in that phone book, were you looking for a particular name or did you just start at the A's and end up with G's?

A. The only time I recollect looking in the phone book, and I'm not saying I didn't, the only time I recollect looking was in Birmingham. I was concerned very much that I might try to get a driver's license or something, and somebody might have my name but, but --

Q. Did you look in the phone book for a G or did you just thumb through it until you came across this name.

A. As I said, I don't know if I got the name out of the phone book. I'm just saying it's a possibility I could have gotten it out of a magazine or out of the James Bond book. I could have gotten it out of there, I don't have any clear recollection. I think the name, I think there is three different parts to the name, and I don't know if there was ever any phone books or any books where any one had that

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particular name in all three sequences.

Q. Well, do you know where you got any one of those three parts of the name?

A. I have -- No, I don't.

Q. Did there come a time that you used the middle name other than just S.?

A. Yes, I used Starvo I think.

Q. Where did you get the name Starvo?

A. I couldn't say.

Q. When did you first start using Starvo as the middle name?

A. I think I used that in Canada. I used this stuff, I just signed an S., but I think I used the full name when I rented the lease in Canada.

Q. Did you have any scars on your person at that time when you were in Canada?

A. Scars?

Q. Yes.

A. Visible or?

Q. Well, we'll start with visible.

A. None that I know of.

Q. Do you have any that are not visible?

A. Well, I have the gun shot wound in the foot. No, that's the only one, I never had any operations or anything.

Q. Do you have any scars on either of your hands?

A. Well, I had one. I had one, you can't see it, it's a

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lawn mower scar, it's really thin.

Q. Can I see it?

A. I don't know if I can see it.

Q. Where was it?

A. I think it's gone now.

MR. KERSHAW: You can go right ahead, I'll be right back.

A. I believe it's, I think it's gone away.

MR. LEHNER: You are pointing to an area in your right palm, is that right?

A. Yes.

Q. How did you get that injury that left that scar?

A. Actually, I grabbed a lawn mower. I got that when I was six or seven, so I don't know, I can't even see it no more. I know one of these palms. I had a scar for several years by grabbing a lawn mower.

Q. Do you have any scars on your head?

A. Let's see, yes, I think I have a -- Yes, I jumped through a window one time and got one right here.

Q. You are pointing to a scar in the area where you have your part towards the top of the head?

A. Yes.

Q. How did you receive that?

A. I jumped through the window. The police were after me in Chicago.

Q. What year was that?

MR. SPRAGUE: Was that the year you shot yourself too?

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A. Yes. No, that was a different time.

Q. What year was the year that you got the scar?

A. He's pointing to my eye. I do have a scar here. I got hit with a baseball.

MR. EVANS: Over your, is that over your left eyebrow?

A. Right here, yes, that's a baseball that was in Missouri, and that's on my medical record.

MR. LEHNER: When was that, when did you get that one over your left eye?

A. '61.

Q. And when did you get the one over the top of your head, that you say you got when you jumped through this window?

A. 52.

Q. Now, do you know if there is a real Eric S. Galt?

A. In Canada?

Q. In Canada.

A. Well, the novelist Gerald Franks said there was, but I don't know if there is or not. I assumed he wouldn't lie about it.

Q. You say the first time you used the name of Galt was in Montreal?

A. Well, let me talk about this Galt again. I think his name was Eric St. Marie Galt or something, it's not Starvo. What was the question of the next one?

Q. The first time you used the name Galt was in Montreal,

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is that your recollection?

A. Yes, I think so.

Q. Why did you change from Raynes to Galt?

A. Well, I assumed the police were going to be after Raynes before too much longer.

Q. Why did you assume that?

A. Well, the social security card, number one. I think you make almost everyone makes that assumption, that he should change names occasionally. It's a common thing.

Q. Well you didn't have any identification for Galt did you when you first used it?

A. No, but I intended to establish identification. I was using this -- I used this -- I was using this Raynes name and Galt. I wasn't just using the Galt name, I was trying to establish identification for Galt before I got rid of the Raynes identification. For instance, when I left Canada I was still using the Raynes one when I would go into a motel or anything and I'd use the Galt for other matters.

Q. What made you decide when to use Raynes and when to use Galt?

A. When I got to Canada.

Q. What was the distinction? What instances would you use Galt and what instances would you use Raynes?

A. The only instances I would use Raynes was when I'd go in the motel somewhere where you have to register with your license plate number.

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Q. And when would you use Galt?

A. Well, when I was trying to establish identification. I think when you rented a room or get a bill of sale for something you bought.

MR. SPRAGUE: Can I back up a second, I thought when you were back in Chicago and working at the restaurant, one of your thoughts was the establishing of an identification. If at the same time you think that Raynes is going to get too hot you can't, keep that identification what was the point of that?

A. That was just to establish an identification to get across the border. I didn't intend to use that name, you know, forever. When you cross the border you never know, you know, how far they are going to -

MR. LEHNER: And when you went to Notre Dame East, what type of establishment did you stay up there?

A. It was just an apartment building I stayed in. A one room apartment building.

Q. And did you, when you gave your name as Galt, you gave it as Eric S. Galt?

A. I'm not certain if it was Eric S. or Eric Starvo.

Q. You did not have any identification under that name, is that correct?

A. At that time, no.

Q. How was that aiding you in establishing the identification as Eric S. Galt?

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A. You mean by getting the -

Q. By giving that name at the Notre Dame East?

A. Well, that was just the first step. There has to be a first step some time. She gave me a, I rented a room on a deed she put the Galt name on a deed and that was the first, first-

Q. Where did you park your car when you stayed at the Notre Dame East?

A. There was an empty parking lot about five or six blocks west of there and they let you park there, I think so much a week or something.

Q. Well, what were you planning to do if the landlady had asked for identification under the name Galt?

A. Go somewhere else, I guess.

Q. All right.

A. I had money, and that's the best identification you can have.

Q. What did you do to further establish identification of Galt, other than as you say registering as Galt, and you say getting a deed, did you get a deed?

A. Yes.

Q. What did you eventually do with that deed?

A. Eventually I probably threw it away.

Q. What else did you do to establish an identity of Galt?

A. One of my first things down there was an attempt to go into a travel agency to find out how I could go about getting a

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passport. When I first went up there the, what I thought anyway is, was you could, from my conversation with these travel agencies was that if you stayed up there for two years and established some type of identification then you could get a passport. That was my, I talked to them on the phone, I didn't talk to them personally. And that was my intention originally to establish the Galt name as my name and stay up there two years and then go ahead and try to get a passport. But then I got mixed in with ohter people and I thought that maybe two years would be too long or something like that. But anyway, that was, that was bogus information anyway. I originally found out later that you can stay up there two years, but you had to have some type of a guarantor or something they call it.

MR. SPRAGUE: Some type of what?

A. Guarantor or something. G-U-A-N --

Q. Guarantor?

A. Guarantor. Yes, Guarantor I believe that is it.

Q. And this is what you were told by the travel agency?

A. I got that information on the phone. I

Q. From which travel agency?

A. I have no idea. I just called them on the phone. I made that call. That was one of the first things I checked on when I went up there.

Q. Now, when you were thinking of getting a passport at that time, where were you think of going to then?

A. Well, it depended on the money. I wasn't going to

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Australia perferably, that's the farthest away from the United States, but I wouldn't have any, I was mostly concerned, mainly concerned with an English speaking country and my finances were low which I assumed they would be.

Q. Were you willing at that itme to try to stay there for two years in Montreal?

A. Yes, I think I would of probably if I didn't, I was sort of hesitant, but I would have stayed there for, if I --

Q. Did you know at that time that you needed a birth certificate to get the passport?

A. No, I didn't, I didn't go into it that much depth after I talked to these people on the phone. Where I made my mistake is instead of going directly and talking to the people like I did the second time. The first time I just talked to them on the phone and there was on indepth conversation plus she may have said something and I misinterpreted it.

MR. LEHNER: You say at one time you thought you had to stay there two years and another time you thought you had to have a Guarantor?

A. I think after you stay there two years you're suppose to have a Guarantor. I don't know the law there. For some reason I still don't know what the law is. I'm just telling you I know now more than I knew the first time. In fact, I explained the second time, but you don't want to get ahead, ahead of the testimony so we can get the second time -

Q. So you were intending to stay there for a couple of years?

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A. Yes, that's correct.

Q. Take it from there, what happened next?

A. Well, I was working on more than one angle of getting travel papers. I use to go down to the, I was going down to the waterfront, river front down there, I was going to try to roll a drunk or something and get his seaman's papers or something like that. I don't know how long that went on. That went on a week or so and I finally met this individual called, called himself Raoul.

Q. Tell us how you first came about meeting him?

A. Well, he wasn't the only one originally I talked to. I talked to different people about getting jobs on ships and identification. I think the first time I --

MR. SPRAGUE: Do you remember any of the people you were meeting and talking to before you met Raoul?

A. No, not particularly. I never, I just discussed with them how to get jobs on ships, something like that.

Q. Did you socialize with any of them at that point?

A. Well, I may of drank a beer with them or, I think I followed a couple of them out of the place where they were drinking at, you never --

Q. Were you going around with anybody at that point?

A. No, no association.

Q. Did you have a question?

MR. EVANS: Yes, were you armed at that time?

A. No.

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MR. SPRAGUE:

Q. Well, you had a gun that you had in East St. Louis?

A. Yes, I -- I was armed at that time.

Q. Was that the gun that you had?

A. Yes.

Q. Did you have any other weapon at that time?

A. No.

MR. LEHNER: Where do you usually keep that gun?

A. I usually had it lo ked up in the car, hid in the car. I'm pretty sure I didn't keep it in the room because I think the lady came in there once and a while.

Q. You were going to tell us about how you first came to meet Raoul?

A. This was in that tavern. I can't, I can describe it somewhat. I think it had these stirring apparatus like they'd have on a ship in the window or something. I think they may have had wood inside of it. It's just an old time tavern. It had a bar, most bars up there have tables in there, big heavy tables in there rather than a bar. They have bars, but they are usually smaller, and I did know the name of the place, but I can't think of it right now. I can get it, I think, and I discussed with him the, similar to what I had discussed with other people, about possibly getting travel documents, travel rather than passports.

Q. How did you come to meet him? Did you go up to him, did -- he come up to you? What part of the bar was it as best you recollect?

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A. I believe I was sitting in a table and I think he sat down and we started to talking.

MR. SPRAGUE: I was going to say, why don't we, this is a good time to stop, his meeting Raoul. It's been a long day and I have a call coming at quarter of four, in three minutes.

A. The Neptuen Bar, that's the name of it.

Q. Which is in three minutes and we've got to get out.

MR. SPRAGUE: Why don't we agree now on the next date.

MR. KERSHAW: It would be fine with me.

MR. SPRAGUE: That's assuming we are reconstituted, and how about a week from this coming Monday?

MR. KERSHAW: Monday a week, this is Monday, isn't it, that would be fine with me.

MR. LEHNER: That's two weeks from today.

MR. SPRAGUE: Are you going anywhere James? What's that date, first?

MR. EVANS: That would be the fourth of April.

MR. LEHNER: That would be two weeks from today that we are talking about.

MR. EVANS: You are talking about two weeks?

MR. SPRAGUE: Two weeks, the 11th of April, then at 9:00. This is Monday, and we'll come down Sunday night. We'll stop for the day. Was there something else you wanted to say?

MR. RAY: Well, I was telling you about, I never had a chance to talk to Mr. Kershaw about how far we should go into testimony or anything else. I can get this stuff if I sit in the cell I can write things down and think about more what I should say here. I'm not talking aobut what I'm testifying

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about these facts I'm talking about, how far we should go in testimony here with, I guess me and him can discuss that and you can write the Committee or whoever you are suppose to write.

MR. KERSHAW: I'll tell you what. On that score you just take your time and think about statements and things that, you can bring with you and what you feel like you can reveal to them, taking anybody out and I'll come up and we'll have a little session, say, next week, I don't want to go into it now because I'm tootired and --

MR. SPRAGUE: And then you can think over a couple of thingswe raised with you too.

MR. KERSHAW: Yes, and then we can make up our mind about this polygraph, stress test and all that.

MR. LEHNER: Well, Mr. Kershaw, let me ask you this. Mr. Ray said he had some papers he wanted us to look at, is thereanything that we should get now, that we should study between now and then?

MR. KERSHAW: What paers are you thinking about?

MR. RAY: Well, I give, the only papers I have been giving you is the onesI received since you have been down here. I think the immunity paper and the letter from the SCLC Chairman in Philadelphia. I got a crate full of papers. I don't want to lay them all on you and some of them may not even be relevant as far as things that may be important to someone else, Foreman and thinks like that. I assumed I don't want to give you information against Foreman. I assumed you can find

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that yourself, but the only thing I can do as far as these depositions and things like, you can get them fromthe Court. But I think we can furnish them if you want to. I don't want to give the impression that I'm giving the Committee things to use to cross-examine anyone else. I think that's the Committee's, if you want the attorneys or me, you can ask them for it.

MR. SPRAGUE: Well, as we go through this chronology we get to that stage after your arrest, we want to go into what occurred with each and everyone of the attorneys. The sequence of events, and what led to that proceeding in Court too. Okay, then I think we can stop then at this time unless there is something else you want to put on here for today?

MR. KERSHAW: There's nothing I would like to put on. I would like to --

MR. LEHNER: Let me just put on the time if I could, it is now 3:47 p.m.

MR. EVANS: And did you want to make a statement to the news?

MR. LEHNER: Do you want it on the tape?

MR. LEHNER: Okay, we will close the tape at this time.

MR. SPRAGUE: And there will be no comment from us other than that we are continuing with the interrogation and that's it.

MR. KERSHAW: Well, your situation of course, is a little bit different from mine. You can well afford to run by and say no comment, but I have a slightly different

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ball, in that I'm trying to build a little bit of P.R. for my client.

MR. LEHNER: Maybe we could close the tape at this time,

(End of tape at 3:50, P.M.)

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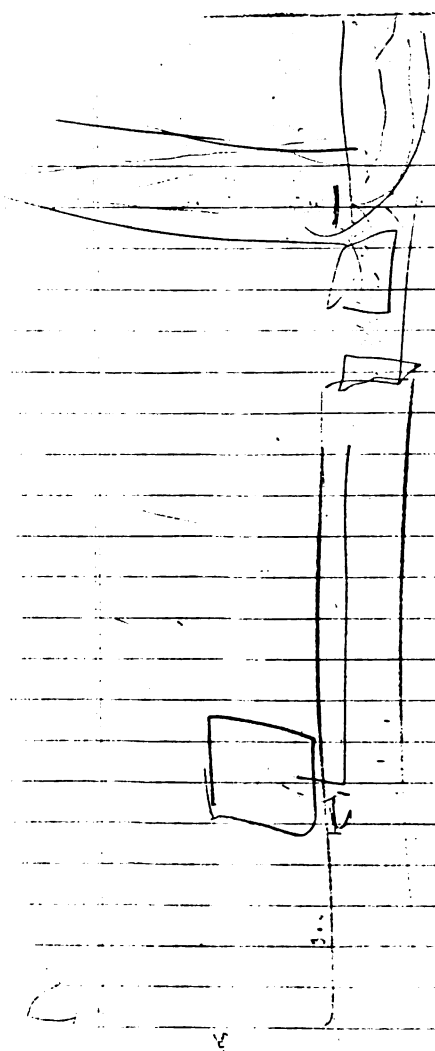


EXHIBIT I

March 28, 1977

Robert J. Tolchin

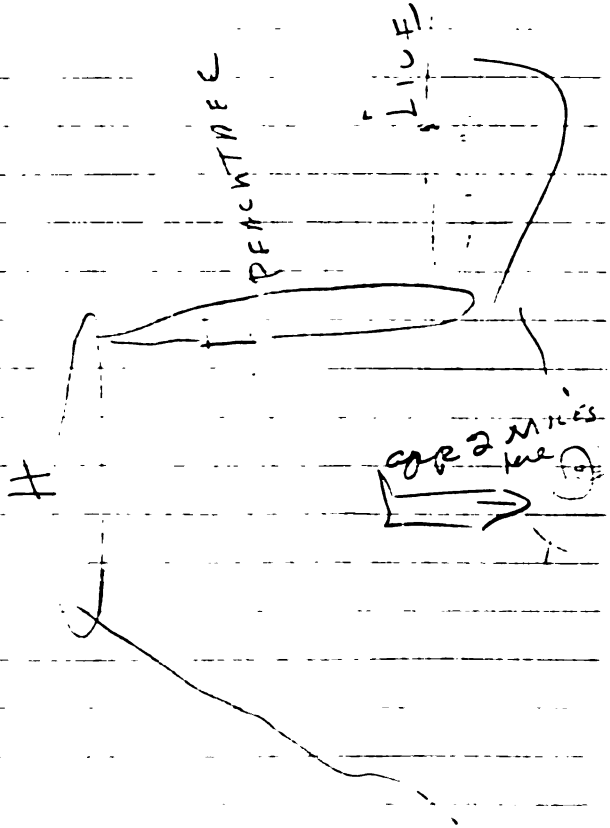
James E. Ray

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EXHIBIT II

March 28, 1977

Robert Lehner



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TRANSCRIPT OF THIRD INTERVIEW WITH JAMES EARL RAY AT THE BRUSHY MOUNTAIN STATE PENITENTIARY, PETROS, TENNESSEE ON APRIL 14, 1977 AT 9:30 A.M.

MR. LEHNER: Today is April 14, 1977 and it's about 9:30 in the morning and the people here from the House Committee are myself, Bob Lehner, Edward Evans, Tom Gannon and Louis Hindle. And why don't you announce the people on the other side of the table, Mr. Kershaw.

MR. KERSHAW: Jack Kershaw, Mary Kershaw and Gary Revel, Special Investigator.

MR. LEHNER: Okay, and Mr. James Earl Ray.

MR. KERSHAW: That goes without saying.

MR. LEHNER: Okay. Let me before we get into what we were doing, I think we skipped over the part about what happened in Jefferson City Prison. You wanted to think about that, did you give it any more thought, and do you have any ideas as to whether or not you want to tell us just what happened there?

A. I haven't give it soo much thought, but there's a lot of other things to think about. I think Mr. Kershaw's, he's got two or three other things he wants to bring up before we get into too much, and I don't think all of this will take over five or 10 minutes.

MR. LEHNER: Great. Okay.

MR. KERSHAW: Are you thinking about this matter here?

MR. RAY: Now, see this thing here, he asked me to

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type up. I didn't have too much time and I left some of it out, and I typed a copy for him plus the Committee. I, we can read it.

MR. KERSHAW: All right. We might as well go into this.

MR. RAY: I'll give you a copy of it.

MR. LEHNER: Thank you.

MR. KERSHAW: Let me state for the record, I'll just read it aloud. This is a letter dated April 14 to Jack Kershaw from James Earl Ray.

"Dear Mr. Kershaw:

Pursuant to our discussion yesterday afternoon in re the above captioned criminal indictment and the United States House of Representatives select committee investigation of said indictment, I have listed below pursuant to our agreement, and in order to insure that there be no misunderstanding of our intentions toward the aforementioned committee, our intent and proposals in assisting the committee to carry out it's mandate, as follows:

1. First, I have heretofore waived the attorney-client privilage communications rule with respect's to several attorneys that have heretofore represented me under said indictment.

2. I will testify about my actions commencing with the escape from the Missouri State penitentiary in April, 1967, up until April 5, 1968.

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3. I will furnish the commitee with all papers in my personal possession that bare", that's misspelled but that's all right, "on my association with attorneys I have heretofore waived the attorney-client privilage communications rule under said indictment.

4. I will furnish the committee upon request with records, and location of records, of my association and disclosures to literary figures, in particular, William Bratford Huie.

Thereafter I will under go and furnish said committee-- providing other branches of government & governmental commissions likewise asssist the committee to carry out it's mandate -- the following:

1. Waiver of the attorney-client privilage communications rule in respect's to Mr. James H. Lesar, Mr. Lesar having represented me in said cr. indictment for seven years and thus possessing substantial records therein.

2. Furnish the committee with all phone numbers, addresses, ect., that I came by in 1967-68 which may berevelant to said indictment.

3. Furnish the committee with the names and addresses of individuals, outsiade of counsels of record, that have investigated said indictment at my request.

4. I will undergo a lie (polygraph) test and the stress evaluator prsess, the prosess previously suggested

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by former chief counsel for the committe, Mr. Richard Sprague.

In essence Mr. Kershaw and I will assist the committee in any manner except, I have no intentions of identifying anyone through photographs or other visual means either in connection with the aforementioned indictment or, for any situation which could result in a cr. indictment or government harassment of individuals not connected with said indictment.

The above refered to "assistance" other government bodies could, we believe, render the committee are, for instance, availing, instead of burning the below." Making available the below.

"1. On December 11, 1975, U.S. Senator Frank Church, who chaired the Senate committee investigating intelligence agencies, urged the Justice department to destroy various investigative material developed by the F.B.I. in the course of the F.B.I. investigation of the aforementioned cr. indictment and related maters.

2. On April 1, 1976, a press release reported that an aid to former U.S. congresswoman Bella Abzug suggested to the Justice department that various tapes, ts., ect., pertaining to the aforementioned cr. indictment be destroyed pursuant to an interpretation of the 'privacy act' by then U.S. Attorney General, Edward Levi.

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3. On February 20, 1977, a press release quoated the Justice department as recommending to congress that they pass a bill authorizing the destruction of various tapes, trs., ect., pertaining to said cr. indictment.

4. In a recent letter I gave to the committee, an SCLC leader from Philadelphia, Penn., is quoated to the effect that the Rockefeller commission has sealed various information possibly revelant to said cr. Indictment.

Sincerely: James E. Ray
Petros, Tennessee

Note, the U.S. Department of Justice was furnished, through a copy of a suit titled, Ray V. Time inc., et al, No. C-76-274, W.D. Tn. (1976), information cited herein on p. 1 last paragraph."

Now, do you have any questions about it?

MR. LEHNER: No, we, I do acknowledge receipt of a copy of this letter. Mr. Kershaw, I think it should be clear and put on the record that we as well as you are interested in making available all materials, all materials that possibly could have any relevance, with any possible relevance to this entire matter. And, as I stated before to you, I think that we will be able to assist each other.

MR. KERSHAW: Right.

MR. LEHNER: In that endeavor so that the truth can, may be made known.

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MR. KERSHAW: Uh huh, but to be perfectly blunt, I think what is in Mr. Ray's mind is that he still abides by the general principle in that he does want to, to put down some sort of order and sequence in which thing may be provided, first by one party and then the other, which I think is an orderly concept.

MR. LEHNER: Well, just recapping what we have been doing here. This is the third session where we have been talking with Mr. Ray. Out intention is to get as complete as possible his recollection of the matter. Out intention is then to investigate each and every aspect of it it see what can be verified and what can not be verified, and in the interim I think we, you and myself, can be working in conjunction to get the various materials available to us. There are certain materials that are available to us at the FBI building right now which is their unclassified materials, and I have given you a sample letter to get access to that. I think I could be of further aid to you if you receive any dificulty on that score, and you have also given me the names of certain people that you wanted us to interview, and we are going to undertake that. I - You may know that we have had a financial difficulty in the past and we hope to get funded in the next couple of weeks, and then we will be able to make more trips than we have been able in the past.

MR. KERSHAW: That's fine. I hope you notice my delicacy in refraining from presenting any expense accounts

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at this point because I realize --

MR. LEHNER: Well, this is something that I am going to take up with the Committee just as soon as the new funding gets approved, and therefore I'll have an answer to that as soon as that happens.

MR. KERSHAW: It might be of interest in discussing what we are going to look into. I have just jotted here which we might put into this record now some things that have occurred, to me, and this is by no means a complete list and I'm sure that you have already got a few of these names, a few of them you may not have; but I would suggest that Mrs. Preston Battle, Judge Battle's widow be interviewed in regard to a memorandum which she asserts Judge Battle wrote rescinding the guilty plea, and which pencil notation may have been found, I now discover recently in his effects and is in possession of the Memphis Police or Memphis Sheriff's Department. I think that that document would be very valuable if not probative. Of course, there was no minute entry made in this regard.

Now, Mr. Ray has testified that an officer Barry of the Memphis Police, the officer who waved him aside when he approached the rooming house in the white Mustang, so I think --

MR. RAY: That was third person or second or something.

MR. KERSHAW: But --

MR. RAY: I didn't hear that directly, I just heard that from the attorney investigating.

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MR. KERSHAW: That's all right. So this should, however, be investigated. It may be that he remembered it, it may be that he doesn't. He waved aside maybe a hundred cars. I have never seen any statement by Mrs. Brewer, the rooming house lady.

Attorney Robert Livingston has stated that he saw Raoul in the Holiday Inn on Trumbel Avenue in Detroit on April 1974, along with the man whose name was given to him. He doesn't say by whom, as Rene Martinez. Livengston was "was told" that Raoul's last name is Martel. I think Mr. Livingston could properly be asked on that information.

Then I, the service station man named Willy Green, according to my information he recalls Ray's visit on the day of the murder. Investigator Weisberg is suppose to have a statement from him. I suppose that, that matter can be subpoenaed.

Then the cab driver who's name I believe is McGraw who said Stevens was the STate's only eyewitness placing Ray at the rooming house was too drunk to recognize anyone.

And Foreman I believe has made, has a statement from this man.

Then Stevens' wife corroborates the cab driver and she is conveniently in a sanitarium now as a psychiatric patient. So we can locate him, whether we can locate her mind or not I don't know. She also testified

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that a short man, a small man, in an army jacket weighing about only a 130 pounds ran down the hallway of the rooming house.

Now, I'm curious about the autopsy report, the hosiptal report, on King. These from my information have never been made available. There is information that King was shot from behind not from in front, some of this may be in the habeas corpus hearing I think.

Then, of course, all police statements of the Memphis Police Department and the Sheriff's Department about, but particularly what statements do they have from Solomon Jones and Cornbread Carter in regard to the man in the bushes.

There is a Rev. Jordan of the Beale Street Baptist Church, he had a phone call and a revelation, from, that King will be killed. Jordan warned a hundred or so ministers to that effect a day or two days before the murder, and a Rev. Herrand had a call from the same man who identified himself as Mr. Issac.

MR. LEHNER: Rev. Herrand?

MR. KERSHAW: Herrand, I believe, let me, I will confirm that name. Now, here --

MR. GANNON: Excuse me, Mr. Kershaw, both calls are from a fellow named Issac?

MR. KERSHAW: Yes, although I think he didn't identify himself to Jordan, he did use the name Issac to the second Reverend.

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Now, there is a Sommerville businessman, John McFarren, who claims he has tapes and documents which he will reveal to us in a closed confidential session. McFarren is a real McCoy insofar as worring about harrrassment and physical abuse. He is the negro who gave refuge to foundation workers who were dispossessed and left Tennessee in the form of the famous Tent City in Sommerville and he has resisted a good deal of white harrassment and abuse in that county. He impresses me as very energetic sincere man and will endeavor to tell us a good deal of valuable information, some of which is startling. If you recall he is the man quoted in the June 6th issue of Playboy magazine as having overheard someone on the phone instructing someone on the other end to "shoot the S.O.B., if you have to shoot him on the balcony." He gave this information to the FBI only, he insists that somebody got that information from the FBI to print in the Playboy magazine so I think there is unfortunately FBI involvement here. Anyone of ya'll ever worked for the FBI?

MR. GANNON: No, I don't think so.

MR. EVANS: I haven't.

MR. LEHNER: None of us have.

MR. KERSHAW: That's good. Now, in that regard, I also, want to thoroughly go into the question of an FBI agent named Jenson, who a few days after Ray was incarcerated in the Nashville pen, threated James Earl Ray with reprisals against member of his family and since then a very peculiar arrest has been made of James

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Earl's brother John who was given 18 years as an accesory to the bank robbery. The robber himself receiving only 10 years I believe, and later that was reversed and he was a mistrial granted on the theory that fruits of an illegal search was used in regard to the charges against the robber, but the court held that these same fruits did not affect the charges against the accomplist. This matter I can not understand and I'm in the process of looking into it.

MR. LEHNER: When was that threat made by Mr. Jensen to Mr. Ray?

MR. KERSHAW: Two days after he was transported from Memphis to the Nashville pen.

MR. RAY: It may have been the same date. We have had a lot of trouble with Jensen. He has threatened by brothers and everything else.

MR. LEHNER: Do you recall when that was, what month that was?

MR. RAY: Well, that would have been April, April the, no, March 11, 1968.

MR. LEHNER: 1969?

MR. RAY: 69.

MR. LEHNER: March the 11th, 1969.

MR. KERSHAW: Now, furthermore --

MR. EVANS: Excuse me, one minute, what context were these threats made, I mean, how did they come about?

MR. RAY: Well, during that day I was called out four

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or five times. Prison officials, they usually do that when you first come to prison to get information. They called me out again and I thought it was just another prison official and he identified himself as Robert Jensen, I think it was. He had a note book pad and all that. He started asking me various questions. Now, I don't remember all the questions. Now, later I wrote to Senator Sam Ervin and mentioned to him about the threats against the family members and Ervin answered me, but he didn't, he thought I was complaining about something that was happening to me, he misinterpreted the letter, but anyway --

MR. LEHNER: Do you have a copy of that correspondence, your letter and Ervin's return letter?

MR. RAY: Yes, I have Ervin's return letter, but I don't know if I have the one I sent him or not. A lot of these documents I got, Lesar has them or they are outside somewhere locked up. But anyway, on Jensen, let's see, I, he called me out and I say he went and when he got to the door I started to leave he said something about my brother might be down here with me. He wanted me to talk to two other agents and they were from the Nashville office and he introduced me to them. I don't recall their names, and then when he left I called the Warden, and I believe the Warden at that time was Lake Russell, I didn't want to see him any more. Russell said that I wouldn't have to talk to him, but he couldn't keep him out of the prison. They could come inside, but I didn't have to come outside and

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and talk to them and that's the last type, time I ever discussed anything with the FBI.

MR. LEHNER: Now, do you recall his words as far as what he said pertaining to your family?

A. Well, he was sort of mad. We was in a room like this and we got to the door and he made these remarks, something about if I didn't discuss with him who was involved in the King murder or something that I could expect my brother to be down here with me, something to that effect. I didn't hear no clear recollection, I just remember generally what he said because I was leaving at the time.

Q. That was on March 11, '69?

A. I'm almost positive it couldn't have been later than March 12th, because I was, see I was brought down the prison early morning about 6:00 on March 11. I think he came there on the same day although there is the possibility that it was March 12th.

Q. And where did it take place that, those words?

A. Well, they -- It's a maximum security building, a white building and it was in a side room, a room about this size here.

Q. And you were getting ready to be transferred at that time?

A. No, I had been transferred. I was in the Nashville Penitentiary.

Q. Oh, you were, this was in Nashville, I see.

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A. They called me out two or three times already, asked me various, where I was born and what, things like that.

Q. Now, was anybody present when that was?

A. No. No one was present, just me and him and he made some notes on a pad, but I don't know --

Q. Had you had any previous contacts with him?

A. No. In fact, that's except for one other instance, that's the only time I have ever met an FBI agent, period.

Q. But this was the one and only time you met Jensen, this time that you are telling us about?

A. That's the only time I can think of, yes.

MR. KERSHAW: Did Foreman refer to the FBI and Jensen?

A. WEll, he referred to the FBI, but he never referred to Jensen.

MR. KERSHAW: What was his reference to the FBI?

A. Well, he made some reference about they might arrest Jerry, I think it was, sometime.

Q. You mean, Foreman also implied that there would be reprisals against your family possibly?

A. Well, he mentioned that, and he mentioned this other deal, but I don't know -

Q. What other deal?

A. Well, about my father and stuff like that.

Q. Well we won't go into that now.

MR. LEHNER: And you say there was one other time that you met an FBI agent, but it was not Jensen?

A. Yes sir.

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Q. What was that circumstances, just generally?

A. Well, that was years ago in 1955 I was arrested in Hamilton, Missouri for postal violations. He asked me if I would cooperate with him or something.

MR. KERSHAW: Now, continuing for the record.

MR. EVANS: You say that Jensen wanted you to speak with the Nashville FBI agents?

A. Yes. He said they'd be there the next day or something.

Q. Oh, that they would be there the next day?

A. There was two of them there that day. He introduced me to them, that was when we got to the second door where I was going back into the cell block.

Q. Right.

A. But I don't recall their names, but --

Q. All right, what was your response to that, did you agree to see the Nashville agents or you --

A. No, he kind of, he was kind of insistent on that, I just told him I didn't want to see them.

Q. Didn't want to see them and that's when he --

A. No, he made the other remarks.

Q. Prior to that?

A. When I went out the first door.

Q. Right.

A. When we got to the second door, the two toher agents were waiting there. They were waiting out in the lobby and

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then he started, had me talk to those, and I said that, they said that they would be back tomorrow or something.

MR. KERSHAW: Now, as I recall the commissioner Mr. Avery entered in the picture in some manner at about this time. How did he figure?

A. Well, he wasn't involved in the FBI. I think the Warden handled him, but Avery, I think, I talked to Avery about three times and he was, he was wanting to write a book or something, and he just wanted to know where I had some money. He's kind of senile in some ways. He wanted to know where I had the money buried. He was going to get it and put it in the bank, and all that crazy talk.

MR. LEHNER: Where did you speak to Avery?

A. I spoke to him about three times in the same room where I spoke to the FBI agent.

Q. In Nashville?

A. Yes.

Q. What were those conversations about?

A. Well, he called me up the first time, he had a bunch, he had some of my records or something and letters and things like that, that I brought down from Nashville, money receipts and he gave me those. Then he called me out again and I think he was with Lake Russel this time, that's the Warden, and he wanted me to cooperate in some manner with what the Governor was trying to do. I got the impression that Avery was an intermediary between Governor Ellington

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and Attorney General named Barry, William Barry , Assistant Attorney General. Now, his general story was that I should drop the appeals, not try any appeals or anything and just, I'd go ahead and get out of solitary confinement and then later on he -- By the way a lot of this paper, I got newspaper clippings here, he later got fired on account of it. Then later on he brought me a copy of Look Magazine that had the story about the William Bratford Huie story, wanted me to comment on it.

MR. KERSHAW: Did Avery want you to provide him information so that he could write a book?

A. Well, on the book, he never, he never told me he was going to write a book. I just got that information out of the paper. He told a newspaper reporter that he was going to write a book about, and it might have a chapter in it about me.

MR. LEHNER: Well, what were the questions that he was asking you? Avery?

A. Well, he, apparently Governor Ellington or something told him it was a conspiracy that they wanted him, Ellington, I guess, guess Barry wanted him to cross-examine me because Avery use to be a lawyer and he wanted to know where I had the money hid and things like that, and I got the impression that he wanted to find out all the information he could and me not say nothing and not get involved in any court litigation, and then later on they'd let me out of solitary confinement.

Q. What did you tell Avery?

A. I told him that I didn't have any money buried for one thing and I told him I didn't, I wasn't going to stop the litigation. Of course, shortly after that he got in a controversy

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with a lawyer representing me, Robert Hill, and there was a lot of newspaper stories about that and Avery, he was on TV several times talking about the conspiracy stuff. He, I think he quoted me one time but I never did discuss it with him or anything.

Q. On TV he quoted you as saying something about the conspiracy?

A. Yes. I don't remember just what it was, but I have some of the newspaper clippings I probably saved.

MR. GANNON: Were you the focus of this controversy between Avery and Hill, or did it involve something else.

A. Well, Hill was representing me and he was interviewing me and Hill didn't want him to interview me, but a correction commissioner has a lot of power. He can keep you in solitary confinement indefinitely. I didn't want to agitate him too much, but at the same time I didn't want to jeapordize any fields the lawyers might have.

MR. KERSHAW: And the net result was that you stayed in solitary confinement about five years?

A. Well, altogether, but I stayed in 13 at that time, 13 months and they transferred me down here.

Q. And then back to the Nashville pen?

A. Yeh, I was three years in there.

Q. And you were three years in solitary confinement in Nashville?

MR. EVANS: Well, is that solitary --

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MR. LEHNER: How many different session did you have with Avery? Where he brought questions?

A. Well, the best of my recollection it was either three or four. I know there was three, but there's a possibility that there's a fourth one.

Q. What were the different subject matters taken up in the three or four session?

A. Well, the first one as I mentioned, he had various letters from people, lawyers and everything and I don't know whatever happened to these letters. I guess he took them home with him, but he never gave them to me and I complained to the Postal Inspector about this mail and all this stuff, and they come out and talked to him and they said he had complete control over the mail, he could do what he wanted to do with it. But anyway he had, when I came down from the Nashville prison I had two or three documents and one of them was a money receipt from a Sheriff's office, and I had some phone numbers written down backwards on there and things like that. He kept it over night and he gave it back to me the next day and I don't know if he made any copies or anything I had or not, but then the next time he talked to me I think that was about the, where I had the money buried and not to appeal the case and he said he was speaking from the highest authority. I discussed this with the attorney about this highest authority, he said he didn't know if it was Buford Ellington or Jesus Crist, so, whoever mentioned the name

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and then the next time it had something to do with Look magazine. That's the highlights of what he told me. I don't, I don't recall, he told me about he use to be a fire insurance investigator and all that.

MR. LEHNER: And what did you tell him during these different sessions during when he was questioning you?

A. Well, I didn't say too much, he likes to talk so I just let him go ahead.

Q. Did he take notes?

A. No, he didn't take any notes.

MR. KERSHAW: Well --

MR. EVANS: May I just bring up one thing?

MR. KERSHAW: Oh, yes, sure.

MR. EVANS: Solitary confinement, is that opposed to isolation, which is it you are speaking of? Are you using the word interchangeably or what?

A. It's the same thing. Actually isolation, I think, that's where you can't talk to anyone, but they don't have no, the United States, you know --

Q. Yes. Well, solitary confinement, I mean, you've been in enough institutions to know solitary, you are in the hole, right? Are you speaking of being in the hole or are you speaking of just being in isolation where you just can't mingle with other prisoners?

A. No, the hole is the same thing as solitary confinment accept there's really not too much difference except in the

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hole you can't -- I don't think you have a radio -

Q. You don't have access to daily necessities, stuff like that. You don't have any luxuries at all, you are sort of confined, right, and your meals are regimentated?

A. Yeh, the hole is a little bit more strict than solitary confinement. Solitary confinement, the only thing is you stay locked up twenty-four hours a day and there's not that much difference between it and the hole. You get a, there is a difference yes. Solitary you were more or less in an isolated part of the prison where you didn't have access to visitors, if you get in the hole that's solitary confinement too in there.

MR. KERSHAW: Well, we can continue with this, but we'd like to find out, what we'd like to do is find out what is the state of the ballistics test, where's the bullet, the gun, and the small clothes found in the car, the binoculars, etc. etc. Also, I would like to depose Foreman, where are Ray's records, Raoul's phone numbers which were given to Foreman. Where are Ray's handwritten objections to the guilty plea, etc. Where are all the copies of the stipulation, there seems to be frankly about four or five copies of the stipulation. And then I would like to depose Ramsey Clark, why was his early statement made regarding no conspiracy, how did he know there was no conspiracy, and most importantly what were his communications to Foreman in this regard.

I would like to depose Congressman Gonzalez , where,

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how, and from whom did he learn of forces more powerful than the United States Government, which forces are conspiring to smoother a conspiracy an investigation.

Then the manager of the Rebel Motel, the young Monte Donico, who denied disseminating the false broadcast. If he didn't, who did, and what do police logs show, show as to this and the whereabouts of the police at the time of the murder.

And I'd like to interview Rev. James Bevel and the Committee to do that, all this with their joint effort, of course. Bevel being King's aid who reports extensive internal dissention in the ICLC ranks.

Also, dissention involving the invaders and Muhammad Ali, and Sonya Clay; and remarks by Andrew Young, who wished King dead; and a review I think --

MR. LEHNER: Did Andrew Young make remarks that he wished King dead?

MR. KERSHAW: Exactly, according to Bevel.

MR. LEHNER: According to Bevel?

MR. KERSHAW: Yes. And then I think it might be helpful to, in some manner to get a review of TV tapes and film transcripts that are available of King's first march, the "March of Fear", where he ran and hid in his car and how he was pulled out of his car by some of his cohorts. In other words the time of the chaos in Memphis prior to the murder, and at the time of the trial and guilty plea, and in other words what and of whom was King afraid?

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Now, McPerrin, the Sommerville businessman insists that the Mafia leader of Memphis, whom he knows, would be very worth while to interview. And I think, of course, all leads as to people who might have seen Raoul. It would be important, for instance the barmaid at the Star Light Grill in Birmingham, did she see Ray with Raoul or a Stranger.

The same thing goes for the Neptune Restaurant in Canada. What we need to do is verify the gun number bought from the AeroMarine Supply, to make sure we got the same instrument that was dropped in the street at Canipes'. Weisberg is suppose to have a statement from Canipes, what is that statement.

Mr. and Mrs. Hurley who are suppose to have seen white Mustang or a white Mustang parked in front of the rooming house and an individual was sitting in it.

If we could locate James Gower, the owner of Jim's Grill, that would be helpful; and a policeman named Reddin who was taken off the job a day or two before King was killed. His job being to guard King. In other words, of course, I know we have always planned to get access to all the police and sheriff's records in Memphis and in addition, I think relocate these people and compare their current statement with the statements that they made to the police department, I think that gives a general picture of -

MR. LEHNER: Could I just ask you, the Weisberg statement, I didn't write down what statement you had reference to.

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MR. GANNON: Canipes'.

MR. RAY: Canipes'

MR. KERSHAW: He has a statement from Canipes.

MR. LEHNER: Now, I don't know if Weisberg is going to claim that he is a agent of the attorney, just as you were talking about with Huie. Can we get a waiver on him so that we will be able to speak to Weisberg without that being claimed?

MR. KERSHAW: Is Weisberg an attorney?

MR. LEHNER: He's not, but I think we went through this with Huie that Mr. Ray thought that Mr. Huie might claim that he was an agent of Haines or Foreman and Weisberg might make the same claim with Lesar, even though we have a waiver on Lesar.

MR. KERSHAW: I think the proper sequence --

MR. RAY: I haven't given a waiver on Lesar have I?

MR. LEHNER: I don't --

MR. RAY: No.

MR. KERSHAW: Would you give a waiver as to Weisberg at the same time you'd give a waiver to Lesar?

MR. RAY: Yes.

MR. KERSHAW: Yes, Okay.

MR. EVANS: Could you initial that in here, that the waiver, attorney-client privilege communicated rule and in respect to Mr. James H. Lesar?

MR. LEHNER: Therefore, I will undergo to furnish the Committee, so you are talking about something that you are

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planning to do?

MR. RAY: Well, what I'm thinking about is, I think this Committee, I think the Committee gets all, all the documents I have and all my testimony and everything. That if you went up, say, for instance, I forgot to mention this, John Louis Smith, Jr, in Washington, I don't see how you can go to any of these agencies, the Justice Department or anyone and say we have to have information from you, because they are going to say, well, you have gotten everything from Ray, there is no incentive for us to give you anything, and according to this Congressional record here, the Committee has lost some of its subpoena powers.

MR. LEHNER: No, no.

MR. RAY: In other words what I'm trying to do is use a little leverage to give you a little leverage to get some information.

MR. LEHNER: We haven't lost any of our subpoena powers.

MR. RAY: Court powers.

MR. LEHNER: You might -- You might have reference to the fact that that part of our resolution we were wanting to put in it, that we would have the right to bring suits, and defend suits, and without having to go back to Congress, but they ruled that out, and that therefore that if we have to bring suits or defend suits we are going to have to go back to Congress to get permission. The Senate has that power for all of their committees, that their committees can bring

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suits and defend suits, the House doesn't and requires each committee to go back. So, we haven't lost any power, it is just going to be an inconvenience for us having to go back to Congress to get powers to do anything on each occasion.

MR. RAY: See, the Justice Depart here, I don't want to take up too much time on it, but see, they want, they are trying to get this information burned according to the clipping I got it's 13 crates and 96 volumes. Now, this Pottinger, I think the Attorney General he's, he is saying that it's all just salacious material, but that's nonsense, Don Juan couldn't fill up that many records. And if it is I think me and him would agree that they could burn anything that's irrelevant that, they wouldn't have to wait fifty years. They could do it now, but you know, it wouldn't have any bearing on the case.

MR. KERSHAW: But your position is, is that Mr. Lehner and counsel and I should have accesss to the material, and maybe we could tell what is salacious and relevant, and what's not.

MR. LEHNER: I think that we have eye to eye on, thinking the same way on this issue.

MR. RAY: Let me discuss two or three other things and I'll let you go.

Now, this CBS transcript they wrote to me that they couldn't give you a transcript, but they sent me a transcript so if you want to copy of it I'll give it to you, but there's a lot of errors in there, and I think they refer to Mr. Sprague

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as Mrs. Sprague and all that stuff.

MR. LEHNER: Well, we'll Xerox a copy and we'll send you back the original.

MR. KERSHAW: And we will stipulate that Mr. Sprague is not Mrs. Sprague.

MR. LEHNER: That's right.

MR. RAY: And that's about it, except one other thing here. I made a copy of every instance I met my brother Jerry Ray on escape. If you want a copy of it --

MR. LEHNER: Yes, do you have that for us now?

MR. RAY: I think I gave it to you?

MR. LEHNER: Fine, just for the record, Mr. Ray just gave me a piece of paper with his signature that he forwarded this statement.

MR. RAY: And I think he made a sworn statement from a Knoxville Court in a civil case, that is similar to that.

MR. KERSHAW: Well, however, I would certainly like to depose Bratford Huie, I forgot that on my list, but that goes without saying, of course.

MR. LEHNER: I think there are a lot of things that we are going to be seeing eye to eye on, most everything actually, we both have the same purpose and we will continue just as we started to do and hopefully we, hopefully once we get the funding we will be able to do a lot more traveling than we have. And then we will be able to get a little quicker access to this information, I would assume.

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MR. KERSHAW: Right, and in a more leisurely manner.

MR. LEHNER: Okay.

Now, let's get back to where we started. You wanted to go into the escape part of it. Now, would that be all right for you?

A. Well, I don't know. I don't think so.

MR. KERSHAW: Let me ask a question here. What, let me ask you --

A. Go ahead.

MR. KERSHAW: I realize that any good investigation, you go into a lot of questions which you feel are likely to be irrelevant, but the same time what would be the relevance of how he escaped from the Missouri Prison?

MR. LEHNER: Well, many times you really don't know the relevance until you get the answers. If the answer's one thing you might close off any relevance. If it is something else then you might want to ask a couple more questions. There is all kind of speculation by different people. Some of it has been written that the escape had something to do with the eventual killing of Dr. King.

MR. KERSHAW: That he was sprung for that purpose?

MR. LEHNER: Well, there are different theories that have been advanced. Our purpose is not to come to any particular conclusion, but just to come to sound conclusions based upon the facts of the evidence, and we intend to prove those things that can be proved, but we also intend to disprove those

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things that can be disproved.

MR. KERSHAW: All right. Then my advice would be to tell him everything about the Missouri Prison thing, except where you do not want to incriminate somebody who might have assisted you.

MR. RAY: Well, I think --

MR. KERSHAW: That has nothing to do with the King case.

MR. RAY: See, there's been, I know the Warden there, he's in a position to harrass a lot of people; and I made a statement on how I got out; and Bratford Huie, he's given his and the Warden's version and then there is some book writer which I think they are concerned with an - he's given another version that somebody let me out. I'd be willing to say no one let me out, no official or anything, it was all a convict operation; but why don't you let me think about this and there's another it might be a problem in this area too, not only this, but a couple of other areas. If I ever testify to the public, excuse me, if I testify to the public record, if I ever testify to the public record, it could well, for instance, this morning on the radio there was a whole bunch of things that I said which I haven't said, and some of these areas like this, it borders on an informant or something like that, and that's the last thing I want to get on my record.

MR. LEHNER: Could you tellus what you heard on the radio, I didn't hear it.

MR. KERSHAW: I didn't either.

A. WEll, it said that I told the Committee that some-

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one helped me to escape into Canada after the shooting, the King shooting, and three, two or three other things that was in error, but a lot of these people with the press they're kind of malicious, to put it mildly, and I don't like this, you know, Executive Sessions, they call it, things come out distorted. I think there'll be two or three areas I don't know whether I'll ever testify before the Committee in some type of public, I'm not talking about TVs or anything, I'm just talking about public record sessions. Some of these areas, it might be best to go into in the public record, that way the press, Time magazine, couldn't distort it, and this escape might be one of them.

MR. KERSHAW: I'll state in simple sentences and monosylabic words, clearly and distinctly to the press this afternoon that you had no one assist you escape from Memphis after the killing.

MR. RAY: Well, sure, I mean, there's no point in going out there and dispute everything, they say, it's just that it probably would be, trying to, well, some certain controversy areas.

MRS. KERSHAW: May I put one thing in?

MR. KERSHAW: Yes.

MRS. KERSHAW: There's been a lot of talk in the books that there was, that Ray had access to TV in the Missouri prison and that was built up to his antagonism to King. Now, will you comment on that?

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A. No, there was no TV's up there.

MRS. KERSHAW: You weren't allowed to have TV?

A. They know that, but, they, yeh, let's -

Yes. Well, I think we can, I think we can get in that prison thing maybe to a certain extent. Like I say in the public testimony, I don't know if I will ever testify in public or not. But that's really an insignificant part.

MR. LEHNER: Do you want to do this, let's forget the prison ofr now. Think it over again and see what you want to say on it, and we will come back to that and we will take it from there.

MR. KERSHAW: All right.

A. See, let me, one more thing, see I have documented, but the thing is the Warden, which I started to tell you a while ago, the Warden he can get 15 or 20 people up there, all he has to do is pat them on the head, they'll testify the way he wants them to testify, and of course, there is always a matter of perjury. If I do testify under oath, about some insignificant manner, and expecially if I was testifying in Washington where the press would be hostile anyway.

MR. LEHNER: Let's do this, let's leave this in abeyance, give it some thought, speak to Mr. Kershaw about it and then decide what you think you would like to tell us about it, and what part you want us to at least look into it and be able to make some kind of an investigation to prove or disprove what has been charged.

MR. KERSHAW: Okay.

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A. I think what we could do is give you two versions of how it, how it would, escape, that of mine plus the prison officials and you can investigate and come to conclusions, whatever you want to.

Q. Fine, that will be something that we can hold in abeyance and do in the future. Why don't we do this, I know we were just about, I think we were in Montreal, last at the end of the last session, but just to lead into it, if you could tell us, you told us about something about how you got the name Galt. If you could start with that and lead into that that would be of help?

A. I have no idea how I got the name of Galt, no more than I know how I got the other names. It is possible - I was thinking about that the last day or so. I know some of these names, some of these people I have used, it's been former people that I have knew indirectly or something, say like some type of a criminal associate or something. I remember the Lowmeyer name, I used, now that comes back to me where I got that, and, but I can't recall all these names and where I thought up, come, you know, something just comes to you and you use that name.

Q. How did you get the Lowmeyer name?

A. I think the Lowmeyer name, that come from another person that had been in trouble with the law in Quincy, Illinois. I just happened to think of his name or something, and used it.

Q. What was his first name?

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A. I don't know his first name.

Q. What first name did you use for Lowmeyer?

A. Harvey, but I don't know if that's the name he used or not.

Q. Well, let's think of Galt, did you ever use a the name Galt before you escaped from the Missouri State Prison?

A. No, I never used that before.

Q. Now, as best your recollection, and you say you were thinking of it a couple of days ago, how did you come across the name of Galt?

A. I don't know. I can't think of that, I read it somewhere probably, or heard, or a lot of times you get these names indirectly like Lowmeyer, he never heard of me and I didn't know him, but I heard that name somewhere before, some friend mentioned it so I used the name.

Q. You mentioned to us last time that you got the name Galt out of a Chicago telephone directory. Now, have you given that any thought, is that your best recollection of it?

A. I think what happened on the telephone directory, I think I checked, when I started to use Galt in Birmingham, I checked the telephone directory to see if there was any name just like that in there. In other words, I didn't want to have a name just like someone else possibly.

Q. You didn't want the name like someone else or you just --

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A. No, that's why I wouldn't use a Smith or Jones name. I wouldn't want someone's name, identical to someone else because if I started using their identification, it might create a conflict and you know for long term, long term identification, just one night wouldn't make any difference.

Q. Let me see if I got this right, you wouldn't want to use Smith or Jones because that's an ordinary name?

A. It's an ordinary name and it sounds bogus, plus the other possibility that you might get that mixed up with somebody else's real name.

Q. So you wanted to take a name that no one else had?

A. Well, usually something, it's not an average name.

Q. Okay, now, as far as Galt, what is the best recollection you have now on it?

A. I couldn't expand on anything I haven't told you before.

Q. Could that Chicago telephone directory, is that something you would rather withdraw? You had stated that before, do you want to withdraw that or --

A. I didn't know that I stated that before. Did I say, I might have, did I qualify that? I didn't say I got it out of a directory did I?

Q. Well, I don't recall, we can reassure that.

A. But I really can't, all these names and Galts, and Lowmeyer's the only one I tried, that's the only one I could think, and the reason I thought, the reason I connected

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that to another individual I knew on the street, and I decided that's where I got the Lowmeyer name.

MR. EVANS: Well, could you just sort of -- As you recall, could you just give us a rundown on all the aliases that you used, and how you think you got them?

A. Well, I, I tried to think of them over the last two or three days and Lowmeyer was the only one I could come up with. For instance, I used the Connors name one time. I used that, and, I got convicted for robbery in St. Louis, arrested for robbery. I was using James Connors, I believe it was, I was called Connors, the arresting officer's name was Connors and his father was named just like the alias I was using, and he jumped on me thought I was using his father's alias, but that's just one example of these. You might think you were using one fellows name and you really wasn't.

MR. KERSHAW: What name did you use when you rented the rooming house room?

A. The Memphis one?

Q. Yes.

A. That's Willard. I had a recollection one time of using that name, but I can't think of any place I ever used that name.

Q. And you don't recall where you got the name John Willard?

A. Someone else might, no, I don't recall it.

Q. All right, you worked in Winnetka for a number

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of weeks, do you remember how many weeks about?

A. Seven I believe.

Q. And what was the reason you left Winnetka?

A. Well, I accomplished what I wanted to accomplish, I had identification, enough money to get to Canada, and in addition, I thought there's a possibility that they'd start cnecking up on the social security cart, the government, it'd be best to move out of there.

Q. Why were you intent on going to Canada?

A. Well, you'd be, well I read where a lot of fugitives go to these, draft doggers, not only draft doggers but other people. I think the advantage up there is if you are arrested and finger printed you are not, they are not connected with the United States finger prints, unless you did something serious you probably never would be sent back down here.

Q. Did you have a car when you were working at Winnetka?

A. Yes.

Q. What kind of a car was that?

A. It was a Crysler, I don't know what model, it was a 51 or something, I guess.

Q. How did you obtain that car?

A. Well, it was an ad in the, I think, I guess it was the Tribune. I gave a $100 for it, but I don't know where I bought it, I think --

Q. But you don't know who, from whom, you bought it, was it a individual or was it from a used car dealer?

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A. I don't know, I got the ad out of the Chicago Tribune, that's the only thing I know.

Q. How long did you keep that car?

A. Until it broke down.

Q. When was that?

A. I was on my way from Chicago to East St. Louis.

Q. What happened at that time when the car broke down?

A. Well, I had trouble with it when it stopped. When it stopped, it'd take, it got hot and it would take about 3 or 4 hours for it to cool off before you could start again. I sold it to someone in Bellville, I think a filling station operator.

Q. For how much, do you recall?

A. Not very much, $45 I believe it was.

Q. Then what did you do then for a car?

A. I purchased a Plymouth.

Q. Where?

A. That was between Belleville and East St. Louis, on State Street.

Q. How much did you pay for that car?

A. I think it was a $195.

Q. And who did you buy that car from?

A. It was a used car dealer.

Q. Do you recall the name of that place?

A. No.

Q. What did you do next after you bought the Plymouth?

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A. Let's see, I think right after I bought the Plymouth I went to Canada. I think it might have been the same day or a day or so later, it was pretty close.

Q. When in this time period did you go to Quincy?

A. I didn't go to Quincy at that time period. When I went to Quincy is when I quit the restaurant, I went to Quincy and stayed there about seven or eight days or something like that.

Q. And who did you see in that area, Quincy area?

A. That I knew?

Q. Yes.

A. Well, most everyone had moved or several of them were deceased. The only one that I knew that knew of me was Ted Crawley, he use to own a bar and I told him I was on parole or something. I stayed in a hotel there, they don't, the people there didn't remember me anyway, and I never been in any trouble in Quincy.

Q. What car did you have when you were in Quincy?

A. I had the Crysler then.

Q. Now, you stayed in the Quincy area for how long, about

A. I'd just guess seven or eight days.

Q. Where did you go next?

A. Back to Chicago.

Q. How long did you stay in Chicago?

A. Until I, the, when I quit the restaurant I had a back check, you can't get paid when you quit the same day,

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they got to hold it back so much time, and I had a post office box rented in Winnetka and they sent it there, and I went back, and stayed the same address that I'd been staying in until the check was mailed to the post office. Of course, I don't know when, where, it is, I think I can give you the street there and it might be Lunn Street or something, about 7000 north of Chicago.

MR. EVANS: Lunn Street.

A. Lunn Street.

Now, the FBI, never had this, the way I got this, I told Bratford Huie, and, he told the FBI and they; and later on I seen the name of the street where I was staying at.

MR. LEHNER: Okay. Then you left Chicago to go to where?

A. Well, that's when I went to East St. Louis, from Chicago.

Q. And you still had the Chrysler?

A. I still had the Chrysler.

Q. Then what? Take it from there, do you remember what date that was when you went to East St. Louis?

A. Well, no, I think you may be able to document, to find out what day I got the check from the post office. As soon as they put it in out there I had, I probably got these dates wrote somewhere on the outside. But anyway, I went to East St. Louis and I was there a few days and --

Q. Where did you stay there?

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A. Well, it was a, it was kind of a rundown place. I don't know the street. I'm not too familiar with East St. Louis. I can probably get you a map or something and pin-point about where I was at or something.

Q. Did you have a map of East St. Louis?

A. No, I didn't.

Q. Did you know East St. Louis from previous?

A. Not too much. I had been through there on my way to Chicago, it's just a small -

Q. Was it a rooming house that you stayed in?

A. I don't know if it was a rooming house orone of the hotels or just these flophouses, whatever you call them.

Q. What name did you use?

A. I don't know.

Q. Were you still using the name Raynes?

A. That's probably what I used because that's what I had identification under.

MR. GANNON: Did the Chrysler breakdown on the way to East St. Louis?

A. Well, I'd been having trouble with it and I know I stopped at a filling station one time. Motor died. I stopped at a restaurant or something, the motor died, and it took 2 or 3 hours to get it started, so that was the problem.

Q. But you still had it when you got to East St. Louis?

A. Yes, it got to East St. Louis. I suppose the

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Illinois Vehicle Registration got all these records, because, when I sold it, and who I sold it to, and all that because you have to sign everything whenever you do that.

Q. All right, from East St. Louis, where did you go?

A. I went to Indiana I think. I think I was kind of short of money. I think I slept one night in the car just 2 or 3 hours because I believe the highway patrolman asked me something, but I believe I told him I was sleepy or something and I stayed in, I believe I stayed in a town in Indiana, Indianapolis or, it's about the center of the state I believe, it was. I stayed in a hotel there, one night.

Q. Do you remember what name you used there?

A. No, I probably used an alias if I stayed in a hotel. I'm not sure what name I used there, I just spent one night anyway.

Q. When you say an alias, do you mean other than Raynes?

A. There's a possibility that if I stayed in a hotel - but if I stayed in a motel I'd use the Raynes name correspondin with the license plates. But usually when I stayed in the hotel -- That brings back to Quincy, now, I don't know what name I used there, but you sign a big registration book see, see, I'm not just sure on these hotels where I stayed in the city.

Q. If you stayed in a motel you used the name that you had a license for?

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A. Yes, that's right.

Q. Why wouldn't you use that same name in a hotel?

A. Well, I think it's a practice of police to check on these motels and see if the registration and the license plates correspond, checking with stolen cars and things. Of course, at a hotel you don't have to check in your car or anything.

Q. Okay. You think you might have stayed in Indianapolis?

A. I'm almost positive.

Q. But you don't recall where?

A. I don't recall the name of the hotel.

Q. How long did you stay in Indianapolis do you recall?

A. It be a few hours not too long.

Q. Where did you go next?

A. I don't know. Well, I went through Detroit and northern Indiana, and then I cross the bridge, not the bridge, I think I crossed the tunnel. I waited until the traffic hour around four o'clock possibly, and went on into Canada.

Q. You had the Plymouth at this time?

A. That's correct.

Q. Now, did you have the Plymouth before or after you were in Indianapolis?

A. I had it when I was in Indianapolis.

Q. So you had it, it between East St Louis and Indianapolis?

A. That's correct.

Q. Do you remember about what date this would be that

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you were in Indianapolis?

A. Well, no, it'd be sometime, July, it would have to be in July sometime, I'd say, in middle of July sometime, 15th, 16th.

Q. Now, how did you get to Canada, what route did you take?

A. After I got in to Canada?

Q. Well, you got in through the tunnel?

A. Yes.

Q. Had you used the name of Galt up until the time you arrived in Canada?

A. No, I'd decided on it.

Q. You decided on the name of Galt? Did you decide on Eric S. Galt?

A. Yes.

Q. Did you decide on Eric Starvo Galt?

A. Yes.

Q. How did you decide on Eric Starvo Galt before you got into Canada?

A. I decided on that quite a while ago, I decided on that when I was in Chicago when I was working there. I was making plans if I did go to Canada I'd use an alias after I got up there and things like that.

Q. Had you written down somewhere the name Eric Starvo Galt before you gotten to Canada?

A. No, I'd probably gotten familiar, familarized myself with it, so I could use it.

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Q. How did the name Starvo come to you?

A. I have no idea.

Q. Had you ever known anybody by the name of Starvo?

A. I don't think so.

Q. Had you ever seen any writing that looked like the name Starvo?

A. I may have. I don't know, I seen, later on, I seen James Bond books, but I'm sure I didn't get it out of there.

Q. So its your present recollection that at the time you were arriving in Canada you're going through the tunnel, you already had the name Eric Starvo Galt as the name you were planning to use?

A. I'm positive of that.

Q. You did not have it written down any where?

A. Well, I don't know if I had it written down any where. I think I probably -- I may have written it down to start with, but I'm just, you know, I just run it over in your mind or something like that, and using it when you --

Q. Did you have at any time when you were going to Canada, did you have any notion as to whether or not there was a real Eric S. Galt?

A. No, I had no idea if there was a Galt.

Q. One way or the other you don't know if there was or there wasn't?

A. No, I had no idea.

MR. GANNON: Did you have any official identification like the ones at -- any kind of paper,

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official paper, with that name on it, Eric S. Galt?

A. Well, not until I got in Canada. I rented the, I took out a lease on a place that's the first time.

Q. All right, let's take you from the time you go in through the tunnel, what happens next?

A. Well, I headed, drove toward Montreal, I guess.

Q. Where did you first stop in Canada your first night in Canada?

A. I really don't -- I don't think -- I don't know if I stopped any where. I was kinda somewhat short of money. I think I probably rested along the roadside for two or three hours and I think the first motel I stayed in was pretty close to Montreal. I'm not sure how long I stayed in there. I may have just stayed two or three hours because I was --

Q. How low were you on money at that time approximately?

A. I'm not certain I don't think I had over a couple hundred dollars, maybe not that much.

MR. LEHNER: You had gotten the last check from the Winnetka job?

A. Yes, I -- I wouldn't have been that low on money, as you say, if the car hadn't of broke down. In my financial condition I was low.

Q. How much did you pay for the Plymouth?

A. $195.

Q. So the first time, night, you might have just stayed a couple of hours? What name did you use that first

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time in Canada?

A. I poss-- I, most likely used the Raynes name because I had the identification.

Q. And this is somewhere on the outskirts of Montreal you think, this first stop that you made?

A. I'm pretty sure I ran this down with Bratford Huie, but I'm not sure I gave him the right place, but I think I did.

Q. What date was that, do you recall?

A. Well, it would have been sometime in July, the 16th or 17th.

Q. I cut you off, you were saying you gave some information to William Bradford Huie which you think was right, because --

A. Well, I have a lot more clearer recollection of some areas, not all areas, at that time. He said he went up there and checked on the motel and I don't know if he did or not, he, I think he did, but he said he found my name in a restaurant on a card or something. A lot of these places when you check into them for two or three hours they don't, the room clerk or something will take the money and forget about registering you. I don't recall signing anything. I think I was there 2 or 3 - I wasn't there very long I know that.

MR. EVANS? Let me ask you a question. What time of day, what time of day was this that you checked in just at the motel prior to getting into Montreal?

A. I think it was sometime in early moring to my recollection. I'm positive, it wasn't night time.

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Q. Had you been in that area before?

A. Well, I went up there in 1959, but I hadn't been in that particular area.

Q. I mean, Montreal?

A. Had I been in Montreal?

Q. Had you been in Montreal before?

A. Yes.

Q. Had you traveled the same route to Montreal on the previous?

A. No. The previous time I went there on public transportation and this time I went --

MR. LEHNER: Did you secure a map of Montreal?

A. No. I could probably tell you I found a list of maps. It's about 50 or so.

Q. Oh, yes, could we see that?

A. Yes. I was going to make you a copy of it when you go to lunch and then you can have it. Let's see, no, no Montreal. I'm positive I had one, but it got lost in the shuffle or something.

Q. What did you do with these 50 odd maps that you say you've gotten?

A. That might be an exaggeration. I'd say 20, well, here's 12 here I think.

Q. What did you do with those maps, the ones that you have written there.

A. What did I do with them?

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Q. Yes.

A. Well, I probably had them. I don't know whether the F. -- I don't know whether the government, got these, either, they was either in the luggage when I was arrested or they found them in the car or maybe the rooming house. There's two maps of Atlanta they had, two of Los Angeles.

Q. The rooming house you have reference to is the one in Atlanta?

A. That's correct.

Q. All right. What happened when you arrived in Montreal?

A. Well, the first thing I did is I checked on the possibility of a passport with the travel agency so I did that on the phone. They -- They gave me information that wasn't as clear as it would have been if I went there directly. She said something about you had to have two years residence. You had to prove you were a two year resident, I believe, or have a Guarantor, so I never pursued that any more, rather I tried to get some -- where I could possibly get a Merchant Seaman's papers, something like that.

Q. Where did you go to get Merchant Seamen papers.

A. Various taverns along the river, waterfront.

Q. What was your plan?

A. Well, I didn't have any definite plans. I thought I had really two areas where I thought the possibility I could get the passport, either through the Merchant Seaman's maybe possibly rolling one over or something like that, or

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getting a drunk and buy them off of him or something or I had, I also, I think, had the possibility, becoming acquainted with someone, and they could possibly falsely swear that they knew me for two years, and I could get a passport that way.

MR. GANNON: Did you have some idea which foreign country you would like to go to?

A. Well, that would depend on my finances. If I had real high finances I'd prefer South America, Spain or somewhere. If I didn't have, Europe, Austraila. The way my finances ended up, finally come out why the closest place probably would have been all right.

MR. LEHNER: Continue, then you were looking for Seamen's papers. You were looking for certain, some access to foreign country.

A. Well, I started more or less just frequenting these various taverns down there. I'd just discussed with several people with various drunks one thing or another, about the possibility of getting a Merchant Seamen's papers and everything, and it was doing this approximate time that I met this fellow that called himself Raoul and everything, and I discussed with him three or four times the possibility of getting a passport and all that.

Q. Let me ask you this before we get into that. How long were you in Canada before you met Raoul for the first time?

A. I don't think it was too long. I believe it would be about a week or so.

Q. Where were you staying during that week?

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A. This was a place called the PAX or something. It was on Notre Dame East. I don't know the correct address. PAX, P-A-X, or something, I can't --

Q. And what name did you use there?

A. That's the first time I used the Galt name. I used it for the lease.

Q. Was it the full name Eric Starvo Galt or Eric S. Galt?

A. I don't know what I put on there, on the lease, there's a copy of it in existence. I usually just sign the S., so I'm positive I signed the S.

Q. Do you have a copy of that lease?

A. Have I got it?

Q. Yes.

A. Well, the FBI has a copy of it. I don't have a copy of it.

Q. Did you have it on you when you were taken into custody in London?

A. I don't know. I got a list of everything they took off me, but I dont know. I'm not positive. It wouldn't seem like I'd have them because I had another name then, but I --

Q. The identification you had for your car then, for the Plymouth, at that time that you were staying in Notre Dame East was Raynes?

A. John L. Raynes, yes.

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Q. But you had a lease under the name of Eric S. Galt?

A. That's correct.

Q. Now, how much money did you have when you crossed the border into Canada, about?

A. I didn't have too much, I just pulled that $200 out of thin air. It must have been something like that because I know I was short of money and I pulled a robbery almost as soon as I got up there and --

Q. Where did you pull the robbery?

A. Well, this was a gambling place and girls worked there too.

Q. You mean prostitutes?

A. Yes.

Q. And where was that?

A. That was in -- I could explain about where the address is, St. Catherine's East, is what they call the French Montreal, and west is the English live in the left end and it was in the east end that I met this individual in a bar. This was during the tourist Expo was up there. There was a lot of business and everything up there.

Q. This was prior to your first meeting Raoul?

A. Yes, that's one of the first things I did when I got up there and the fact is I think it was that first night.

Q. You went to this place, it was a gambling place where prostitutes were?

A. Well, it was a club.

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Q. What was it called?

A. I don't know, it's so many of them there. I don't know the names of them. I was just there twice and I don't recall.

MR. GANNON: Did you have the idea at the time when you went in there that you were sort of casing the place for a possible robbery?

A. Yes, I had decided after I had the trouble with the car that I'd have to rob someone probably, not someone, but some establishment, either that or check into the Salvation Army so --

MR. LEHNER: So you went to this gambling place and you say you met somebody there?

A. Yes, a woman, it wasn't no gambling, it was a club, just a regular bar, girls works out of them there and she took me to her apartment. She mentioned, I think she mentioned that they had gambling in there, but I didn't do any gambling, and I had the impression that this was the tourist season and there was a lot of money floating around.

MR. KERSHAW: You met her at a club?

A. Yes.

Q. You didn't rob the club, she took you some place?

A. Yes, she took me in a cab to the apartment.

MR. EVANS: Did you have a piece with you?

A. Huh?

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Q. Did you have a piece with you, a gun?

A. Yes, I had a gun.

Q. Where did you get that?

A. I got that in East St. Louis.

MR. LEHNER: Who did you get that gun from?

A. Well, I don't like to go into an individual's name. Now, that's one of the two or three areas that we are going to have to --

Q. Was it someone that you knew previously?

A. Yes, I knew him, yes.

Q. How much did you pay for the gun?

A. He gave it to me, I didn't give him anything for it.

Q. What kind of a gun was it?

A. A .38.

Q. And it was loaded when you got it?

A. Yes.

Q. So you took that gun with you to Canada?

A. Yes, that's correct.

Q. Okay. Tell us what happened, now, when you were with this woman in this bar. It was in the St. Catherine's East area?

A. St. Catherine's East area, night club area.

Q. Okay. Tell us what happened?

A. Well, we was, she took me to her apartment I guess. It was -- She took me in a cab, it was on, it was on the second floor and it was still in the, what you call the, French section, more towards downtown and we went up to the

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room and I got a good visual layout of the place and everything. And then after I left, I picked her up and met her again here at the same place the next day and I parked my car in the immediate vicinity of the establishment and the second time we went up there, usually when you give her the money she will take it into the room and give it to the Manager.

Q. That's what she did the first time?

A. Yes. So the second time I just put the pistol on her and took her into the Manager and I held him up. He was kind of a small fellow, I guess he was french too, and I tied him up with her stockings and put him on the bed and just asked her to get under the bed. It was on the second floor and I run down the stairs and got in the car, parked, and drove on back to Notre Dame East.

Q. Where did you get the money from?

A. I got it from her, him.

Q. It was on his person?

A. No, he had it in a cabin, he didn't have money on his person.

Q. On his cap?

A. In his cab, in a cabin.

Q. Oh, a cabin.

A. Yes, it's a small office.

Q. And how much money did you get?

A. About $1,500.

Q. And you took the car, and went, where did you go?

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A. I went back to, I had a parking lot, I didn't park in front of the house or anything where I was staying on Notre Dame East, it was a empty lot about four blocks from there and I had it rented for a dollar or two a week or something. I was just an empty lot, and I parked in there, in fact, that's where I left the car all the time. And later on I ran this down to Huie and I don't know if, I'm, this is the time I was testing the attorneys. I thought the attorney at the time, Authur Haines, Sr., was, was you know, was giving him too much information which would, well, would compromise our case. In other words, they would know as much as we did, plus we wouldn't know what they was doing. So I told Haines one time that I really robed a supermarket.

Q. And then how much did you get out of the supermarket?

A. Well, it would be the same amount. Of course, I hadn't robbed him, but -

Q. Well, what did you tell them, that you robbed the supermarket and gotten how much money?

A. No, I - I ran Haines the first time - I ran the complete story down, testimony about the robbing, the gambling place, the girl place.

Q. You told that to Haines?

A. Yes, well, then later on all these papers would keep coming in on me. You know, I'd tell Haines something and he'd tell Huie, and then I'd get more witnesses against me. So, then I told him, I said, well, I really didn't rob this place, I robbed a supermarket in Canada. And, but then he went and told

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Huie that I really hadn't robbed a gambling place that I had robbed a supermarket and Huie sent his bearer of bad news in, that's Haines, Jr., saying, that he didn't want me to fabricate any stories, but, it wasn't a question of fabricating stories, it was the question of me, you know, me giving attorney information that attorneys give to book writers and the book writers would give it to the FBI.

Q. Well, did Huie get the first account that you had given to Haines the fact that it was a gambling establishment?

A. Yes, he got that.

Q. But then you changed it and told Haines to give Huie, that it was not a gambling establishment, but it was a grocery store?

A. Well, I told Haines, I told Haines it was a grocery story but I told him not to tell Huie. Well, he went and told uie, so Huie told Haines's son to come and tell me that he wanted - that he didn't want that type of information, that he knew I robbed the market. But it would have been a simple matter to check on, to see if there had been any market robbed out there.

Q. Had you changed, had you changed the number, the amount of money in those two accounts or was it $1500 in each account, whether it was a supermarket or whether it was the grocery store, or the gambling establishment?

A. No, there was no, I didn't change anything, the fact is, when I mentioned the market, I didn't even mention any money. It was --

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It was just an offhand remark. I just said the fact is I told Huie, Haines, I said well, I really didn't rob the gambling place, I robbed the market, but don't tell Huie, and that was all I mentioned to him.

MR. GANNON: This was just a way of testing Haines to see what he was passing on to Huie?

A. That's correct. Yes, I thought he was passsing on more than we had agreed to.

MR. LEHNER: Mr. Kershaw, I think I cut you off, you were about to say something.

MR. KERSHAW: I was just going to bring up just what he brought up.

MR. LEHNER: Okay. I think we will take a couple of minutes so our stenographer can strech his fingers and we will turn the tapes off, if that is all right?

Okay. It's now six minutes after 11 and we are continuing with the same individuals that were present earlier.

You told us about the $1500 robbery, what happened after that?

A. Well, that was almost, I think that was the day after I got -- At that time I didn't have very many clothing, though, I think I purchased some clothing, and -

Q. Where did you purchase the clothing?

A. I don't know. I have a record of it somewhere. It was on St. Catherine Street, to the west I believe, somewheres, and that's when I started to frequent these various taverns

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down by the port and I also made some arrangements to go on a resort. I was trying, I thought maybe it was a possibility that I would meet some woman, and she would sign this Guarantor business.

Q. And you bought this clothing between the time that you commited this $1500 robbery and the time you met Raoul, is that correct?

A. Yes. I think I bought the clothing shortly after the robbery. Maybe it was the next day or something.

Q. Was this ready-made clothing or was this custom made clothing?

A. I think so. some of it was ready-made and the rest of it was. it wasn't customed. it had to be tailored or something like that, the cuffs.

Q. Well, didn't you buy some custom made clothing?

A. I think the name of the place was custom, but I don't think the clothing was custom.

Q. Did you give them a location where to forward the clothing once it was finished?

A. I gave one of the places a forward to Birmingham, Alabama. At that time I wasn't certain I was going to Birmingham, but I think I did ask them to send it to general delivery.

Q. In Birmingham, was this, how long was this after the $1500 robbery that you told them to deliver it to general delivery in Birmingham?

A. I think that's the day. probably the day before I left Canada or something.

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Q. The day before you left Canada?

A. A couple of days before.

Q. Well, had you, you went to purchase the clothing the day after the robbery, and --

A. Now, wait a minute. That clothing, there was another clothing store. I think I purchased those about five or six days maybe after the robbery.

Q. How long do you recall that you were in Canada in total on this occasion?

A. I would say maybe few days over five weeks I would guess.

Q. Now, you bought some clothing the day after the robbery, but that's not the clothing store that you gave the Birmingham general delivery address to?

A. No. To the best of my recollection the clothing I bought the day after the robbery was ready wear or something.

Q. And what about the one that you gave the Birmingham general delivery address, what clothing establishment was that?

A. Well, I couldn't tell you the name of it. It was some type of custom something. It had an English name to it and I'm almost certain it was on St. Catherine West.

Q. When had you gone there, for the first time, to that place?

A. Well, I would guess it would be four or five days after I committed the robbery.

Q. And, was that before you met Raoul when you went there?

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A. It would be just about that time, I think, when I started frequenting the --

Q. And when you went to that clothing store, the custom made one, where the name is custom made, when you went in there did you, and you ordered the clothing, did you tell them to deliver it to Birmingham at that time?

A. When I first went in?

Q. Yes.

A. No. I didn't have no idea at that time that I would be in birmingham, the fact is I didn't know, I thought the clothing would be, would be ready before -- Well, it was just an alter job that's all it was. I didn't think it would take as long as it did to -

Q. How long did it take?

A. Well, it apparently took three weeks maybe more.

Q. Okay, can you tell us how long were you in Canada at the time that you first met Raoul?

A. I guess about a week or so.

Q. Tell us about that.

A. Well, I first met him in the bar down there. I met two or three other individuals similar to him. We just, I was just, my main dicussion with these various individuals including him was ways and means of getting a passport, and he, after certain discussions he mentioned the possibility. He didn't refer to them as passports, he referred to them as travel documents and he mentioned that he might be able to get one if I would assist him in some way

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in crossing the border, and I think I probably mentioned to him that I'd been in minor trouble once or twice and we never got down in any serious discussion until, until I went to the resort. I went to the resort, about that time, probably a few conversations, and I stayed there a week or something. I did meet a woman up there, but you don't want to go into that now do you -- you're interested in the --

Q. Why don't we take it chronologically from the time you first met Raoul?

MR. GANNON: I was just going to say, the, you said you met these other individuals who were similar to Raoul, in what way were they similar to Raoul?

A. Well, they were, well, they were -- I guess the similarity, would be, just they was in that area. I think most of them weren't dressed as good as he was, but they were just seamen, the average seaman drinking and stuff like that.

MR. GANNON: Did they offer you any help, travel documents, things like that?

A. No. They spoke to me about, I was, my main interest in contacting these people was to either to try and buy something off of them or more important a lot of them are heavy drinkers, they passout and you can roll them, but I never did get them in any situation like that. And, of course, I had, I didn't want to take any really unnecessary chances, assaulting anyone like that for a passport, but --

Q. Did you say that Raoul was better dressed than these

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fellows?

A. Yes.

I gave Mr. Kershaw a picture of the individual that had striking similarities to him this morning.

MR. LEHNER: How did you get these pictures?

A. By someone, I assumed that Mark Lane, although there was, although there was no return address on the book. I just got them about a week ago, I gave him this morning.

Q. Well, how did you first meet Raoul, yourself, did you go over to him, did he come over to you?

A. No, I'm positive he sat down beside me.

Q. Why don't you take it from there, what happened?

A. Well, it's just a discussion about, one thing led to another, which I've been in a lot of those type of discussions, usually ends up where some type of a criminal, statutory violation comes up. I assumed that when he started, mentioned, about getting travel documents for taking stuff across the border it would have been for some type of, something illegal. But, I don't remember too many details of the conversation. It was mentioned that, I think this was later on when I came back, he went into more detail. It was mentioned that I would go into Mobile and stay there and he was going somewhere else, New Orleans or somewhere, but I did agree to go to Birmingham later on, but, of course, the main thing, I wanted was the pasport, just to take the stuff across the border and get the passport and come back into Canada. But he mentioned that

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he wanted to go to Mobile or something and I figured I would more or less con him and tell him, well, I'd go to Birmingham, and, of course, I didn't want to go to Mobile. If I had to go down there I'd rather went to Birmingham for several reasons, but if I had of got the travel documents in Detroit, well, naturally I wouldn't of went to Birmingham. But, of course, I might have been out a suit of clothing or something but that was minor interest, significance, in compared to getting out of Canada.

Q. Why would you be out a suit of clothing?

A. Well, if I were to come back from Detroit back into Canada with the passport, most likely the clothing would have been forwarded to Birmingham.

Q. Why would you rather go to Birmingham than Mobile?

A. Well, I'd been in New Orleans one other time. It's a, it's the, I got some type of -- It's not hay fever, but I'm kind of allergic to that kind of climate, plus Mobile's a smaller city and I knew it, and it's easier to hide in a larger place, plus Mobile, I don't think, is too far from Birmingham anyways so --

Q. Now, the conversation you got into with Raoul was that you were going to do something for him?

A. Yes, that's right.

Q. What was that conversation, what did he say?

A. Well, take something across the border, some packages, in the car, I had, in the automobile.

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Q. And what did he say was going to be in the packages?

A. He didn't comment.

Q. And what were you going to get in eschange for doing that?

A. Well, I thought, it was a small amount of money plus a passport.

Q. And where were you to meet him after you went across the border?

A. The first time, well, I didn't get all the details until I actually got in Windsor. You want to go chronologically, after I left Canada, then I went to, we decided on a date to meet in Windsor, Canada, the date, wehre to meet and all that stuff. We went through that.

Q. What I was getting at is, if you were going to take something across the border for him, what does Mobile have to do with it, if he was going to meet you on the Canadian, the American side of the border?

A. Well, his original proposition was that after we took the stuff across the border, well, we'd, I got the general impression that we might go somewhere else and do something similar to that in Mexico, and I would go to Mobile and stay down there and I assumed he went to New Orleans, but that, I was just going along. I went along with that story later on because I figured that would be one way to getting a passport wherein if I would say just flat out that I didn't want to go to, to, go back in the United States, nothing might have went through.

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Q. What I'm trying to understand is, if, that if you had an agreement with Raoul to take something across the Canadian border into the United Stated, and you're interest was in getting money and some papers, and although there was some discussion of taking something across the Mexican border, what does Mobile or Birmingham or New Orleans have to do with any of these plans?

A. Well, I assumed that's where I was suppose to wait at and go down and stay until he made some type of arrangements to go into Mexico.

Q. Oh, why did you assume that?

A. Well, because that's what he mentioned.

Q. Did you ask him what the purpose is of going to Alabama, if you are going to smuggle something across the Canadian border and then possibly smuggle something later across the Mexican border?

A. Well, he was from, I assumed he was from New Orleans or had some type of a contact there.

Q. Why then didn't you meet him in New Orleans, what's the purpose of Mobile or Birmingham rather than New Orleans?

A. Well, that's where he suggested I go. I guess he didn't, thought that it was best that I wouldn't be in his area or something. Because he later gave me, he gave me a phone number one time and I think it was when we crossed the border, and I, I don't understand why, you know, someone else is thinking some way.

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Q. Well, your purpose was to get out of the country. Now, you were going to do something hazardous for him and you expected to get some identification papers?

A. That's right.

Q. Why were you intent on going along with Mobile or Birmingham or New Orleans if you thought that as soon as you crossed the border that you were going to get your papers?

A. Well, that was more or less to pacify him to agreeeing to going to New Orleans, if I would have got the papers, then naturally, the money or anything else, I would have never went to Birmingham or Mobile.

Q. How did he say he was going to get the papers for you?

A. He didn't say when I spoke to him.

Q. And when you got across the border were you surprised that he didn't have the papers for you?

A. Well, somewhat, yes.

Q. Well, did you then consider that maybe this is not a man that's a man of his word, that you should do something else rather than go along with him?

A. Well, I considered that, but he told me the next time he had something, he had some problem, he said the next time, he would get them, he would be for certain that he could get them the next time. That was a judgment question, of course, I should, on hindsight naturally I should of never crossed the border in the first place, but we are getting in these judgments and -

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MR. GANNON: I was going to ask you what name was he going to get the papers in?

A. Passport papers?

Q. Yes.

A. I don't know, I assumed he was going to get them in my name, but it wouldn't had of made any difference because one name is as good as the other on a passport, just as long as the height and weight are similar.

Q. Would that be the Galt name, the one you were using in Canada?

A. He never said he was going to get them under the Galt name, I'm for certain.

MR. LEHNER: Did you give him a picture of yourself so that he could have it attached to the papers?

A. No, I assumed that it was, if it was travel documents, there was never any mention of, of passport, it was mentioned of travel documents. I don't know what all types of travel documents there are, but --

Q. Have you since found out what is meant by travel documents other than a passport?

A. No, I haven't.

Q. You just mentioned travel documents and you didn't ask him what kind?

A. No, he said it would be good to go into foreign countries but, I don't -

Q. You knew that you need a passport to go into foreign

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countries didn't you?

A. Well, I knew you need something to get by customs. It's not necessarily a passport, I know you can get through with Merchant Seamen's papers. Travel documents, I'm not sure what they are. I understand, I read somewhere where they gave you a paper if they deported you, they give you a oneway ticket somewhere, that's a possibility.

Q. Alright. Why don't we take it chronologically unless there, there's any further question. We can get back to it when we get into it chronologically.

MR. GANNON: What did this guy look like?

A. This picture I gave Kershaw this morning, it's the most similar.

MR. KERSHAW: Can I show it to them?

A. Well, you can if you want to. I'd say he's five foot ten, 150 pounds, kind of a sharp features.

GANNON: You said better dressed than some of these fellows who you talked to earlier, business suit, that kind of thing?

A. He was in a business suit, no neck tie, just the shirt. I seen one a lot similar to him. I thought he was following me in Memphis when I was going in and out of all those taverns, but dressed similar to him, but this was a different individual.

MR. EVANS: What makes you think this guy is latin?

A. Latin. Well, I have had a lot of association with

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panish speaking people. I can tell their accent so I assumed he was Spanish speaking.

MR. GANNON: So it was a kind of Spanish accent?

A. That's correct, not too much.

MR. EVANS: And when did you first realize, when did you first think that this guy was from New Orleans?

A. Well, I didn't think he was from there, but I thought he had connections there, because he'd, he'd made some reference to it in Montreal, then later on he gave me a phone number in Detroit from the Montreal area.

Q. Now, Mr. Kershaw just gave me the book "Coup d'Etat In America" and I'm opened to pages 212 and 213. Can you take a look at this and see if this is what you have reference to?

A. Yes, that's it.

Q. And which particular person in those photo or photos looks like Raoul or has resemblence to him?

A. Well, the first one behind the policeman.

MR. GANNON: That fellow looks like he has lighter hair, what was Raoul's hair color?

A. Dark hair, dark red.

Q. Dark red?

A. Reddish hair.

MR. LEHNER: In both pictures he's the man behind the first policeman, is that right?

A. That's correct.

MR. KERSHAW: Second figure from the left.

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MR. LEHNER: Second figure from the left in each photograph?

A. Yes.

Q. Is that definitely not Raoul, but somebody who has resemblance to him, is that what you are saying?

A. Very similar, but as I mentioned before, I don't, I don't -- I'm not going to make any visual identification of anyone, but that person is the most similar to any picture I have ever seen of him.

Q. Well, what I'm getting at, you are saying he is similar, is it is similar in his height, his build, his face, his hair, what are the similarities that you have reference to?

A. Well, let me look at the picture here. I don't see, I don't see any dissimilar, any dissimilarities there except that --

MR. KERSHAW: Let me ask you this, taking into consideration the vagueness of any photograph and small size and all that, could that be Raoul?

A. Well, I'm not going to say anyone could be or couldn't be. I'm just saying it's a striking similarity. The only thing --

MR. KERSHAW: Striking similarities?

A. The only thing I ever seen anything that's different was in profiles, this fellow seems a little fuller in the face than profiles.

MR. LEHNER: What are the similarities, can you go into that?

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A. Well, the size and the type of hair, features.

Q. What are the dissimilarities?

A. Well, the dissimilarities, there's another picture ere that, well, if that's the same one, the profile looks a little different in this one here. It looks like he's kind of tired or sick or something.

Q. This is page, well, it has no name, no number on it. It's the page after 207 which would be 208. You are talking about the full figure on theleft althought there is a person with a hat to the left of him as we look at it, this is the person you are talking aobut?

A. Yes.

Q. Now, what are the dissimilarities between this person on 208 from Raoul?

A. Well, that one seems more coarser or maybe slightly heavier that the, that's the only -

Q. Coarse, in face, you mean?

A. Yes.

Q. In what way.

A. Well, his features are not as sharp. I don't think, the front one looks sharp, but that one don't look - it's been quir a while and I can't, that's just my recollection.

MR. EVANS: Who's book is this? Who's book is this?

A. Someone sent it to me about a week ago, I don't know who sent -

Q. Okay.

A. I put the date in when I received it on the back page there.

Q. Had you ever seen a photograph of anyone, had anyone

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ever shown you a photograph of, previously, of someone that they thought or that you thought might have been Raoul?

A. No, that, I suppose, I've seen that photograph before but-

Q. Oh, do you recall when you saw this photograph?

A. Yes. Percy Foreman showed it to me.

Q. Percy Foreman?

A. He was the - they were going to either arrest this fellow or someone like him, and bring them to Memphis and I was suppose to identify him.

MR. LEHNER: They were suppose to arrest him where?

A. The FBI.

Q. Where?

A. Well, let me go - William Bradford Huie got these pictures from somewhere, I assumed he got them from the FBI and he gave them to Percy Foreman and Percy Foreman showed them to me - Well, he, Foreman didn't only show me that one picture, he showed me about 15 others, I guess. Various pictures, he said the FBI wanted to get out of circulation. Most of them were Latin type. I think they were one black and possibly two or three Anglos in there. But I think it was either this fellow or someone who looked something like him, and Foreman mentioned that, that's when we were preparing for trial, some, and he showed me this picture sometime in the early part of February, I'd say 5th or 6th in February 1969. And he mentioned something about the FBI would arrest him and I would make some type of identification, but he didn't go into too many details on this. I told him I'd rather not get involved in that type of visual identification of anyone.

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MR. KERSHAW: Did he say the FBI wanted to get rid of these characters?

A. Well, the various persons, that they hadn't done anything, at least provable, but he described them as people who the FBI wanted to get out of circulation.

MR. GANNON: Did he say you would benefit in anyway for identifying one of these people?

A. Well, I think he was going to use that for defense. See, he's testified that I did plead guilty around January 26th, but of course that's not so. He was preparing the defense up until February, the middle of February. I never heard anything about a guilty plea until February 13th.

Q. What was your defense suppose to be that Mr. Foreman was preparing?

A. Well, other than I was not guilty, I think he was, they were going to try to, see, I don't know if these individuals he mentioned was involved in anything or not, but I assumed that, of course they kept me in the dark, the attorneys did, so I assumed that they were going to try to connect him with the murder charge in some, some manner.

Q. Connect what with the murder charge?

A. Well, in the King matter, if they wanted me to identify them. I don't know what else they wanted me to -- identify him for.

Q. Connect this, this person, who we, who's picture is in this book we just looked at?

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A. Well, I think it was, he had some pictures of single photograph too, and I'm not saying for certain now that, that's the individual he was going to arrest, but it was a, I know I clearly remember him showing me that picture and it was, it was most likely, although I couldn't say for certain, it may have been someone that looked similar to him, but I never did draw him out in the conversation too much because I didn't want to get involved in that type of defense, where I had to identify someone.

Q. When Mr. Foreman showed you that picture, was it one picture or more than one?

A. No, he had a bunch of pictures.

Q. Were they all the same person?

A. No. They were different.

Q. But one of the pictures was a picture that was, or sthe same person that is in this book, or similar?

A. Yes. It is different from that individual, but he had different pictures of single photographs plus the multiple photographs that that was published in there.

Q. And one of the photos that he had was a photo of this individual in the book?

A. That's correct.

Q. And you picked that photo out of the group of photos he showed you?

A. I told him that one had more similarities, but I couldn't identify him as anyone that I knew or anything.

Q. That one had the most similarities to Raoul?

A. That's correct.

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Q. And you first got this book I take it April 5th, 1977, is that the date you wrote?

A. That's correct. I wrote the date on there.

Q. Now, had you seen this person's picture between the time that Mr. Forman showed you a group of photos and you picked this picture out and the time you got the book on April 5th, '77?

A. I have a vague recollection of seeing somewhere, but not that clear, but I don't know just where I saw that, but I don't have no, I saw so many pictures, but it's been numerous pictures showed to me I imagine a hundred and fifty but I could have saw that in a book somewhere.

Q. Now, do you know who this person is, this picture of this person who is shown in the book?

A. Well, after -- Before I got the book, I got the letter from this SCLC fellow in Philidelphia.

Q. Who is that?

A. Marcel, isn't that his name, Marcel, and from reading that letter, that must of been the same individual that he is referring to that the Rockefeller Commission had the pictures of first. As far as these pictures, particularly here, Bratford Huie, he gave them all to the Grand Jury. I have Huie's Grand Jury testimony here so I assume that the prosecution, the Memphis officials, has the pictures.

Q. Would you be willing to give us a copy of that testimony?

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A. Well, if you can get it -- I just have one copy, maybe we can get it xeroxed here, if you could talk to the kind Warden.

Q. Well, we'll try, over the lunch period, we will try that. Do you have anything else that you wanted to say as to this particular person, and the person in the photograph?

A. No. I just gave that to Mr. Kershaw for his edification.

Q. Do you know who the person is?

A. I have no idea. The Rockefeller Commission, they know, so you should --

Q. Do you know where this picture was taken?

A. I think it says Dallas Police Department on it.

Q. And do you know what day it was taken?

A. From reading excerpts of the book I think it was taken on the shooting of President Kennedy.

Q. Did Raoul ever talk to you about the shooting of President Kennedy?

A. No, criminal activities.

Q. I'm sorry.

A. No, just illegal acts, just small crimes for monitary gains, that's all.

MR. GANNON: I was wondering about these meetings that you had with Raoul.

The first one I guess, I mean, that was accidential in the sense that he just came up and sat down beside

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you, is that correct?

A. That's correct.

Q. Did you afterwards though, did you arrange to meet him at a place or something like that?

A. That's correct, certain times.

Q. Say, we'll meet, you know, in the same tavern?

A. Same, yes. We was in other taverns and, of course, I was in other taverns alone. But generally the one we were in was the one called the Neptune or something.

Q. I'd just say, you know, you'd say well, he would say, I'll meet you here tomorrow night at 8:00 something like that?

A. Something similar to that.

LEHNER: How many different meetings did you have with him in Canada?

A. Before and after I went to the resort?

Q. Let's say before you went to the resort.

A. I would guess eight or 10.

Q. How many after the resort?

A. That's all together eight or ten.

Q. How many before and how many after roughly?

A. I would say roughly half and half.

Q. And did the last time you saw him in Canada was the day that you crossed over to the States?

A. That's correct.

Q. And did you talk to him that day about the, about getting the identification papers, the traveling papers to

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leave the country?

A. I talked to him in Detroit. I never discussed it with him.

Q. When had you spoken to him last before Detroit about getting those papers to be able to leave the country?

A. Shortly, shortly before I left Montreal.

Q. How many different times did you and he discuss the fact that you were to get those papers when you met him after crossing into the States?

A. How many times did we discuss it altogether? We must of referred to it several, numerous, I'd say not numerous, but six or seven times. That was always my main purpose to get the --

Q. And your intent was to do this illegal activity smuggling, whatever it was that you would smuggle, so you could get these papers so you could get out of the United States to get into a foreign country?

A. To get out of Canada, yes.

Q. And for 6 or 7 times you discussed this, is that correct?

A. That's correct.

Q. Over how long a period of time would you say?

A. Well, I'd say over a three week period of time beginning the first meeting, and ending with the last one.

Q. So, it was your intent that once you got over into Detroit you were going to get those papers and then you were going to get out of the United States?

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A. That's correct.

Q. When did you tell the custom shop to mail the suit to Birmingham?

A. The custom shop, you mean where I bought the clothing? I thought there was a possibility that I would go there?

Q. When did you tell him that?

A. When did I tell him? That must have been the last day I was in Montreal.

Q. Can you tell me why you had him send it to Birmingham if your intent was to get, the passport or the traveling papers in Detroit and then proceed out of the country?

A. Well, there was nowhere else to have him send it. If I had of gotten the passport I'd came back in Canada, and, I wouldn't like I said, I'd just been out a suite, but on the off possibility that if I did go to Birmingham or, then the suit would have been down there.

Q. What I'm getting at, if your intent was for a number of weeks that you were going to get this, these papers in Detroit and then leave the country, why shortly before leaving Canada did you give Birmingham as the place to send a suit instead of just saying, well, I'll contact you in a while, which that while would be at, when you got to Detroit and found out whether you had the papers or not. Doesn't the fact that you give this Birmingham address, doesn't that lead one to believe that you weren't really intending to get

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any papers in Detroit, you were intent on going to Birmingham for some reason?

A. Well, those are judgment questions. What I did under the circumstances,and everything I did might not be logical, but, I did them. I thought that was, at the time, that particular time, I thought that was the only option I had. Of course, if I had gotten the passport in Detroit or travel documents I could have raced back to Montreal and got the suit before they sent it to Birmingham, but I didn't, the suit wasn't all that important to me. The money and the passport was the - they could have sent the suit to the Salvation Army as far as that goes.

MR. LEHNER: Why don't we, if you don't mind proceeding, if we proceed or would you rather stop for lunch Mr. Kershaw? Whatever you would like is fine with me. Do you want to proceed another half hour and go, or go to 12:00 and then go to lunch, is that all right?

MR. KERSHAW: Yes.

MR. LEHNER: Okay. Why don't we take it chronologically. Now, we've, we sort of skipped around the tripe to the hotel.

MR. RAY: Do you want me to explain these judgment questions sufficiently?

MR. LEHNER: Yes, go ahead.

MR. RAY: Then maybe - Go ahead, Ill let you say -

MR. EVANS: Go ahead James.

A. Now, I mean, Mr. sprague's he's a skilled cross examiner. He mentioned this judgment question why I

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didn't go to, when I heard the radio call in Memphis, how come I connected it with me and discarded the Mustang. As I mentioned, these do, it does appear to be a judgment question why one person will do something and one wouldn't. This was brought to mind a few days ago, I was thinking about a statement made by Judge Taylor up here. He's a state judge and he was a, he ran for the Supreme Court of Tennessee and he had a case in court up there and they asked him, well, do you think you'll get the judgeship, do you think the other fellow will. He said, there's only one thing he never tried to judge, why a judge makes a decision or, you know, what or how a woman decides who she is going to marry. So, if judges - if their judgement is in that big an area, why, I think I can be excused for making some error in judgement.

Q. It's not a question of excussing you or not. I mean it's just a question of trying to understand what happened and in what sequence. And if you could think of a reason, even if something comes up now and you think of a reason after lunch or you think of something as to an explanation of something we discussed weeks ago, bring it up. Don't feel that you have to, once we stop and finish a subject you can't go back to it. So, I'm asking you these questions so that you can give it some thought and maybe you could recreate these things and give us your best recollection?

A. Well, see, my best recollection in a way, in a way it would be what I told William Bradford Huie and what I wrote

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out for him. But I corrected him a lot of times because like you'd say, I'd get to thinking I made an error on a date or something, but I haven't seen these papers for five or six years. I wrote to Jim Lesar, certified letter, asking for a copy of it, but I think you will probably be able to get it through a detinue suit or something. But I can't - I can't answer all these questions about, like say, on judgment. I know one time I was in Kansas City and I went in a place and this guy was passing bad checks. Well, he talked me into passing one and I got, after I passed it, he told me to come back later on and get the money, but for some reason I got suspicious, something bothered me, and I never did go back. So, later on when I got arrested, the Postal Inspector asked me how come I didn't go back to get the money, I couldn't explain it to them, I just didn't feel like going back and getting the money, but it's like you say, if it's anything that I can think of -

MR. KERSHAW: Well, let me ask a question or two on that line, was this a tailoring show that, did you get measured for the clothes or was it ready-made and it was just an alter?

A. I don't think it was a custom shop. I think it was a, fact is, I think the name of it is here somewhere. I think they just did altering, but they were backed up on their work or something.

Q. All right. Was it a -

A. Because I never did -

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Q. A rather highfalutin type shop?

A. No, it wouldn't be nothing like that.

LEHNER: How much did you pay for the suit that was sent to Birmingham?

A. Canadian money I guess $70.

KERSHAW: Which is in other words not an expensive suit?

A. No, it wasn't no --

MR. LEHNER: Did you buy any, a more expensive suit while you were in Canada?

A. Well, I don't think I would buy one just from, more expensive, just from a force of habit.

Q. Do you recall buying something more, expensive, that is?

A. Over a $100?

Q. Much more over a hundred dollars.

A. No, I'm positive. You may have been, I mean, I read in these books where I spent money on manicures and all that stuff. That's, ah, -- That's just some writer's thought.

MR. GANNON: You never got a manicure while you were there?

A. No, at the King George Hotel or something, that's Mr. Huie's, he's got quite an imagination.

MR. EVANS: Okay. Now, I just wanted to ask something. Now, when you reflect back on Raoul, you know you are doing time now, you are doing 99 years, right?

A. Yes.

Q. Could you sort of give us an idea, how do you

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about Raoul now?

A. Well, I could give you an idea about how I feel about everyone, Raoul, Percy Foreman, the whole bunch.

Q. Well --

MR. LEHNER: We'll get to Percy Foreman afterwards when we get into the post-arrest stage and what happened between you and these lawyers.

MR. RAY: I just look at things like the Darwin Law. If you are more capable you survive. If you don't you go to jail. So, it's more or less the winners and lossers.

MR. KERSHAW: Let me ask you a specific question in mind.

If someone walked in here with a picture and you recognized it without doubt as Raoul, would you say that's Raoul and feel glad because Raoul is sort of responsible for having you in here? Would you have any hesitation about saying that's Raoul and realize that would be a very damn good step toward getting you free?

A. No. I'm afraid I don't look at things that way. In the first place that's, that don't get you free anyway.

Q. It would be just a step.

A. Well, that would be a step in getting me in solitary confinement. I'm more concerned with in trying to defend myself rather.

MR. LEHNER: Well, the question --

A. I know I'm not concerned what the Committee or prosecution or anything else, what they develope and what they, you know, the special prosecuter might -

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prosecute. But I'm not concerned with, you know, getting the prosecuter, the prosecution or -

Q. Well, we know, as we said -

A. It's always been my opinion that the defendant, it's impossible for him to solve the crime especially from in jail.

Q. Well, as we say, this period of time and this period of time we are talking to each other and nothing's under oath and we are coming back, we are going to do some investigating, just picking up Mr. Kershaw's question for a little bit. If someone came over with a picture of Raoul or some how or other Raoul was within eye shot and we asked you whether or not this was Raoul, would you, and you truely believed that that was Raoul, would you so state?

A. No. No, I don't believe I'd make any visual identification and soforth. It was my, it's been my opinion to give - to testify whatever I know about phone numbers or addresses or anything, but the - let the committee and prosecutors take it from there. See, I'm in a kind of a funny position. I never been re - I never got a trial or anything, at the same time after all this time in solitary confinement and everything I was supposed to help the government in someway resolve the case. Either I'm guilty or some one else is, in other words, I'm suppose to help them close the book, but if they were interested in closing the books, they should have had a trial.

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Q. Let me just ask - Let me just follow it up a little bit. You would not identify Raoul either by photograph or in person if he came into view?

A. No. I think that would be in the area of State witness. I wouldn't have any objection to giving you a general description of him, and the prosecution, and let them, well, really I'm not concerned with anyone going to jail because the, Attorney general Clark on down they have committed themselves so much, to I'm guilty, that I can't see anyone having a competent lawyer, why they could go in and say well, this is all been a big mistake, this fellow here he's really guilty. I can't see him, the jury ever convicting him that way, but the same time you just - after 40 some years I don't want to get, to start visually you know, visually identifying individuals who may have committed some type of an offense.

MR. KERSHAW: WEll, do you feel you would be a snitch, a State's witness, and that goes against the grain?

A. Well, that's, that's, I'm in a fairly good position in the penitentiary now, I don't have no informant charges on me, but there's another pitfall from these things too. I think - I think the former prosecutor Mr. Sprague, the Chief Counsel of this Committee, all you got to do is get a weak link and, of course, Raoul or anyone else would be arrested, that was one of my concerns, during, right before the trial, they arrested someone else, when, and that would result in a swearing contest, of course, if I'm not going to be a State's witness and the other fellow is, then that puts me in a bad position.

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MR. LEHNER: Well, we are not even talking about a State's witness. You wouldn't even point him out and say that's Raoul so that we would be able to further our investigation about that person?

A. No, I can't -- I can't -- I don't believe I could go that far in identifying. There's a -- There's a certain limit I can go in cooperating with the Committee. I can take part myself and say I can take lie detector test, stress test and may be even the serum, but I can't -

MR. KERSHAW: Well, all right, that's very fine, but let me do just a little bit of speculation, if I may. I understand your feeling, I believe that you are innocent, you didn't shoot King and that it is up to the State to prove you guilty to satisfy the jury and that you are not required to prove your innocense to prove someone else guilty, correct?

A. That's correct.

Q. But if in the course of the trial in order to prevent the State from proving you guilty you had an opportunity to say, there's Raoul, would you do it, and say --

A. Well, I just can't see myself --

Q. Well, how are you Raoul whatever in the hell have you been all this time?

A. Well, I can't ever see a situation developing like that.

Q. But if it did?

A. Well, I don't like to get in these hypothetical

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questions because they can, they can leave a lot of pitfalls later on.

Q. There'd be no, this is all confidential here.

A. Well, I don't know. I have never been any type of State's witness.

Q. This wouldn't be a state's witness.

A. Well, it amounts to it, it's, how it is preceived rather than what really what it is.

Q. See, this is, you remember, this is a congressional committee investigating not only your activities, but they are investigating activities of the judge, the Attorney General, the detective, the FBI, they want to know why, what made the breakdown, is that not correct?

MR. EVANS: That's correct.

MR. LEHNER: We are not even saying it broke down or it didn't breakdown, we have no preconceived notions. We want to get every fact and get the truth out.

MR. REVEL: Could you call it a people's inquiry?

MR. KERSHAW: Something like that.

MR. RAY: I tell you, theyre some of these areas it's might be best for me, in order to get around this newspaper business, to testify in public, if in fact I testify, but I'm like this fellow that wanted, Mr. Clay, he wanted to testify in public to keep the heat off of him. I think that would be my interest in certain areas. This business of testifying behind closed doors is -- I could see why this, what's his, Trafficonti,

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whatever his name was, his two partners wound up in a barrel down in Miami, so I'm talking about what's prudent and what isn't. Regardless of what this Committee learns, they've got cases on case law like the Alfred case in North Carolina where they can keep me in jail and I could even be innocent, so I don't want to put all my eggs in one basket so to speak.

MR. GANNON: I was thinking in line with what Mr. Kershaw was saying, that you were talking before about Darwin's law and maybe the capable will get out of prison, they don't belong in prison.

A. Well, you can look at the Darwin's Law two or three different ways I guess.

MR. EVANS: Also, one of the things that the congressional committee is doing or one of our jobs is to see if there was any mal - mis or nonfeasance in any of the government agencies that participated in any of these investigations, so when you say that you really don't want to be an informant or what not you are actually saying then that you will, in some cases, maybe even willing to line up with the establishment that may in effect have other people incarcerated wrongly and unjustly and for instance your brother.

A. You know, well, my brother he was railroaded and I don't know whether he was guilty or not, but he was - but I'm not opposed to the establishment in everything they do.

MR. KERSHAW: If you, under a situation where you were under oath to tell the truth and you have no obligation to

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Raoul and you have no obligation to the State, all you got is an obligation to is the truth, you know, and let it fall where it may, and you were confronted with an individual who was brought in and they said, is that, is that Raoul and if indeed it were Raoul would you say it was not?

A. Well, I don't know. I would know, I wouldn't know if I would say it was not. I just wouldn't say anything maybe. But you, now everyone looks at things differently. I have looked at things the way I would always look at them. I haven't changed my opinion on them. I don't like to be burning bridges. I think, for example, if I would of had this, took this position to identifying everybody and all through the past, I would never have gotten out of Missouri because no one would ever assisted me. They would have said, hell, you can't help him.

MR. KERSHAW: Or is it the fear of what will happen to you?

A. No, it's not the fear part, it's just the -- I'm just opposed to it in instinctive grounds, or something, on making these identification of people. I don't think this is all that important. I think we can get around this.

MR. LEHNER: Why don't we do this. As we did with the Missouri Prison break, let's hold this one in abeyance, we will all think about it and so, as you say, you don't have to burn any bridges. We don't have to take any positon one way or the other right now.

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A. I don't think we will have any big problem with the Missouri Prison and all that, but this here identification, we have -- I really can't see myself going into that. I think you could get whatever information you needed without having me up there playing --

Q. Do you think Raoul set you up to take the blame for this killing?

A. It really don't make any difference whether I was setup or whether I wasn't.

Q. Do you think, what is your thought on that?

A. Well, I think I just happened to be there in the area and I was in the weakest position, and that's -

Q. Well, do you think that he intentionally left your finger prints on the gun and sent you out of the room at the time he was going to commit the killing so that you would be blamed for it even though you didn't take any part in it?

A. Well, I don't think if something like that were to happen I don't think there was any malicious intent. I think it was just, like I say, one, use, using the user and I just happened to be at that time the used, so I don't have no --

Q. You were used by Raoul?

A. Well, yes, but there's different between malicious and just do a job I guess.

Q. Okay. So even though you were used, whether maliciously or otherwise by Raoul, you would not identify Raoul if he

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were here or if we had a picture of him?

A. No, I don't believe I could I think we get, we're getting in these hypothetical questions. I saw all these pictures and I can say definitely, except that one there looks strikingly similar, that I have never seen any pictures of, not only of Raoul, but anybody else of several other people I was associated with when I was, you know, on the escape.

MR. KERSHAW: I'll tell you what, it's 12:00, why don't you think about, on this question, while we eat lunch. I mean here is, on the subject that Mr. Lehner brought up, there's, I mean, here's a man who apparently either with intent set you up to take the blame for the killing, or through an almost inconceivible oversight, he didn't leave you out there with a gun and all those finger prints out of love and concern for you, anyway, and just think on that subject and we will talk some more about it after lunch.

MR. LEHNER: And again we will talk about it if you want after lunch or if it's something that you want to think about further that's all right with us. Let's take a lunch break. (11:55 a.m.)

MR. LEHNER: All right, it's now 12:40 and we have the same people here that were here in the morning session, and maybe we can pick up with your conversations with Raoul, take us through the trip to the resort and from there if you will tell us about your first meeting with Raoul where he just sat down next

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to you and he initiated the discussion about criminal activities or do you recall?

A. Well, I say, I don't know how that led into that, I probably I initiated that. He sat down beside me -- where do you want me to start?

Q. Why don't you take it from your first meeting with him. And, I think we took you out of context a little bit. We took you into the trip into the states but take it from that first meeting with him and go through the resort and finally going to the states.

A. Well, I'll start from the resort, I think I won't go up there but I will just tell you where I made reservations.

Q. But I would like to get it in context with the meetings with Raoul. I think you said you had about 8 meetings altogether; about four before the resort; and four after it, could you just tell us what happened before you went to the resort and then the resort and immediately after there?

A. Well as I mentioned, we had the conversation which led up to the possibility of taking something across the border. Those are never -- To the best of my recollection there was never, nothing was ever become definite until after I went to the resort. I think I mentioned then that I would be gone a week or so and I went to some travel agency or something and made reservations going to the resort.

Q. And you kept your apartment in Notre Dame East at that time?

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A. Yes, I had it rented for a month. Yes, in fact, I had a six month lease on it, I had it rented for.

Q. Was there some place that you were, would be able to contact Raoul if you wanted to?

A. Not then, no.

Q. You were just -- These four times, you would, just happened to bump into him at the Neptune Bar each time?

A. I just mentioned that we would meet at the bar the next day, a certain time or something, if we didn't meet there it would be the next time, same time, something to that effect. All, this is from recollection, but this is the way, I do things, I would do things under the circumstances.

Q. Do you know anybody that knows him?

A. Well, the Neptune Bar they might, of course, I never seen any FBI records of it; it's a possibility that the Starlight Clug in Birmingham where we had most meetings; probably the rooming house in Georgia, in Atlanta, he was in there once with this other, with the landlord; in fact, I think there was someone else down there with the landlord the first time we were in there.

MR. EVANS: Were there ever any situations or times when you saw him in conversation with a person other than yourself?

A. Just once, yes.

Q. And where was that?

A. Mexico.

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Q. That was in Mexico?

A. Yes.

Q. Who was that person?

A. I don't know who he was.

LEHNER: Okay, you said that you had these four meetings and they would just be, I'll see you tomorrow at this time or if you didn't make that you'd see him the next day?

A. Yes.

Q. And what was discussed during these four meetings before the time you went to the resort?

A. Well, the first time I met him I discussed ways of talking, of getting Merchant Seaman, getting Canadian Merchan Seaman, how to get papers and the possible - I had mentioned that I'd like to travel and things like that and that led on up to three or four meetings, and I had already decided on I'd probably try to go to the resort or something like that, and we postponed any further discussions until I -- I did go to the resort. I think I was up there about a week and then, I, nothing important happened up there.

Q. This was at Grey Rocks?

A. Yes, that's correct.

Q. How did you make the arrangements to go to Grey Rocks?

A. Through the travel agency.

Q. And how much money did that cost?

A. Oh, about, not terrible, I think it was about

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170 or 80 dollars, I believe.

Q. Andyou were supporting yourself on the 1500 that you had robbed during that robbery that you told us about at, at the bambling establishment?

A. That's right. Well, my main concern was, up there, was to try and meet somebody and get a passport. I later pursued that two or three times, but I, this was another party, a female party, I never did - I --

Q. What female party are you referring to now?

A. Well, I'll just use the name party rather than names.

Q. Someone you met at the resort?

A. Yes, that's correct.

Q. This was the lady that was in the book in the - Huie mentions her in a book?

A. That's correct, yes.

Q. What happened in connection with here, was she someone that you attempted to use to gain access to, to Europe?

A. I was going to try, I was thinking about trying to get someone similar to her to sign a paper of Guar- Guar - What's the name of the legal term?

Q. Guarantor?

A. Guarantor, yeh, Guarantor paper, but I just didn't want to come right out and suggest something like that without being somewhat committed with anyone. So, at that time at the resort there wasn't enough time to pursue that matter, and later on I met her in Montreal for just a few hours and made arrangements to possibly see her again later on in Ottawa.

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Q. Was she with someone when you met her?

A. I think she was with another.

Q. What's that?

A. She was with another woman, yes.

Q. Did you see that other woman again after, after being at Grey Rocks with her?

A. I saw her in Montreal, she was going to Expo or something.

Q. What kind of work did she do, the woman that was with the person with your friend?

A. She didn't say.

Q. What kind of work did your friend do?

A. Well, I found out when we got to Ottawa that she was employed by the Canadian government.

Q. In what capacity?

A. I don't know just what capacity. That's another thing I-

Q. And did you state what you wanted her to do as far as aiding you?

A. Well, I had two choices, I mean to try to get her to aid me or go to Detroit and I thought that being she worked for the government it might not be a good idea to ask her to sign a fradulent document.

Q. Did you tell her anything about your status that you were from the States or what happened to you there in any way?

A. I never told her I was involved with any, anything

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criminal. I think I told her I was in the real estate business or something, but I can't remember all the details of just what I told her.

Q. Okay. Now, you were in Grey Rock for about a week?

A. That's correct.

Q. What happened after you left Grey Rocks?

A. I returned to Montreal and started pursuing the matter of getting a passport or something. I met this --

Q. Why don't we continue and Mr. Evans can make sure that we each have a copy of the material that's xeroxed. (The interview was interrupted by a prison official who brought in materials that had been requested xeroxed). You came back to Montreal?

A. That's correct.

MR. GANNON: Just one question I have. When did Raoul mention the possibility of going to Detroit and taking something over to the border in return for these papers? Was that before or after the trip to Grey Rocks?

A. I think he may have kind of hinted at it before. The only thing I remember clear, I know the first conversation I had with him was about getting Merchant Seaman's and getting some type of a passport or Merchant Seaman's papers, but I never made any strong statement or agreement or anything until I got back from the resort. I had no more - At the time I thought I had a better possibility of getting some female

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companion to sign those papers more than something, more, not, more overt criminal activities, or something.

Q. Okay. You came back to Montreal, what happened then?

A. I met this Raoul again and --

Q. How did it come about that you met him this time?

A. Well, we'd had -- I'd mentioned to him that I was going to this resort and I would probably be gone for a week or so, and I got the impression he was around that area quite a bit, and I know every time I --

Q. What area do you mean, the Neptune Bar?

A. In that Neptune Bar, yes, I know every time, not only there but I know whenever I would meet him or he would never be there just every time, he said he would or something like that. Usually in some situation like that you have some beforehand agreement that if he is not here then he will be here tomorrow or something like that, and this went on for about, as I mentioned I probably met him four or five times after I returned from the Grey Rocks place, and you want me to get in again about the suits and all that stuff.

Q. Yes, why don't you do that.

A. Well, it was, was a mention that I'd go to Mobile but I told him this is not, I never made any firm committments on anything All the time I was out there I suggested that If I did go there that I'd rather go to Birmingham, but I'd rather have the passport, things like that, but this is kind of a gray area I think. Not only -- I've had several instances like this

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happen, where I'd be trying to do two or three things at once and I might commit myself to do one thing but really didn't intend to do it, you know, if I could accomplish it without going through with it, you understand what I'm getting at?

Q. Why don't you go into these meetings you had with him after coming back from, the resort?

A. Well, after the four or five meetings and we, we did decide, I did decide to take this stuff across the border, whatever it was, I think then, as I mentioned, I had a suit forwarded to Birmingham general delivery or something.

Q. What was the agreement, that if you deliver this stuff across the border, what would he do for you?

A. I'd get a small amount of funds plus travel documents.

MR. GANNON: What did you mean by small amount, say, could you give us a dollar amount?

A. No, I couldn't give you a dollar amount, I, I guess, how you, how you interpret funds. I consider a small amount two or three hundred or may be five hundred dollars.

MR. LEHNER: Is it that you discussed the amount with him and now don't recall it, or is it that you did not discuss the amount with him?

A. I did not discuss it. I discussed mostly the passport.

Q. You were going to leave it to his discretion how much to give you?

A. The passport, I would have did it for nothing.

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MR. GANNON: Did he tell you what you were going to be taking over exactly?

A. Well, I assumed it was narcotics or it wasn't mentioned, he just said small packages or something and it turned out to be packages, I seen the out side of it.

MR. GANNON: What did they look like?

A. Plastic bags, I didn't look too closely any more.

Q. Where did you carry them?

A. In the back seat.

MR. LEHNER: On the seat, under the seat?

A. The back seat, in the back, it's on a hook and it will come back easy, it, you will rase the back out.

Q. Which one?

A. The one you lean on the back and then the whole thing comes out.

Q. The back of the front seat?

A. No, the back seat where you, it's a certain kind of a car that will raise it up, the customs they didn't know about it or he'd, I'd probably be in jail. So, really, it was behind, behind the back seat.

Q. Where did he give you the packages?

A. Not too far from Montreal in the train station.

Q. Well, what was it that you were to do with it?

A. Well, I'd take it through the tunnel and he'd meet me on the other side and I'd pick him up on the other side, and we would take the stuff out. After he did that he would give me a passport and that would be it, and he was suppose

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to get a cab. I would let him out and he would meet me on the other side. That is the way that transaction came about, and I assumed that he was, that he used a private car rather than a cab.

Q. Why is that?

A. Well, he got across too quick, I didn't see how he could get a cab that quick, I didn't slow down too much. When once we got across we got the stuff out and I think it was, I'm not familiar with the area of Detroit, after we crossed the tunnel we turned left and then again a few blocks. It wasn't a business district, nothing in this area and he got the merchandise out and told me to, to take him to the bus station rather than the train station and said we'd do the same thing over again.

So, back across I went and I met him in the same approximate location and I parked out kind of in front of the train station in Montreal-in Windsor and he came and wen't through the same routine again and he went, I assumed he went to, I guess he went across the bridge or the tunnel, anyway, I got stopped on the bridge by customs and they actually went, I come about and I thought, I was thinking about it I should have declared the TV. I seen them stop some other cars so I declared the TV set and they pulled me over and shook the car down. I guess they would have found the stuff if one of the customs was shaking the car down and then the other one come out and told him not to and leave the car go and

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they waved me on off, it took me into, I think I paid a $4 fee on the TV and then I went ahead and crossed, went on across.

Q. Where had you gotten the TV?

A. Pardon?

Q. Where had you gotten the TV?

A. I'd gotten it from a secondhand store or something in Montreal.

Q Where was it when you, you took, well, let me just ask you this, when you went across the first time, you expected to get the passport and the small amount of money and that would be the end of it, right?

A. Yes.

Q. Where had you left the TV?

A. The first time? In the car I hadn't thought about it at that time.

Q. You left it in the car so when you crossed the first time they didn't stop you to look at the TV or anything?

A. They don't stop anybody they just make spot-checks. It slipped my mind and I was thinking about other things. I never did think about it until the second time.

Q. Now, when you gave him the narcotics the first time what did he do with it?

A. He had an attache case or something, some bag, he just put it in there and that was it.

Q. And when he put them in the attache case -- And what did he do after he put it in the atache case?

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A. He told me to take him, he gave me directions to the, I think it was the bus station.

Q. And what did he do there?

A. Well, he, on the way he said that they'd have to go back again or something, something happened or something, to go back across and see him at the same place.

Q. How did he get back there, back to the Canadian side?

A. Well, he mentioned, I think he mentioned a cab two or three times, but I thought on reflection that it would have taken a longer time, longer period to get a cab, he got across that, that quick.

Q. Did he take the attache case with him back across the Canadian side?

A. I guess he did. He had it when I seen him going into the bus station.

Q. Well, when he gave you the second batch of narcotics where did he get it from?

A. I don't know where he got it. He,Iguess he had it in the case.

Q. Did he have that attache case that you put the first narcotics in with him back at the Canadian side when he gave you the second?

A. I don't know if it was the same one or not. I didn't look at it. I didn't pay that much attention to it.

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Q. Well, first -

A. Well, I was concerned about the customs man rather than the --

Q. Well, the first bundle of narcotics, did he take that back with him to the Canadian side?

A. I don't know if he did or not. He went in the bus station, I just assumed he left them there, if he was going to go in there.

Q. And so you did it again, this time you took what route when you took the second batch across?

A. A bridge.

MR. GANNON: Did you see the packages the second time?

A. Well, I glanced back there to see what he was doing.

Q. Did he put them in the same place?

A. Kind of, yes.

Q. Behind the seat?

A. Huh?

Q. Behind the seat?

A. Yes.

MR. LEHNER: Now, what did you do with the narcotics the second time after you got across the American side?

A. Well, I think before we took them out, we discussed the passport and money and things like that. We went to a slightly different area than the first time and he mentioned that he didn't, couldn't, for some reason, he couldn't get the passport, but he had more money for me or something, than he originally intended or something, and -

Q. How much money did he give you?

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A. About 1500 mixed money.

Q. Mixed American and Canadian?

A. Canadian money, yes, he gave it to me.

MR. GANNON: Did you ask, you know, before you even made the first trip, did you ask him if he had what he had promised to have for you?

A. No, I was waiting to get across the border because it wasn't too much conversation the first time we just got in the car.

Q. Well, what I was thinking was, I mean, here you were taking a chance obviously, it just seemed to me, you know, you'd like to be sure that what you had bargained for you were going to get at the end of it?

A. I assumed that if I took something across that something would be forthcoming. My past experience indicated something, something like that.

MR. LEHNER: When you came across the first time and you gave him the first bundel of narcotics, did you then ask him to see the passport or the money?

A. No, I didn't have too much time. We got to the bus station and he acted like he was in a hurry about something. It wasn't, well, that psychology you know, about peoples always in a hurry, you know, I don't like to do things in a rush, but usually when, unless it's some type of a cover-up.

Q. Did you think that when he told you to go back the second time that maybe you'd be going back the second time, but he wouldn't be there on the Canadian side, and

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therefore, you would have taken all the risk for nothing?

A. I thought about that on the way back but I suppose that would have just been something that happened.

Q. How did he know when he gave you the narcotics the first time that you wouldn't just take off with them and not, not give them to him on the American side?

A. Well, I assumed that, I discussed that with investigators and they, I assumed that the first time was a dry run so to speak, it wasn't nothing, it might have been flour or anything. Just an assumption. I'm trying to put myself in someone else's place. I never, I wouldn't trust a criminal accomplice if I wasn't familiar with him.

Q. How did he know that you were -

A. Without testing him once or twice.

Q. Did he know any of your background at that time?

A. Well, the only way he could have known my background was that I showed him the customs thing when he wanted to know how come I was late in getting across the bridge and I showed him where I got stopped on the customs.

Q. Well, the first time that you -

A. But that was in a different name than what he knew me by.

Q. What name did he know you by?

A. Galt.

Q. And what name was involved in the customs?

A. Raynes.

MR. GANNON: Why did you use Raynes rather than Galt?

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A. That's what I had my drivers license in.

Q. Did he know that, why you needed some identification, travel papers?

A. Well, I don't know, I didn't, I mentioned that I'd been in some kind of slight trouble in the United States. I assumed he might figure I'm a draft dodger or something. I wanted travel papers. I guess you make certain assumptions on that type of conversation.

Q. Weren't you a little old for being a draft dodger?

A. At that time I don't know if I was or not.

Q. How old were you then?

A. I didn't -- I didn't refer, I'm just using that as an expression. There's a lot of not only draft dodgers in Canada, I was 30 some at the time, but there's not only draft dodgers in Canada they have deserters, the fact is the person that escaped from Missouri right before I did went up there and got caught working for the Expo.

Q. Who is that?

A. A guy named Benny Edmondson.

Q. Did you meet him in Canada?

A. No, I believe he got arrested about the time I got up there.

Q. Did you know him from Jefferson City Prison?

A. Not personally, I knew him -- I knew him when I seen him and he knew me. We wasn't in the same association the same group or whatever you want to call it.

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Q. Did you know his name?

A. Did I know his name?

Q. Yes.

A. The only reason I knew him was he's associated with a prison lawyer in there and I knew him through this prisoner, the convict lawyer.

MR. GANNON: When you went up to Canada, did you know he was there through some kind of a grapevine?

A. I didn't know anything about it until I read the papers, it said he was arresed working for Expo or something.

Q. What significance did his arrest there have for you?

A. Well, it didn't have any significance at all. I read in a book somewhere later on that that he was arrested before I went there, but I was always under the impression that he was arrested right about the time I got there. I think the reason he got arrested, is most all the arrests are caused by youcontacting family members or your wife or something and I could never conceive of anybody being arrested in Canada unless they wrote home to their family or told some jealous wife or something he was up there. I assumed that's how you get arrested.

MR. LEHNER: Okay. Now, the second time you got stopped by customs you paid something for the television, you told them you had bought the television in Canada?

A. Yes.

Q. Where had you bought the television?

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A. Canada, it had a mark on it I believe.

Q. All right, and what happened after the second time that you got to the States' side?

A. Well, after I picked him up we went to this other area and we discussed the passport and money and he said he couldn't, something happened he couldn't get a hold of the travel papers and he mentioned going to Alabama and, of course, we had done discussed that, and he mentioned that we probably could work something out in Mexico. I don't remember all the details of the conversation but he said he'd give me 1500 which is several more than I expected, and it was some mention of getting a different type of car than the one I had because it was kind of old; and he gave me a phone number in New Orleans and then I left him, then I left, when I left there I drove on to Chicago and gave the car to my brother and went on to Alabama.

Q. How much money did he give you when you got to the American side?

A. I think about 1500, it might have been a hundred or so more. I think it was about 1500 mixed money.

Q. And you told him you were going to go to Birmingham, is that right?

A. That's correct.

Q. Is that the first time you told him you were going to Birmingham?

A. Well, after I didn't get the passport, yes, I told him; well, I wasn't a hundred percent positive but I was

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almost certain that I'd go ahead and make a trip down there.

Q. I mean, the first time you told him that you were going to Birmingham was after he gave you the $1500?

A. After we had the discussion on the travel papers, yes.

Q. Where, on the American, this was on the American side?

A. I guess this is.

Q. This was the first time you ever mentioned Birmingham with him?

A. No, we discussed Birmingham and Mobile and everything, and, in Canada, in Montreal.

Q. Well, what was the context in which you discussed Birmingham and Mobile in Montreal?

A. Well, the context was that I, I got the impression that I would stay there for a while not too long and then we would have something similar to what we did in Canada, and I think it was mentioned the name of Mexico but the next time for sure I would get a passport, travel documents.

Q. Well, you were suppose to get the passport on the American side after the Canadian trip and you were surprised when you didn't have it? Did he tell you that he was going to give you a passport after you went from Canada to the States and that you'd keep that passport and go down to Alabama and do something for him in Mexico, and then take your leave of him, was that the conversation you had with him?

A. In Montreal?

Q. Yes.

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A. Well, on the passport I was kind of vague on it. I wanted a passport and, I think of course, he mentioned he could get it in Detroit but he would like me or something to go to Mobile or Birmingham, which I suggested, but this was what I felt was a con-job on my part that I would get the passport in Detroit and then return to Canada.

Q. But his impression, what he was conveying to you rather was, I'll give you the passport after you come over from Canada to the United States, but you just keep a holdon to that passport, go down to Alabama and we will do something in Mexico, and then we will take our leave, was that what he was giving to you, that the pitch he was giving to you?

A. Well, I was kind of giving, I was kind of giving him that impression because I got the impression in Montreal that he wanted to go to Mobile after he gave me the passport, have me to go with him but I got thinking that maybe the possibility that I wouldn't get the passport or if I didn't make some kind of a tentative agreement or something to go on down there, so -

Q. But, what he was telling to you was, I'll give you the passport after we cross the Canadian border but you hang on to it and meet me in Alabama?

A. Well, that was the impression I got in Montreal, but I didn't press, I didn't press that point because I wanted the passport, if he, if he wanted to believe I was going anywhere, he could think of, why I would probably have agreed to do it because I, once I got the passport why I wouldn't have been committed

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to anything.

Q. And you got the $1500, and where did you go after you got that?

A. Well, I drove to Chicago. I think I made one stop between Chicago and Detroit.

Q. What stop was that?

A. I think I stayed overnight in, in a motel in Indiana somewhere.

Q. What name did you use there?

A. I was evidently at this motel, so I was evidently using the Raynes name. I -

MR. GANNON: I have just one question, how much money did you have altogether after he gave you this 1500 in Detroit?

A. Oh, I don't know, I think I had about, I'd guess I had about $2000, maybe a little bit more.

MR. LEHNER: You went to Chicago at first you stopped somewhere in Indiana, you think you used the name Raynes and then you went to Chicago the next day?

A. That's correct.

Q. About what time is this, what, what date are we talking about now that you got to Chicago?

A. Some time in August, I would just guess, I'd say the 20th but I don't have no, the 20th or 22nd.

Q. Of what month?

A. August.

Q. What happened when you got to Chicago?

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A. Well, I called my brother up where he was working and asked to see him and I think I mentioned I wanted to give him a car or something.

Q. Which brother was this?

A. Jerry Ray, we met in the north side, north Chicago in a tavern and I signed the car over to him and I didn't tell him where I was going or anything, and I got the train to Birmingham.

Q. Why did you sell him the car?

A. Well, we'd made some kind of an agreement that we was going to get another car if we got involved in anything further along the lines we had in Detroit and --

Q. You say we, you mean Raoul and you?

A. Yes, that correct. So I thought I'd get rid of the car and we would --

If I never did see any Raoul or anyone else anymore it wouldn't have been too big a loss anyway.

Q. How much money did you get from Jerry for the car?

A. Nothing. He stayed broke most of the time anyways.

Q. He what?

A. He's broke most of the time anyways, so it wouldn't have been that much a difference.

Q. You were on good relations with both he and your other brother John?

A. Yes.

Q. What happened next after you sold him the car?

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A. Well, I went to Birmingham I believe that same night on a train and I checked in a Hotel down there and I used a - I checked in the Hotel, I don't know what I used on there, I think I used my right name there, the right one with identification, the Raynes. Then the next day I checked in, I rented a room off Cherpes, I believe it is that runs the rooming house on Highland Avenue in Birmingham, Alabama.

Q. How did you come to, to that particular location?

A. The highland Avenue?

Q. Yes.

A. I think I probably got it out of the newspaper. I think, I got it, see, I come, I got in Birmingham one day and I rented the room the next, so I think, I just assumed, I don't know, I just assumed that I had got a newspaper and found the address.

Q. You mean there was a room to rent advertisement in the paper?

A. I don't know. I assumed there was. I don't know, but I just assumed there was, because, that would have been the only way I could have found that place.

Q. Had you told Raoul where you were going to be in Birmingham?

A. No, he'd ment - he'd mentioned to me that he was going to write general delivery, post office, and I was suppose to check the post office and find out where to meet him and if I couldn't, if there was no general delivery, if I didn't have no mail, why I was to call this New Orleans number.

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Q. Is there any reason why you didn't go to New Orleans to wait there since he was going to be there?

A. Well, I wasn't positive that he was going to be there except the phone number, but I think he might have considered me bad company or something, I didn't know.

MR. EVANS: Was there any particular reason you chose Cherpes, I mean, when you looked in the paper there must have been other, other advertisements for rooms or apartments or --

A. I think he used the name of economy.

Q. Economy rooms and you chose that? How did you get there?

A. I assumed I took a cab, but I don't know. I think I took a cab but I don't think there are any buses running in that area because it is up on a kind of hilly area of town. I don't think there is any public transportation.

MR. GANNON: What I was going to ask, when you got the phone number in New Orleans from Raoul, did he tell you what to say if he were not there, and say if you called and asked for him and they said he was not around, then what would happen? Did he spell that out?

A. Well, he just said, I could usually be contacted there, but I'd used these phone mumbers several times but I never did talk to him directly, it was always somone who seemed, was speaking for him so -

LEHNER: Where was he when he gave you the numbers?

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A. In Detroit, that's before we --

Q. Did he give you more than one telephone number?

A. Not at that time later he gave me another one in Birmingham, a backup number.

Q. But he gave you one?

A. Yes.

Q. What was that number?

A. Well, I can't remember that one.

Q. Did you write it down somewhere?

A. No, I got rid of that in Mexico.

Q. Did you write it down some where when you, you got it in Detroit?

A. Oh, yes I wrote it down, yes.

Q. Where did you write it down?

A. Just a slip of paper and the fact is I think he had it wrote down and I had it in my billfold for three or four months.

Q. And about how many times did you call that number, the first number?

A. Altogether I'd say, well, I had trouble getting the camera equipment there for once, I think I called it maybe two or three times.

Q. Do you rember any part of that number?

A. Not that particular one, no.

Q. Okay. Now, you say you saw in the paper an ad for Cherpes's place and how did you get to Cherpes's place?

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A. Well, it sits on a hill, the town, I don't know if you know Birmingham, it sets on a lot of hills and Cherpes I believe it is in North Birmingham and it sits, it's on Highland Avenue the 2600 block or something, but that's all I could explain, it sits on a hill.

Q. What happened after you got to Cherpes?

A. After I rented a room?

Q. Did you speak to Cherpes when you arrived there?

A. I talked to him about -

Q. What conversation did you have with Cherpes?

A. Well, I believe I told him I was an umemployed seaman or something in a, a shipyard worker, and I had some relatives across the mountains somewhere.

Q. You had some what?

A. Some relatives across the mountains. Birmingham sits by a mountain. I think I got this from out - I forget the name of the town - from out of a newspaper or something.

Q. Did you have a map of Birmingham?

A. Well, yes I think so. I believe, yes, I know I had one, yes.

Q. Where did you get that map?

A. I think that map came from me and this Raoul, he was trying to find this gun store. The exact location, we were down on the wrong street or something and we stopped in the filling station and there's streets running parallel There's a gun store and we was on the wrong one and we got a map to see where we was at or something.

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Q. Well, the time you went to Cherpes' place you did not have a map of Birmingham?

A. No, that's correct.

Q. You told him that you worked in the ship building place, did you tell him where that ship building place was?

A. I don't believe so. I read Pascagoula or something, but I don't believe I told him that. Because I don't have any recollection of being familar with that type of city.

Q. Do you know where Pascagoula is?

A. It's in Mississippi, I don't know where.

Q. Were you familiar with that particular town at the time you went to Cherpes?

A. No.

Q. You were not. When did you first hear about Pascagoula? When did you first ever hear?

A. I think I read something about it in the book.

Q. Which book?

A. I don't know now, it's been so many of them.

Q. When you read it in the book that was the first time you ever heard of the town of Pascagoula, Mississippi?

A. I think I may have used the term shipyard, but Cherpes, he may have just, he may have made up, he may have assumed I, he might have misinterpreted, misunderstood me or something. I may have said something and he said, well, he's a Greek and he can't, I think he has some sort of accent so I guess,

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I assume that he can't understand too well either, so -

Q. Did you say what state the shipbuilding yard was in?

A. No. I'm not just certain what I told. The only thing that clearly, clear recollection that I have, that I told Magou-Magoulas is that I had some relatives across the mountains. I can't think of the town now, and that, I think either a Merchant Seaman or shipyard, and that I was taking a vacation or temporarily out of work or something. I think he wrote all that stuff down, but I'm kind of vague on just what I told him now.

Q. Why did you tell him ship building yard?

A. Well, that might have been something just to, well that's as good as anything else.

Q. Have you ever worked in a ship building yard?

MR. GANNON: You used the word back there, I didn't understand, Magoulas, what's that?

A. At Cherpes that's all I'm talking about. Magoulas, he runs the tavern or something.

Q. In Birmingham?

A. I think so. He's -- Greek name.

MR. EVANS: He runs the Starlight, the Starlight Tavern?

A. No, I believe an Italian runs that.

Q. Where would that be in location to -

A. Right across from the post office.

Q. Right across from the post office?

A. From Cherpes it would be quite a ways. It's downtown.

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Q. Quite a ways.

We are talking about the main post office?

A. That's correct.

Q. And what name did you give Cherpes?

A. I used the Galt name I'm sure.

Q. Why did you use the Galt name since you had a driver's license in the name of Raynes?

A. Well, there were several reasons why I used the Galt name. First, I was trying to establish the name then, and I met this Raoul and I used the name with him, and I was taking a locksmith course in Canada and I'd used that name trying to establish that name with it. There were several, I wrote the Veterans Administration from Canada, I used the Galt name.

Q. What did you write them about?

A. Well, I didn't, it was something insignificant. I was just trying to get an answer from them so I would have the Galt on the identification in case, in case I had to --

Q. You say you used the Galt name to, writing to the Vetrans Administration in Canada so you could get some identification with the name of Galt on it? You also had that lease from the East Notre Dame, Notre Dame East Apartments?

A. Yes.

Q. What was the rent at Cherpes's place?

A. Well, it was an economy room he called it, it wasn't, it wasn't too much, but I don't recall the exact number.

Q. Did you get mail at Cherpes's place?

A. Yes, I got several mailings.

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Q. Why did you take the locksmith course?

A. Why did I -- No particular reason, I got interested in the penitentiary and there are, used to be several ads in the magazines and I thought something like that would be useful.

Q. For leg irons or handcuffs?

A. No, nothing like that, no.

Q. How would it be useful?

A. Well, some people have legitimate trades in locksmiths.

Q. Well, were you intending to pursue a career as a locksmith?

A. Well, I didn't have any definite plans on anything at that particular time.

Q. Well, why a locksmith course?

A. Well, there's no particular reason, course, like you suggest there is a possibility that that you might do something illegal like that, but I wasn't thinking particularly of anything illegal because actually when I went to Canada I thought possibly, you know, I could avoid that type of operation. At the time I was 30 some years old and that leaves you, usually the older you get the less inclined you are for these capers, these criminal operations. So I didn't specifically have in mind any type of, being a burglar, learning to be a burglar at that age, by taking a locksmith course. But at the same time you could always use something like that when no other, nothing else is available.

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Q. All right.

MR. EVANS: While you were at Cherpes' house, how often did you use the phone from the house?

A. I don't believe I used the phone too much, two or three times.

Q. Where was the phone located at?

A. In the hallway, public telephone.

Q. Yeh, where was that in relationship to your room?

A. Well, let's see, I think you go in the front door, say like you are going in, say that's the door, my room would be on the right and the telephone I'd think it would be on the wall in the hall.

Q. Down the, down the hall further on?

A. I don't know how far, I don't know how far it would be, but I'm almost certain it was on the left side and my room was off on the right as you go in.

Q. Did you -

MR. LEHNER: All right, what day was it that you registered at Cherpes?

A. Well, it was some time in August I think. I would say the 26th, the 25th.

Q. What did you do when you were in Birmingham after registering at Cherpes?

A. During the entire period I was there?

Q. Why don't you take it from the time that you arrived there.

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A. Well, I think I mentioned this, Raoul, he mentioned that he would most likely write me general delivery. Now, I think, I'm not positive about the day, I think I went, I did go to check the post office. It would probably been on a Monday, either that or Saturday, I kind of think it would have been on a Monday because I think I, I think I arrived there about during the week, Saturday or Sunday, and I didn't receive a letter from him, and I asked, I asked the postal clerk if I had any mail for Eric Galt, and he said, he asked me my middle initial or something and I told him S, and I got, I got the letter. He mentioned in the letter that, meet him in the Starlight Club, and he said it was across the street from the post office, I believe.

Q. What day did he say to meet?

A. I think it was the day I got the letter. I think it was, I'm not positive, but I believe it was that night.

Q. What day, what day was that?

A. That's why I'm not positive, though, I think it was on a Monday, but I'm not sure, but I have recollection of being there during the weekend when I first, when I first got to Cherpes' I think I rented the room off of him during the weekend, and --

MR. GANNON: One question. When Raoul wrote to you did you receive other letters from Raoul as the months passed or was this the only one?

A. I think the only one, the only other one I received was in, was in Los Angeles and that was a change of address letter.

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Q. Were they hadwritten or were they typed or printed or - the letter you got from Raoul?

A. They were just typewritten is all.

Q. Just typewritten. Any special kind of stationery or anything? Just white?

A. Just whiteenvelopes.

MR. LEHNER: What did you do with these two letters?

A. Well, I guess I threw them away.

Q. You didn't have them when you were arrested in London?

A. I don't think so, I, when I was, I had a lot of these phone numbers and things, some of them I remember, but I had a lot of this stuff in Canada when they were looking for me under the Galt name and I got, a Canadian police man stopped me and asked me for my name and I had the Galt identification, that time, and that time I was working on the Canadian identification, and I gave him, I gave him the Galt name because that's what I had the driver's license and everything, but at that time, that was just a couple of days before the police in the United States put out the alarm for Galt or something, and I got a bunch of these addresses out of the Lonely Hearts Magazine. I was using these addresses so if the police stopped me and they wanted to know where I was at I'd just say so and so, so I gave him one of these Lonely Heart addresses plus the Galt name. Now, I went back to the room I'd rented and destroyed all the Galt identification.

Q. What room was that?

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A That was the - Ossington Street in Toronto.

Q. This was just before you went to Europe?

A. That was quite, quite a -- five or six weeks before I got to Eurpoe. I hadn't been in Toronto very long before I got stopped.

Q. Okay. Now, you got this letter to meet Raoul and it was, and you were suppose to meet him the same day that you got the letter?

A. I think that was the same day.

Q. What day do you think you put that in, in August?

A. What day? Well I would say between the 25th and the 30th, somewhere in that area.

Q. All right, what happened next?

A. Well, I just had the meeting, and we discussed cars, about getting the car, things like that. I mentioned that I got rid of the car, and I think, now, I'm not positive, but I may have anticipated something like that. I may have checked on some cars the following day or something. In other words as soon as I got there, but I'm not positive.

Q. Did you have a gun on you at this time?

A. No, I didn't have no gun on me. I had a gun in Canada but I buried it under a telephone pole. I didn't cross the border with it, but no, no there was no gun at that time. Later I got one.

MR. GANNON: Where was this, on the way from Montreal to the way to Windsor that you buried the gun?

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A. It was on my way to Ottawa to Windsor.

MR. LEHNER: Okay, you met him, you met him in the bar?

A. That's correct.

Q. And what bar was this?

A. The Starlight.

Q. What conversation did you have with him?

A. Well, we discussed the car mostly and I don't think there was too much discussion on anything else.

Q. How much money did you have on you at that time, not necessarily, not necessarily on you but totally?

A. Well, I had about, at that time I had about, I'd say I had about two or three hundred dollars. I was trying to --

Q. Did you carry that on your person, the entire amount, or -- Did you have some of it elsewhere?

A. No, what, when I first got there I think it may have been the first day I got there, I think it was that following Monday I got there. Yes, because I remember, now it must have been the following Monday because that's when, that must have been the same day I went to the post office I rented a bank vault, and I put some of the Canadian money and the Raynes identification in the vault, all except two or three hundred dollars.

Q. This is the money that Raould gave you in Detroit?

A. Yes, part of it, part of it was.

Q. So when you put that money in the bank, in the

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bank vault, how much money in total did you have before you actually put that money inthe bank vault?

A. All total?

Q. Yes.

A. I think it would be something under probably $2000, I guess it, 18 or $1900.

Q. How much did you put in the vault and how much did you retain?

A. I retained, I think, about two or $300.

Q. You put the Raynes identification and the other 16, $1700, $1800 in the bank vault?

A. Yes.

Q. You put it in the same, the same time that you opened the vault?

A. Yes, I'm almost positive of it, because I think she took me in there and left me in there for a while, and I --

Q. Did you open the vault in the morning or the afternoon?

A. I'm not, I'm not just sure on what - The bank is not open too long, but I'm not positive now on whether it was morning or afternoon. There's a complete record of it, but I haven't seen it for quite a white. I know - I know, I'm almost positive that is was on a monday, that I rented the vault, when I -

Q. But you clearly recollect that the time you opened the vault is when you put the Raynes identification in this - money -

A. That's correct.

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Q. What happened next after you put the money in, was this before you met Raoul at the Starlight?

A. Well, I kind of believe it was because all that stuff happened in one day, I think. I think I put the money in the bank, went to the post office and met him all in the same day, to the best of my recollection.

Q. When you met him and told him about buying a car, now what, what arrangements were made pertaining to that?

A. Well, we, or I had checked the newspapers, and I think I, I don't know how many, I apparently must have checked more than one car you know, you know called them on the telephone or something like that. But I think, ultimately, I called this, the guy that had the white Mustang for sale. I don't know if it mentioned white in the newspaper or not, and I think I took a cab out to see him, I believe it was, or I called him one, and I think I called him - I think I called the address that's what it was and his wife or daughter or something said, to come out later when he was there or something like that, when he got off of work, and then later on that night, I'm pretty, now I'm almost positive that late at night, 6 or 7:00 I went out and looked the car over. I didn't drive it. He drove me around the block or something, and I told him that it might be all right. Then, I went back to the Starlight Club, and we discussed the car and whether we should buy it, or not, the color of it and all that. So we had to setup another meeting for the next day.

Q. You told him the color of the car was white?

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A. Yes. That was, we had some disagreement on that.

Q. What was the disagreement?

A. Well, he didn't like the color and I didn't care too much about it either but it was --

Q. Why did he not like the color?

A. I couldn't hear you.

Q. Why did you not like the color?

A. I just don't like light colors, if you are going to do something illegal, I'd rather not have a white car to do it in, that's as close as I could get to it.

Q. So you went back and told him the color of the car was white?

A. Yes, that's right.

Q. How did you get to know about the car?

A. How did I get to know about it? In the newspapers.

Q. Why did you pick that particular car?

A. I don't know. I think, I, evidently, I called several places. I don't know how many cars they had advertised in the newspaper. I suspect that if you check that telephone number in Birmingham, the records would be all the people that I called plus you might check the one at the Starlight Club, and they'd have records of some places we may have called. I don't see any significance in why, the car was a good car except that, like I say, the color wasn't too good.

MR. GANNON: Did Raoul tell you how much money he

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was willing to spend for the car?

A. No, I mentioned to him that night that it'd be about, I think it was 1995 and it was agreed on that we would but it, and the next morning, why, he laid the money on me, and I went and told the, the owner that, I think I mentioned the night before that I did business with a certain bank, that's the same bank that I had rented the post office box off of. So, the money was all I think it was all $20 bills and so I put, I paid him the money the next day.

Q. When did you tell the owner of the car that you were willing to make the deal?

A. Well, I told him the night before that that I would probably make the deal and there was no, there was no set thing on it.

LEHNER: The night before, and after you seen the owner of the car the night before, that's when you went to see Raoul, you told him about, why he wasn't very happy about it, but he agreed that you should buy it, is that correct?

A. Well, I just ran him down a description of it and I thought it was a good car and I'd tried it out and things like that. And, I mentioned to the guy that I would probably purchase it.

MR. LEHNER: Did you have your Raynes driver's license at that time?

A. No, I had -- not at that time, no.

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Q. Why?

A. Well, I had just gotten to Birmingham and there was no, I didn't have too much time to arrange for any driver's license.

Q. Well, didn't you have a driver's license under the name of Raynes?

A. Yes, I had.

Q. When you test drove the car, did you have that Raynes driver's license with you?

A. I never test drove it. I wouldn't drive, I let him drive it, I just satin the back seat and watched him go through all the shifts and everything.

Q. Did you have a Raynes driver's license with you at the time you rode in the car with him?

A. No, no. I think I gotten rid of all that stuff and I think I left that in the bank vault at that time. I'm not a hundred percent positive, but I'm almost certain.

Q. Well, that night when you went to see Raoul and told him about the car he agreed even though he wasn't happy about the color, that you should purchase the car, is that right?

A. Yes, if I was satisfied, we would go ahead and get it.

Q. Did he give you the money that night?

A. No, not that night.

Q. Why not?

A. Well, I can't answer that. I guess, I guess it was a matter of trust or something.

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Q. Why was it a matter of trust?

A. Well, I don't, I don't think you give anyone any money without you having a little more, certain that you are going to get something. I didn't get the money until the next day.

Q. Well, when he gave it to you the next day what certainty did he have that he was going to get something?

A. Well, I don't know, had, he had any more certainty, but he had, he had possession of the money, I guess, a little longer, he cangive it to me that night. I'm just trying to think how I would have did something. I figure if you give some guy some money tonight, he might get drunk on you or something and be gone the next day.

Q. Well, if, you could be gone the next -- Couldn't you get drunk the next night when you have the car and be gone with the car couldn't you?

A. Well, that's a possibility too, but I gave him a set of the keys and all that.

Q. Well, the set of keys isn't going to do him too much good if you are going to take off with the car and say good bye to him?

A. Well, there's always a possibility. See, I looked at this different now then I looked at it then. At' that time I considered all this, the 2, $3000, big money but any type of narcotics transactions or something like that, whereas several hundred thousand dollars are involved. Whereas, 2 or $3000 would look big to me, I could see

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where a high-roller would consider it insignificant.

Q. So, why if you realized now that it was insignificant, why do you think that he did not give you the money that night but chose to meet you again the next morning to give you the money?

A. Well, I just considered that prudence. I never did think about it, but I didn't, I would consider it --

MR. KERSHAW: Did he give you any indication that he had to go pick it up from somebody else?

A. Well, that's a possibility too, I guess you wouldn't be carrying that type --

MR. LEHNER: Where was he staying in Birmingham?

A. I have no idea where he was staying at.

Q. Where did he meet you the next morning?

A. Starlight.

Q. In the morning?

A. Well, whenever we bought the car it was, it was, I think you would consider it morning, business hours, 9 or 10:00.

Q. What time did you take leave of him the night before?

A. Well, I think I saw him about 6:30 and I probably took leave of him about 7:30, what's-his-name drove me, the guy that, that tried out the car, he drove me back up to the Starlight, in that area, and let me off. The guy I bought, later bought the car off of.

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Q. Well, did you ask Raoul where he was staying, so that now you can contact him where he was staying rather than --

A. In Birmingham?

Q. Yes.

A. No, I never had anything; later, a couple -- later on that day he gave me a Baton Rouge phone number but that was two phone numbers I had then, but he never gave me any address in Birmingham.

Q. Did he say how long he was going to stay in Birmingham?

A. No. I assumed he was leaving that night after our discussion.

MR. KERSHAW: As part of this specific deal with you did he ever tell you straight out don't ask me a whole lot of questions?

A. No, that wasn't necessary.

Q. Well, I mean, did he or didn't he?

A. Well, I just, I always assumed something like that. I never asked anyone of his personal business.

MR. KERSHAW: Well, did he ever just refuse to ask a question - to answer a question that you asked him of what he did or where he was going or what his business was?

A. I don't believe I ever ask anyone that.

Q. You just didn't want to be nosy?

A. No, it's --

Q. Not in that circumstance?

A. Well, not the type of association I would have, I

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would never ask anyone what his personal business was just on the need to know basis or anything. I'd want to know what he's-

MR. LEHNER: It was your impression he was going, leaving Birmingham when?

A. That day some time.

Q. The day that he gave you the money?

A. Yes, right after I got the car.

Q. And he gave you a telephone number in Baton Rouge to call?

A. Well, we had a discussion by the rooming house, inside the car, and that's when he mentioned the, the Baton Rouge number as a back up number. But I thought that was, later I thought that was a fradulent number.

Q. Did you ever call that number?

A. One time, but it was a busy signal or something, but I never did get any type of instruction from there.

Q. Why did you think it was a fradulent number?

A. Well, for one thing I never did contact anyone there, and at this particular number. I was in Baton Rouge once going when I was on my way to Mexico from Birmingham. I did call it, start to call the number, it was busy, so I just throwed it, you know, dialed the New Orleans number and then later on, this number I gave to Percy Foreman. The way I came by the number, the reason, one of the main reasons I thought it was fradulent number was that in Birmingham, in Baton Rouge it's kind of a small town, it seems like it has a big phone

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book for a small town, but still in all it's a small town and it doesn't have a real big phone book. Consequently, you could check these numbers out and find out who you were calling, who's the phone registered by a process of going down the last two numbers which I did. And I was kind of, a little, that's the way I, I was on , I was on my way then to Mexico anyway with this, what I thought was a gun deal. So I went down all these numbers and I, I got the fellows name who registered - who the phone number was registed under, but I never did, I couldn't remember the number, I didn't make no effort to remember it. Later on after I got in jail. But then I did have somebody, Percy Foreman, well, the way this come about, this is kind a complicated, I give the visitor the name and asked him to check the number and see if the party was still there. So the visitor checked it and he got the number and he give me the number in the jail. The number that I'd previously had. So I give the number, instead of giving him the name to Percy Foreman I just gave him the number and then, this was in, I'd say about 18th or 20th of February, 1969, I asked him to check it out, and he come back a few days later and said something about if there was any numbers to get, why he would get them through inter-state gambling connections, he said something about a Meyer Lansky, although he didn't say he was going to contact Lansky personally, but he said he two inner sources where he could get a number. And what he was implying was that if I could testify from the witness stand I would use the number

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that he provided rather than the one that I provided him. So he apparently checked the number and he either considered it fradulent or some kind of a political embarassment. Later on we had the number investigated and I thought, I concluded again that it was probably something just ot put the heat on someone.

Q. Why don't we take a break?

MR. EVANS: What was the name, what was the name, you said you checked the number, what name did you come up with it?

A. The last name?

Q. Yes.

A. I forget the first name, the last name was Thompson. I believe it was.

Q. Thompson?

MR. LEHNER: With a P. or without a P.?

A. With a P, I think, T-H-O-M-P-S-O-N.

MR. EVANS: Where did you make that call from?

A. Where did I call him from?

Q. Yeh, where did you call this Thompson from?

A. Well, I never did call him. I never did contact him. I started to call him from, I'm almost positive, Baton Rouge. That's when I was going from Birmingham to Mexico, but, when I called him it had a busy signal or something, so I just turned around and called the original New Orleans number. The reason I called the Baton Rouge number was because I was right in Baton Rouge, so I called the New Orleans number and I got connection there, and so --

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MR. KERSHAW: Who did you talk to in New Orleans?

A. I don't know who I talked to.

Q. Was it male or female?

A. It was a male.

Q. Did he tell you anything?

A. Well, I was just getting instructions on where to meet the party in Mexico.

Q. I see. And did the male voice tell you where to meet Raoul in Mexico?

A. It was in a motel, the Nuevo Laredo.

MR. LEHNER: All right. We will take a few minutes break and let out stenographer strech.

(Session stopped at 1:50 pm, and resumed at 1:55 pm).

MR. EVANS: WEll, when you were told, when you were given the number was it given to you backwards?

A. No, It wasn't given to me, I -

Q. You put it backwards?

A. I put it backwards in case the police stopped me.

Q. Okay. Well, let me ask you a question. When you called that number, you called it the right way? You called it the normal way? You just read the number backwards?

A. Yes. I just read them backwards.

Q. When you gave it to the Justice Department did you tell them that the numbers were backwards or did you give them the numbers as you had written them?

A. Well, when I filed the writ I mentioned the fact

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that, in the first place the writ was kind of rambling, but I mentioned the fact that the numbers were backwards and all they'd have to do is read them.

Q. Oh, read them backwards?

A. Yes, I assumed they could understand that. (Interruption) This one paper I have give you that's the next one here, I have given you a copy of that.

MR. LEHNER: Okay. We ready? We are back on, it is five minutes to two and the same people are here now that were here in the earlier sessions today.

Well we got to the point that you were buying the car. Where was it that Raoul gave you the money to buy the car?

A. That was in the -- That was in the Starlight Club.

Q. And this was about what time of day?

A. I'd guess about 9:00 in the morning.

Q. How much money did he give you?

A. I think it was $2000 in $20 bills.

Q. All $20 bills?

A. Yes.

Q. Were they new 20s?

A. I'm not positive of this, I may, I may be in error. I think, I think I may have went to the bank, excuse me, and got some bigger ones but I'm not positive of that at all. I think I just gave the bank the 20s. If I hadn't of went to the bank I might have thought that he would been suspicious about me laying 2000, $20 bills on him. I know I told

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him, I told the owner of the car that I just gotten the money out of the bank.

Q. Was what Raoul gave you all 20s?

A. Yes.

Q. Where they new 20s?

A. I don't think they were the new type that you would - that were brought in the bag with the paper around them, but I think they were fairly new.

MR. GANNON: Fresh bills?

A. Yes.

MR. EVANS: When you took the test drive I noted before, you said you were sitting in the back, who was in the front?

A. I said he was sitting in the back?

Q. You were just sitting in the back as he drove you around?

A. Cherpes?

Q. Not Cherpes, the owner of the car, he gave you a test drive and I thought you indicated that you were sitting in the back?

A. Yes.

Q. Who was sitting in the front?

A. His son, I think, it was his son's car.

Q. It was his son's car?

MR. LEHNER: How old was the son about?

A. I couldn't say, 20 I suppose.

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Q. Now, when Raoul gave you this money he gave you $2000 in 20s, did he ask you how much money you had other than that?

A. No.

Q. He had given you 1500 before, he is now giving you $2000, what was the purpose of giving you this $2000?

A. To get the car.

Q. Why did he want you to have a car?

A. I think, I was under the impression we were going to use it in some matter in Mexico.

Q. What were the arrangements as to when he was next going to contact you or you were going to next contact him after he gave you the money?

A. We made the arrangements after I bought the car. He went, I went back to the club and picked him up and we went and parked in front of Cherpes' rooming house and then he ran down to me what his intentions were and what he would like me, for me to do.

Q. What was that conversation?

A. Well, generally it was he wanted some type of photographic equipment and he gave me a list of what that was. I don't recall what it was, but, he gave me another phone number, I think it was a backup phone number which I just run down to him.

Q. This was a number where? For where?

A. In Baton Rouge.

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Q. This is the number you told us about that you checked the last two -

A. Yes.

Q. -numbers in it, and it was checked out to a Thompson?

A. Yes.

Q. Okay.

A. He mentioned that. Well, he mentioned, called me and he got my address, I don't know, I think he got my phone number too at Cherpes and I think that is about all the addresses or anything we changed. I think it was just generally, after I got this material, this photographic equipment, whether he would contact me either through the telephone or telephonic, or post office.

Q. Either through general delivery post office Birmingham, or Cherpes' number?

A. Yes.

Q. Did he give you any other money?

A. Yes, $500.

Q. And you were to buy the camera equipment with that?

A. That's what it cost 500.

Q. What did he say was the reason for the camera equipment.

A. He said he wanted to take it to Mexico.

Q. For what purpose?

A. I assumed he wanted to sell it.

Q. Was there any reason he did not buy it and that he

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wanted you to buy it?

A. Well, I just assumed I could get it across the border easier than he could. I know we, I think he had one problem crossing the border and I assumed it is usually easier for, this is on hindsight, it's usually easier for a North American to cross the border than it would be a spanish type person.

Q. Where was, where did he say he was from?

A. He didn't say, but I got the impression, I thought he was a Merchant Seaman.

Q. How would you describe him?

A. Five foot ten, 150, similar to the picture I discussed a while ago.

Q. Five-ten, 150 pounds, what kind of hair?

A. Darkish red, real dark.

Q. What quality of hair, fine, coarse?

A. Well, slightly wavy

Q. What color complexion did he have?

A. Ruddy, dark.

MR. GANNON: Do you remember the color of his eyes?

A. Brown, I assumed. I know -

MR. LEHNER: And there's no distinguishing characteristics about him.

A. I don't notice any.

MR. GANNON: When you use to meet him, like in Montreal and Birmingham, how did he get to the meeting places? Did he ever drive?

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A. I've never seen him drive but once in a car, and that was in Nuevo Laredo, Mexico. I never had any other transaction where there was any automobile.

MR. LEHNER: Well, he met you in the New Rebel, for example, did he, you had your car there, did he have, did he drive there?

A. I don't know if he did or not. It was raining so hard that night and that's the only thing, I remember, he had a rain coat on, and I just cracked the door, I didn't look out there.

Q. Well, you met him at Jim's Grill, did he have a car in front of Jim's Grill?

A. He very well could have but, if he did he didn't inform me of it.

Q. What about the eight or so times that you met at the Neptune, did he have a car then, any of those times?

A. No. I never seen a car.

Q. What about the times that you crossed the border, the Canadian border twice to meet him, did he have a car at that time?

A. Well, I assumed that he had a car, I don't think he took a cab, but I didn't see any cars then. He was waiting by -

Q. Well, where did you meet him when you crossed the border to the United States?

A. The one time I think it was close to a, on the tunnel side, it was close to a bus stop.

Q. Was he standing?

A. Yes, by the bus stop.

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Q. And what about the second time?

A. It was, I think it was the first street after you crossed the, after you crossed the bridge.

Q. Was he standing some place or -

A. Yes, he mentioned were I'd pick him up at, across on the other side. I don't recollection the bridge too - crossing the bridge, I don't recollect that, I can't picture that location too well, but I know, the tunnel, like I got a fairly clear recollection of where I stopped at and picked him up and everything.

Q. And after the first time when you gave him this narcotics, which you say might have been flour for all you know, did you go in your car to the bus station?

A. Yes.

Q. And you left him at the bus station?

A. That's correct.

Q. Do you know whether his car was at the bus station?

A. I don't think anyone, I don't think anyone was at the bus station because I couldn't see anywhere to park in that area.

Q. So was there any reason why he didn't ask you to give him a lift to his car so he could drive back to Canada?

A. I don't know, I think you are getting in an area of trust now. I don't know, how far anyone would trust me.

Q. Supposedly he was trusting you with all this narcotics, he wasn't trusting you to take him to his car?

A. No, but you just carry trust so far, I mean you, I

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don't think you would needlessly trust someone. You, I mean you have to trust someone to a certain extent but I don't think you have to carry it, you know, you do something that wouldn't need to be done.

Q. How would him showing you where his car was, how could you taking him to his car be needless trust? He was giving you his telephone number wasn't he?

A. Well, what if I should -- A hypothetical question, what if I should have got his description from his car and his license plate number, and say I got caught coming across the border a second time and the police asked me who I was working for, and if I wanted to get out of it I would have told them his number.

Q. Well, lets say the second time, the second time you were there, was there any reason why he was standing on the street rather than waiting by his car, or in his car or any time thereafter when he gives you his New Orleans number, you could always give the police that New Orleans number if you hadn't lost it or some how misplaced it, they could, the police could always contact him through the New Orleans number the same way you did?

A. Well, of course, there is always the possibility, but I mean, I mean in a court of law you have to have more evidence. I guess there is more, the possibility you got to convict an individual -- I know, I have enough difficulty trying to figure out how I, why I do things, than trying to figure out why someone else would do something.

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Q. Well, this was a man who was trusting you, and you were trusting him to a large extent. Because you, you let it be know to him that you were not welcome by the authorities in the states and if he wanted to, he could have turned you in.

A. Well, that's very possible, that's why --

Q. So, since you were trusting each other, he was trusting you with a lot of narcotics, he's trusting you with $2000 of his money to buy a car, another 500 to buy camera equipment, is there any reason he wouldn't trust you enough to - he's given you his phone numbers, two different numbers, one of which you know was legitimate because you located him through that number in New Orleans - is there any reason why he can't trust you, that you could see his car?

A. Well, he did trust me one time to see the car, but I don't know if that was his, in Mexico. But I can't see, it doesn't make sense for me, for anyone to take a needless chance, that just, that wouldn't make sense, the way I think.

MR. KERSHAW: It's an old adage, trust amongst thieves?

MR. LEHNER: Where were you supposed, when you took leave of him in front of Cherpes, where were you suppose to have next met him?

A. I wasn't suppose to meet him at that time. He was suppose to contact me or I was suppose to contact him, when I had certain things arranged.

Q. What certain things?

A. Well, mainly the camera equipment. I didn't know how long it would take to get that straightened out.

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Q. And you were suppose to meet somewhere in the United States prior to taking something into Mexico, is that right?

A. That's correct.

Q. Now, was there any reason -- Let me ask you this, were you familiar with camera equipment?

A. No, I was not.

That wasn't a camera, it was film equipment.

Q. Film eqipment. Was there any reason why he couldn't have purchased the film equipment that he wanted and give it to you to carry across the border, since you were going to meet somewhere in the United Stated before going into Mexico?

A. Yes. He could have very well got a load of it I suppose.

Q. Well, why was it that he had to give it to you, you were no expert in film equipment? Why did he have to give, trust you with this $500 needlessly , when he could of purchased the film equipment himself, given it to you before the crosssing of the border?

A. Well, he could, but later it appeared that he didn't, he wasn't even too interested in it. The fact is, I wasn't interested in it either, I wound up throwing it, throwing it away.

Q. Well, did you ever ask him, why are you giving me this $500, why are you making me buy all this film equipment, I don't know anything about films, you buy whatever you are interested in, I'll meet you whereever we are going to meet, and I'll take it across the border. Did you ever have

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any conversation with him like that?

A. No, I never did question him about it. I didn't want to turn the $500 down anyway.

Q. But you were intending to buy the film equipment?

A. Yes I, so later on -

Q. So it was just really a burden for you, you weren't intending to take off with it?

A. It ended up a lot of trouble, yes, I agree with that.

Q. You were the one that had to make the arrangements to buy the film equipment, how did you do that?

A. He give me a list of what he wanted and I ordered it from, I tried to get it in Birmingham but they didn't have it, so I then, I wrote to Chicago somewhere, sent them a list of them and they sent, they sent me what they had and they sent me a letter saying that one item they didn't have but they were sending a duplicate. So, I assumed that I was suppose to get the right type, so, I sent the duplicate back, and, I think I got another one somewhere, Birmingham or, I, I run, I may have ordered the other one, I don't know where I got it, but I finally got the right equipment, that was it. I also ordered some type of a special book for it. I ordered it, but I didn't have time to wait around to get it.

MR. GANNON: Did you go to various camera stores in Birmingham before you contacted the firm in Chicago?

A. I don't know if I did or not. I think - I'm inclined to think I didn't because, because I think, I later on, I got the type that I was suppose to get in the first place. I think

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I got it in Birmingham, but I'm not positive, I'm vague about this camera business because I wasn't too interested in it. The only thing I am really clear is one item that, that was sent me was wrong, the wrong part, and I re-ordered it.

Q. Well, I was wondering, you said they didn't have what Raoul wanted in Birmingham, therefore, you had to go to a firm in Chicago to get it. I kist wondered how you determined that the stuff wasn't available in Birmingham?

A. Well, I don't know, there's the possibility that that it was available. I'm trying to think where I bought that second piec, the correct, I'm not even sure where I got it. I may have got it in Birmingham or I may have ordered it somewhere else. I know it was a lot of problems with these camera. I kept calling them and writing them letters and everything wanting to know where it was at.

Q. How did you contact the firm in Chicago? How did you know that they had that kind of camera equipment that you were looking for?

A. I think he give me the address on that, but I'm not clear on this. I'm not clear on this camera business at all. The only thing I purchased that I wanted, was the, I purchased the regular picture camera.

MR. LEHNER: Was that for yourself?

A. Yes.

Q. Did you ever return any materials that were sent to you that you were dissatisfited with, or were --

A. Camera equipment?

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Q. Yes.

A. I think so. I think the one that Chicago sent me ont time was, I think I returned it.

Q. Was that for yourself or was that equipment for Raoul?

A. No. It wasn't for me.

Q. It was for him. How did you know it was not the appropriate equipment?

A. Well, it wasn't the one that was written down and they wrote, I had everything wrote down. What I wanted, what I sent to them. When it come back they said they was out of that particular item.

Q. Did you then contact Raoul and ask him if he was willing to take the substitute item?

A. No. What did happened, I did call him one time but I told him I was having, being delayed, something on account of the camera equipment or something.

MR. GANNON: Where was he when you called him, in New Orleans?

A. Yes.

Q. And what did he say?

A. Well, he was wanting me to come down there a certain day, and actually I was late when I finally did get down there. I finally got everything straight.

MR. LEHNER: All right. Now, you, he left you -

MR. EVANS: Can I ask him a question?

MR. LEHNER: Yes.

MR. EVANS: Did you ever purchase any sort of chemicals

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that would change oneway mirrors into twoway mirrors?

A. No.

Q. Did you ever purchase any kind of chemical that you would apply to any sort of glass or mirrors?

A. I really don't know what I ordered. The only thing I ordered was camera equipment. If there's something in there, I don't know all the technical terms of that stuff. There was a list that, William Bradford Huie got, got this, the list of what I ordered; but, whatever is in there, that would be, I don't have any recollection of ever ordering anything but camera equipment.

MR. LEHNER: Okay, when you last saw Raoul in Birmingham, that was in front of Cherpes -

A. Yes, that's correct.

Q. - in your car?

A. Yes.

Q. And what did he do then?

A. Well, we just had discussions. I think I gave him my address and phone number, and he gave me a Baton Rouge number, and reaffirmed the New Orleans number. And he said he'd contact me or something. I think -- I think he contacted my telephone in Cherpes once or twice. I know I called New Orleans two or three times, especially during late September.

Q. Did he get out of the car in front of Cherpes?

A. Yes.

Q. And you went into Cherpes?

A. Yes.

Q. Did he ask for a lift to some place?

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A. No.

Q. Was he going to take, go to his car and take a cab or what?

A. I guess he was going to, I guess he did want a lift but I, I didn't have any driver's license and I think I, I mentioned this to him and he appeared kind of -

MR. GANNON: That's one thing that I'm just curious about, like, you didn't test drive the car with the people that were selling it to you, but I, my understanding you drove it away after they sold it to you?

A. Yes.

Q. Is that correct?

A. Well, I watched him how they drove it and everything and they explained it to me and it was really simple to drive.

Q. But you didn't have a license when you drove it away did you?

A. Yes, I think Birmingham or Alabama, I think you get a license with the car. Is that the way it works?

MR. KERSHAW: I don't know.

A. Yes, I'm almost positive that you get the license.

MR. GANNON: When you are speaking of license, are you speaking of the registration or the driver's license?

A. Tags.

MR. EVANS: Oh, your tags, I think he was making reference to the driver's license.

MR. GANNON: The actual driver's license which you use to operate any car.

A. No. I, that's why I drove as least as possible.

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Because I didn't want to get stopped. I think he's, it's kind of, he assumed I had a driver's license in the Galt name.

MR. LEHNER: Did you get a driver's license?

A. Well, me and Cherpes got one but -

Q. For driving, not the registration?

A. Yes, that's correct.

Yes, I got one with Cherpes, yes.

MR. GANNON: But this was later, right, after you bought the car?

A. Yes. It wasn't to much later because, see, he took me, he took me to the broading house, when he -

MR. LEHNER: When did you - When did you next go to your safety deposit vault after first going to it and opening it?

A. Oh, I don't know. It's quite a while. I didn't have too much expense in Birmingham. I think it's a possibility, it's a possibility I went down there when I, about the time I purchased the pistol foff of the character to get some more money out of it or something. But I don't know when that was.

Q. When did you purchase this pistol?

A. Well, it was probably two or three weeks after I arrived in Birmingham.

Q. And how did you obtain the pistol?

A. Well, there was a I got it through a want ad in the newspaper.

Q. Pistol for sale?

A. Pistol for sale.

Q. And who did you buy it from?

A. I don't know, some individual in a residential

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section of town.

Q. And that's a legitimate purchase in Alabama, is that right?

A. I guess it's not illegitimate, so -

Q. What kind of pistol did you purchase?

A. .38.

Q. How long did you stay in Birmingham?

A. July, two months I suppose.

Q. How many sets of keys did you get from the owner of the car?

A. Two I believe.

Q. Two?

A. Yes.

Q. And did you give one to Raoul?

A. Yes.

Q. Did he ever drive the car?

A. Well, if he did I didn't know about it.

MR. GANNON: Where did you -- Where did your meetings with Raoul in Birmingham take place?

A. All of them but one in the Starlight and the possibility there is one across the street from the Starlight, but the only one I ever recollect, I don't, I recollect some kind of a restaurant down there or something, but that might have been the second time I met him down there.

Q. What restaurant was that?

A. Well, you go out of the Starlight you turn right - go down about a half block and cross the street - there's a

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cafeteria down there, but I don't know how, I met him there one time, but I can't, I can't think, I can't think of why he would send me down there unless the other place was closed or something. Iwas thinking maybe that was the second time when I came up from New Orleans and met him there in late March of 1969, but that couldn't have been it because I was just in Birmingham that day and out, there wasn't no overnight stay there.

Q. Was this around the corner from the post office, this -

A. Cafeteria?

Q. -cafeteria?

A. Well, I can - here's the Starlight.

MR. LEHNER: Why don't you use this yellow pice of paper.

(Mr. Ray now draws a diagram of the area).

A. This is - This is the post office.

MR. GANNON: Is this the main post office?

A. Yes. The main one. I think that's the way he spells it. This is the cafeteria.

Q. So it was just down the street from -

A. Yes, it is about a half block down here.

MR. LEHNER: Where did you get the map of Birmingham?

A. We got that map, I'm almost positive, when we were kind of looking for this gun store, I think we got on the wrong street, or something. I don't have, I have a clear recollection that there were two streets and I think they ran parallel or something, and they might had similar names.

Q. Well, was this after or before you left Raoul at - when you were in front of Cherpes with him and you went in

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and he walked out of the car?

A. On the map?

Q. Yes. Where did you get the map?

A. Oh, no, that was a long time later. That was March probably, of seventy.

Q. So you didn't get any map of Birmingham on this visit to Birmingham that we are talking about where you bought the car?

A. Well, I very well could have, but I don't have no recollection of getting one. I don't know, Birmingham, I don't think I would have got one, that's - Birmingham's not all that big to get a map.

MR. GANNON: You mentioned there was an Italian who owned the Starlight. Do you remember that fellow's name?

A. No. I don't recall his name.

Q. Did you go in there after Raoul left, after that time in front of Cherpes?

A. I've been in there several times, it and the place across the street.

Q. You mentioned this other tavern, Magoulas?

A. Yes.

Q. Did you go in there often too?

A. I use to go up there at night sometimes, I think that's the place up by the train station.

Q. Were there any other taverns you went into, that you remember?

A. Well, the Starlight and the one across the street

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from it,and Magoulas, and I can't think of any.

MR. EVANS: The name of this place was Magoulas or was Magoulas the owner or the manager?

A. I think Magoulas was the owner. I don't know the name of - it was - it is sort of like -- it is more of a nightclub than a tavern. It set right next to a motel, close to the train station.

Q. Next to the motel? That would have been the first place you stayed at when you went to --

A. No, this is a big --

Q. Next to the, which motel would this be?

A. I don't know it, it's, there's a couple. I didn't pay that much attention to it.

MR. GANNON: Do you remember the name of the bar across the street from the Starlight that you went into?

A. No, I don't have any recollection here at all. I was in there several times, but -

Q. Where would this be on this map that you just drew? Where would it be in relation to the Starlight?

A. Right here.

MR. LEHNER: Why don't we sign my name here, (Mr. Lehner signs the drawing by Mr. Ray for the Committee), and you do the same and we'll put the date April 14, 1977. (Mr. Ray signs now signs the document also).

While you were in Birmingham, did you have any medical problems at this time?

A. Yes. I had viral pneumonia or something.

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Q. Did you visit any doctors?

A. Yes.

Q. Who did you visit?

A. Well, when I first came here from Canada I visited a doctor named Schwartz. He's a, I can't think of his address. I know about what street it is.

Q. Where is the street?

A. Well, I know where -- I could find it on a map.

Q. Where would it be near?

A. It would be near the Veterans Administration Hospital. It's just at the foot of the hill and it starts up a steep incline and then you get to the -- Are you familiar with Birmingham?

MR. GANNON: No, not really.

A. It wouldn't be no problem --

MR. EVANS: Well, Highland, would it be anywhere near Highland Avenue? Would it be any where near where, is it a local guy where you were living at, at the time?

A. It's not too far from Highland Avenue. I'd say it's, it would be about 10 blocks or a mile.

Q. Well, within walking distance or it's a long walk?

A. Yes. You go up to Highland and you go down the street and turn right. It's not -- I use to walk down there every day, it's not --

MR. LEHNER: Well, you visited him every day, this guy?

A. No. I use to walk down in that area going towards downtown.

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Q. How did Dr. Schwartz treat you, what did he do for you?

A. Well, he gave me one penicillin and it was, I don't know the term, terramycin?

MR. KERSHAW: Terramycin.

A. And he gave me four or five sleeping pills, he said I had a virus of the throat or something.

MR. LEHNER: Did you visit any other doctors while you were in Birmingham?

A. Yes.

Q. Who was that?

A. I don't -- His name -- Schwartz told me to come back if I was, if I had more problems and I went back to see him to get a prescription refilled or something and he wasn't there. So, I went to the drug store and they said they couldn't fill the prescription without the doctor signing it. They couldn't refill the prescription, so, then I went to another doctor and told him I was feeling bad and couldn't sleep, and he gave me some sleeping pills or something.

Q. Who was that?

A. I don't know his name.

Q. Do you know what it sounds like?

A. William Bradford Huie, I give him, he found his name I think.

Q. Were you tense during this year that you were out on escape, between the time, the time, of the escape and the time of your capture?

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A. No, I was sick for about two months once, I guess that's --

Q. Were you taking any kind of narcotics or stimulants of any type other than liquor?

A. I didn't even take -- The only things I ever took, or any type of medication, was what Schwartz recommended and the other doctor. But the other doctor, what he recommened was no good, and the fact is, I threw them away, because they were, they weren't sleeping pills or anything.

Q. The reason you went to the other doctor was for what complaint?

A. Well, it was the same, this ailment I had, whatever it was, I had it for two or three months. I later got treated for; in Mexico, I got treated for infected tooth. I don't know if it was all combined or not.

Q. What was your complaint when you went to Dr. Schwartz?

A. Sick, soar throat, and just couldn't sleep.

Q. Were you using amphetamines during the time that you were out?

A. No.

Q. Have you ever used amphetamines?

A. No. I know what they are. I was on a prescription once of amphetamines once in Leavensworth for alerg - aler --

MR. KERSHAW: An allergy?

A. Allergy, yes, I think that's what it was.

MR. GANNON: These pills that you threw away, they weren't

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what you needed, what kind of an affect did they have on you that made you realize that?

A. Well, they seemed to keep you awake. The pills that Schwartz had give me, they help you sleep and these others things were -

Q. And you went to this doctor really just to get Schwartz's prescription refilled, is that it? Then he made his independent diagnosis.

A. Well, he started going into all my life history and wanted to know where I worked at and all that stuff, where Schwartz just wanted the money and give me a shot and, so I guess Schwartz made a diagnosis. I know he looked at my throat and all that stuff. He gave me a medical examination where as the other guy he was interested in where I worked and what kind of a job I had and that stuff.

MR. LEHNER: Why did you not go back to Schwartz?

A. I went back then, but his nurse said he went to Atlanta for a convention or something.

Q. Now, when you left Birmingham where did you go next?

A. Well, first town I have any recollection of is most likely Baton Rouge.

Q. And when you left Birmingham did you have a definite destination?

A. Yes.

Q. What was that destination?

A. Well, the destination was Mexico, but I was suppose to call to make some kind of a call to Baton Rouge

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or Louisianna. But what happened the camera equipment had held me up two or three times. I know I made a couple of calls on it, and then when I got to Baton Rouge I wrote all this phone numbers down and going through the book and everything which I previously explained, and then I did cut back and I was going to Dallas to see some individual and then --

Q. Who were you going to see there?

A. Well, that's some fellow I knew in Leavensworth Penitentiary and --

Q. Was that for a criminal enterprise?

A. Yes, he was a narcotic smuggler in Mexico. I was going to ask him about, you know, what the situation was involved in that type of tranaction. Consequently, I cut back up toward north Texas and after I got quite a ways up there I decided that that might not be a good idea because he may be under surveilance himself. So, I went on to, I went on, went on to Mexico.

Q. Now, when you left Birmingham you had not a particular place or time that you were going to meet Raoul, is that correct?

A. No. I got the time and particular place and everything when I called him from Baton Rouge, but I think I was a little late on account of the detour I made going towards Dallas.

Q. What I'm saying, when you left Birmingham you had no time or place to meet Raoul?

A. No, I didn't have any definite address or anything. I knew I was going to Mexico and I was suppose to make some

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contact in New Orleans.

Q. Well, what if for instance -- What if, for instance, Raoul was not in Baton Rouge, taking some trip somewhere, where were you intending to go when you were leaving Birmingham without having made contact with him?

A. If I hadn't made contact in New Orleans where would I have went? Well, I'm not positive where, but if something were to happen in Mexico or something, I'm not sure where I would have went. I would have probably went to -- I'm just on recollection -- I may have went to California or San Francisco somewheres.

Q. What was the reason that you didn't make contact with him while you were in Birmingham before setting out?

A. I made contact with him several times at that time, the fact is, in late, in late September I know I made several calls, but most of that was on account of this, on account of the camera equipment being late or something.

Q. What I'm getting at is before you left Birmingham why didn't you make some kind of arrangements, I will meet you at such a place on such a day, why did you just leave Birmingham with the thought that when you get into Baton Rouge you were going to first call?

A. Well, it was my impression that I was going to pick him up in New Orleans and go on to Mexico, but I think what happened was I was late, something, getting there and possibly he went on ahead. I know that happened two or three other times, I'd be a day or so late getting to a

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certain location.

Q. When, you got into Baton Rouge, did you call him in New Orleans then?

A. Yes. I did, but after I called the Baton Rouge number.

Q. And did you speak to him on the phone?

A. Not him, no, some else.

Q. Who is this person you spoke to?

A. I have no idea.

Q. How did he -- How did the conversation go between you and this other person -

A. Well, I just identified myself and asked him if he wanted me to stop by New Orleans and pick up any party in a certain area. He said, no, that this Roul had done went to Mexico and, and, give me an address and gave me a name of a motel in Nuevo Laredo. And later on I finally got to Mexico and I run down the - found the motel, I think the customs or someone told me where it was at.

MR. KERSHAW: Did the boss name Raoul or just say meet the man?

A. No, he referred to Raoul and the Nuevo Laredo.

MR. KERSAHW: Oh, by name.

MR. GANNON: When you called New Orleans how did you identify yourself?

A. Eric Galt.

Q. Eric Galt?

A. Eric Galt.

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Q. Did Raoul ever know that Eric Galt was an alias?

A. I think he, he appeared surprised one time when I didn't have no driver's license. I mentioned I didn't have a driver's license for the Galt name. The only way he could suspect I was using a phony name was I showed him a customs receipt for a TV set and --

MR. GANNON: What name did that have on it?

A. John Raynes.

MR. LEHNER: So the man on the phone told you to meet Raoul in Nuevo Laredo.

A. Yes.

Q. At a particular motel?

A. At a particular time yes.

Q. Which motel was this?

A. I can't remember now. I give the number, the name to Huie, I think. And he's got it wrote down some place.

Q. When were you suppose to meet him?

A. Well, it was a certain time, it was the next day I think it was, but it was, it was, I don't remember the particular time. I know it was about dark when I got there and I was --

Q. How long had Raoul been there in that motel before you got there?

A. He wasn't there. I got there, I checked in first and he came a couple of hours later.

Q. How long did he stay at the motel?

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A. Not very long. We made some arrangement for me to go back across the border and get a visa and that was about it.

Q. Did you tell the person in - on the phone in New Orleans that you were calling from Baton Rouge?

A. No. I don't believe I did. I might have, I think I probably mentioned it to him. Yes, I think I mentioned it, if they wanted me to come to New Orleans, and they said no, go to Mexico or something.

Q. Did he say where Raoul was at that time?

A. In Mexico, no, he -

Q. No, at the time you spoke to him from Baton Rouge, you spoke to this man on the phone in New Orleans, did he, the man on the phone tell you where Raoul was?

A. He said he went ahead to Mexico, and that was the only -

Q. That he had already gone to Mexico?

A. Yes.

Q. And yet, and yet you beat him to the place, do you know why?

A. I beat him to the motel?

Q. Yes, since you were in Baton Rouge and he had already been in route to Mexico, how did it come that you beat him there?

A. Well, I don't say I beat him. I just said, see, he didn't show up at the motel for a couple of hours after I was there. I don't know, he may have been there for a week.

Q. But at the time you spoke to the man in New Orleans,

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that man told you that Raoul was already in route?

A. Yes. That is what he said.

Q. Well, did you ever speak to Raoul and ask him, how come you were in route to Mexico when you didn't even know I was going to call that day, there was no plan that I was going to call you that particular day?

A. I assumed he wasn't relying on me exclusively for anything he was doing.

I wasn't relying on him exclusively.

Q. He was just in route to Mexico from New Orleans and left word that if Galt calls tell him to meet me in this particular motel in Nuevo Laredo, right?

A. That's correct.

Q. And you in Baton Rouge drove and got to the motel at any rate before he did?

A. Well, he may have been already checked in there. I'm -- When I went to the room he didn't come, he didn't show up for about, I'd say, an hour, hour and a half.

Q. Did he have a car in Nuevo Laredo?

A. Yes.

Q. What kind of a car?

A. I couldn't say, it's an average make, I think he had Mexican license plate on it. I discussed this with attorneys several times, but I can't remember the exact -- I wasn't familar with all these different Mexican cars, I had been in jail for several years, but it was, wasn't any sports car or anything like that, I'd -- Chevrolet or something.

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Q. How much money did you have when you arrived at Nuevo Laredo?

A. Nuevo Laredo, I must have had, I don't know, I didn't have too much. I would guess eight or nine hundred dollars.

MR. GANNON: Did you leave any back in Birmingham in that bank vault?

A. No. I took everything out of the vault.

Q. Did you close out the vault?

A. Well, when I got to Baton Rouge and made a number of calls and decided I would go into Mexico, and then I mailed the key back from Baton Rouge, back to the bank and told them I was closing.

MR. LEHNER: When was that, what month?

A. Well, it probably would have been October, early October of 1967.

Q. Early Ocotber? Did you give him an address when you mailed the key?

A. No. I think I told them that I probably wouldn't be needing the vault any more and just to close it, close out and I don't think I gave them a forwarding address, I didn't have one myself at that time.

Q. Why didn't you close it out when you left Birmingham?

A. I never was positive what, just what I would do after I made the call from Baton Rouge, then I was fairly certain what, that I wouldn't be coming back to Birmingham, so -

Q. When you mailed in the key did you mail any money

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in to close out the vault?

A. No. The banks, they usually charge in advance, they just don't charge, you know, it's not no credit operation on the vault.

MR. GANNON: How long did you rent it when you rented it originally?

A. I don't know how long I did rent it - I imagine they have a record of it, I don't know, wasn't long, three months I just guess. I think they have certain limit where you got to rent it for a certain length of time.

Q. Minimum amount of time?

A. Yes.

MR. LEHNER: And what's the best date that you could recall that you weren't, thatyou arrived at the motel in Nuevo/Laredo?

A. The best date I can recall?

Q. Best you can recollect, the day you arrived there?

A. I'd say early October, 7th or 8th.

Q. What happened when you met Raoul there?

A. Well, we had discussions on, it was,he had some stuff that he wanted to bring back across, and he wanted me to get a visa, and I didn't have no visa at that time. There's some -- I'm not clear on this, there was some conversation about getting certain things in the car to get them marked, where you get a visa mark on them, and leave the other stuff at the motel or something and come by and picking it up on the way back after I got the visa.

I'll just run down generally what happened though.

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I think we did go across the border but let's see, how many times did we cross there, twice I think it was. This was nighttime, I can't recollect what everything looked like and everything. I think we crossed the first time, and he, I know he didn't, he didn't cross with me, he got in some other conveyance and I picked him up on the other side and we, went in, the other side of Nuevo Laredo is a town called Laredo, Texas. And we went about eight blocks, I'd say, north and a couple of miles west, and we picked up the stuff he had in the other car over there then.

MR. GANNON: A couple of miles or a couple of blocks?

A. A couple miles. Best of my memory it's about eight blocks as you cross the border, cross the customs border going straight north and then you go about two miles and it's kind of a rundown residential area and he directed me behind another car, and I think he used his set of keys to get in my car. He took, put one of his tires in mine or something, and that made me have two spare tires, and then we went - we went back across and he said something about just giving the customs guys a dollar a piece or something, and when I went through customs they put a mark on everything; and they asked me about having the extra tire and all that stuff, and I told them it was for the Mustang. Now, the only thing different from this and any other tranactions, he went across with me on this one. He stayed in the car,and we, I went and got a visa. That took about an hour I guess and he waited around

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the front of the building and I picked him up there and we went back to the motel and that's when I met the other car, the same car, and I took this tire out; and I don't remember too much about there, specifically, except that he's parked on the wrong side of the street and I parked behind him, and he said it was all right, that we could park on any side we wanted to. In other words we was facing south but the car should have been parked on the right side of the street instead of the left. He transferred the tires back to the car and he said he'd see me in the morning or something and I stayed there that night, and the next morning we switched things around again and then we went to a customs shack about, I guess about 30 miles inland and it was something like a filling station, but it had two drive-ins where you drive in both sides, and he, he drove in on the inside one and I drove in on the outside one. Well, they held him up and waived me on through, but I got out when I went out of the customs, I drove until I got pretty well out of sight of it, and he come around - he come around behind me and that was it.

Q. When you got the visa, was that a Mexican border post?

A. That's correct.

Q. And what name did you use when you got the visa?

A. That was the Galt name, driver's license

Q. Did you have any idea what was in the tire?

A. Well, I know jewelry has got a higher resale value

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and I talked to Weisberg and he said it was counterfeit money. I have no idea what -

Q. Raoul never said anything about what was there?

A. I never, I never did touch it.

MR. KERSHAW: In this exchange of material or anything, was, did, did Raoul by any chance leave anything in the car or did you find anything in the car that hadn't been there previously, like a piece of paper or a cigarette butt?

A. No. I didn't find anything there. I did find something when I crossed in Tijuana, but that's a long time later.

Q. Oh, I see. What did you find when you crossed back into California from Tijuana?

A. Well, I was just cleaning the car out that time. I usually clean them out on account of somebody plant something or some - At customs I found a name and address and cigarette package that had slipped down in beside the seat there.

Q. Do you have any idea who left it in there?

A. I have no idea.

Q. Did Raoul smoke?

A. I don't know. I've been asked that, but I don't know if he did or not.

MR. GANNON: Did he ever smoke in your presence?

A. I really can't remember if he did or not. I assumed he did because they found cigarette butts in the tray, but I don't smoke and I never paid much attention

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to someone else who did smoke.

MR. LEHNER: Was Raoul built similarly to you or different?

A. Well, no.

MR. KERSHAW: Raoul was built similar to me. I'm 5-10 and I weigh a 160.

A. No. He was more thin, thinner than I was. I'm -

MR. KERSHAW: Was he thimer than I am?

A. Yes. You weigh a 180 pounds.

MR. LEHNER: What do you weight now?

A. A 178, most of my weight is on the stomach where his was more thin.

Q. How tall are you?

A. Five-10½.

Q. And how much were you weighing at that time when you were in Mexico?

A. A 170.

Q. And he weighed 20 pounds less than you and was about the same height as you?

A. More like 30.

MR. GANNON: When you corssed the border initially in Mexico you said you gave the border guards, the Mexican border guards, something. Did you actually give them some money?

A. I gave them a dollar a piece. They didn't shake the car down or nothing. They put marks on it and waved me through.

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MR. KERSHAW: Remember that when you take things into Mexico.

MR. LEHNER: How, how long were you in Mexico?

A. About five weeks, I guess.

Q. What did you do in Mexico?

A. Well, I went to --

MR. EVANS: Hold it a minute.

MR. LEHNER: We'll take a break now. (2:50, pm).

MR. LEHNER: It is now 2:55 and we are convening again with the same people who were here earlier. As far as your time in Mexico, did you do anything with the camera equipment that you had bought in?

A. No. I never took it out of the case.

Q. Did you give any of the camera equipment that you purchased for Raoul to him in Mexico?

A. No, I offered it to him and he said, to hang on to it, he acted like he was in sort of a hurry. I think he'd been stopped at the customs house or something, he didn't want it so I kept it.

MR. GANNON: Did you have any trouble with the camera equipment at the customs?

A. Well, they just waived me on throught. See, I got a marking on them at the first customs. They put a check mark on them. If the guy who looked at the trunks seen the check marks he slamed it down.

A. No problem about duty or anything like that?

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A. Nothing.

MR. LEHNER: Now, after the transfer of the tire, did you continue to see Raoul in Mexico?

A. No. That was the last time. I was on my own from them.

Q. How long in total did you see him in Mexico?

A. Well, after he caught up with me past the customs house, he caught up with me and, of course, there was no passport forthcoming, I did get about $2000 and after I - I left, that's that was the last I saw of him and I went on to Acapulco or somewhere.

Q. Was this only one day that you saw him in Mexico?

A. Well, I saw him that night and the next day, and that was the end of it.

Q. One night and then the next night, and during the day between those two nights when you brought the jewelry or whatever it was in the tire?

A. Well, I brought the, we brought the jewelry across, whatever it was that night, the first night I arrived there about I guess it was aobut eight or nine o'clock, and the next morning we left and after we made the, those same transactions again from one car to the other, then, then we went out of town and that's the last of it.

MR. KERSHAW: Did you have dinner together that night?

A. No.

Q. Did you socialize with him at all?

A. No. Not that night.

Q. No? What night did you --

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A. No. I didn't, I stayed in the room most of that night because I was feeling bad anyway.

MR. LEHNER: Where did he give you the $2000?

A. The next day after we passed the second customs check.

Q. And what was the arrangement as far as to see him again?

A. Well, he said, I wasn't too strong on any more arrangements. He did give me another telephone number and told me to get rid of the one that I had and -

Q. What was the new number?

A. I've went, I remember the last four digits of it. And I went, but I couldn't, I've had a prties go down into New Orleans and get numbers out of the directory and telephone pages and everything else, but we, and I even had, I had people investigate it, but we, we never could pin it down too close. I was positive of the last four numbers, but I never could get the - I think the last four numbers - I had them writtten dwon backwards somewhere. But I never could get the first three. But I got the three that I thought might have been correct, but I don't have them here. I have them up in the cell somewhere.

MR. KERSHAW: I think you gave them to me.

A. No. I didn't give them to you. I think the last four numbers were 3-7-7-5.

MR. LEHNER: In that order or reverse order?

A. That's the order I remember - I got them in reverse order here, but I gave it, I gave you the front number.

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Q. 3-7-7-5?

A. Yes.

Q. And you say you thought you might have the right first three numbers in your cell. Why do you think that might be the right three, first three numbers?

A. Well, it kind of looked like it, and, well, Weisberg and James Lesar they investigated all these sequences of numbers that it could have been in New Orleans, and the only -- Now, the number I came up with was - was a - was some kind of a Marine supply place, and they also, there's also, an identical number out in the suburbs. But it's some gangster, Carlos Marcellos's, number but it couldn't have been his because they determined his number was, he had an extention on his number and I didn't have no extention on this one so --

Q. Well, the number you have in your cell with those three first numbers, what does that check out to, what place?

A. Well, I'm telling you what somebody else investigated told me, I don't like to go into their names now.

Q. You don't have to tell me the names, but what's the result of it.

A. I believe it was some place called Marine Supply or something. The guy's name, they had two names listed under it.

Q. It's an establishment called Marine Supply?

A. Yes, but I, I never did, no one ever did go down there to see what kind of establishment it was. I don't know

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if it was Army, Marines or some kind of aqua sales supply or something.

Q. Well, you said Weisberg checked this out, what did he come up with as far as this number that you have in your cell?

A. Well, he found, he came up with the, with the motel number. He said this gangster owned, Marcellos, but, that couldn't have been it because Marcellos had a, had an extention on his and I didn't have no extention on this one. The one I got was a Marine Supply.

Q. Well, when, when the person picked up the phone, why you called this number, what did he say on the other end, hello, or did he say something other than that?

A. Well, something similar to that, whatever you say on the phone, hello, or who's this calling, or something.

Q. He didn't, he didn't say Marine Supply or anything of any type of name like that, did he?

A. No, I never had any, I never -

MR. GANNON: He never identified a business establishment or something like that?

A. No. I never - I'm sort of vague on this Marine Supply. I don't even know where, I don't even know what type of place it is. The only thing that I knew about it, is it is two, it's listed under two different people's names, and, that's about it.

MR. LEHNER: Did he tell you why he gave you this new number when he gave it to you in Mexico?

A. No. He didn't, didn't mention it.

Q. Was this the third number you got from him?

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A. Well, it could have been the Baton Rouge number.

Q. Did you tell him the Baton Route number didn't check out?

A. I might have mentioned it to him that I called him, I don't even think I mentioned I called him because there wouldn't be no reason to.

Q. Did you use the new, this third number?

A. Yes, I used that number in California.

Q. Did that check out? Did you speak to someone on it who knew Raoul?

A. Yes.

Q. Was that the same person that you had spoken to on the previous occasions when you called, but using the first number?

A. I can't be sure. I don't know, I couldn't say if if it was or not.

Q. Well, when the person answered on the other end, what would he say?

A. Well, he would just say hello, who's calling, or something similar to that.

Q. And what would you say?

A. I would just mention that I'm Eric Galt and I referred to this Raoul and whoever, whatever message was to be delivered and that would be it.

Q. And what would he say?

A. Well, he just give me whatever answer was appropriate and --

MR. GANNON: He always seemed to know where Raoul was?

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A. Well, I guess he kept contact where he was at all the time.

Q. And he always knew what you were suppose to do?

A. Yes.

MR. LEHNER: All right. You say you got the $2000, the new number and you went to Acapulco?

A. Yes.

Q. What did you do there?

A. Nothing.

Q. How long did you stay in Mexico, totally?

A. Well, I stayed there for about three days and I got out, and then I went to Puerto Vallarta and I stayed there for about a month.

Q. What did you do in Puerto Vallarta?

A. I tried to get out of the -- I attempted to get out of the United States down there, through, I think this was where the Rhodesia questions come up. It was and ad in the U.S. News and World Report wanting immigrants to Rhodesia. They give an address that you write to, some - and I wrote to them and I told them that I was, been, I was a United States citizen but I was -- I lost it because I was, had been in a foreign army or something. I put some story on it and I'd like to immigrate to some english speaking country. But I waited about two or three weeks, and I never did get no answer, so I, I went on to Los Angeles.

MR. GANNON: At this time when you were down there, you just had this fresh $2000 from Raoul, did you ever think of

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maybe going off on your own and not continuing your association with Raoul?

A. Well, that was what I was trying to do. One thing I was attempting to do in Mexico was to try to -- The fact is, get out of Mexico into some other country other than Mexico. I had a similar experience like that in 1958. I went down there, and I, this time - I went in '58, I went to Vera Cruz, and, I was attempting to get on a ship down there or something, but these things gets complicated, you just can't get on a ship or anything and get a job.

Q. Did you do anything other than write to the Rhodesian Embassy or whatever you wtote to?

A. Well, perhaps -- I think you could get that ad out of the U.S. News and World Report, that's where I got the clipping. I didn't do it, I thought my best bet from there later on was to go to Los Angeles or San Francisco and try to catch a ship, and later on after I left Puerto Vallarta I went to Los Angeles and started the same process again in getting a --

Q. But you only made that one inquiry about a foreign country while you were down there in Puerto Vallarta?

A. Yes. That's the only thing I -- well, there may have been something else in the spanish papers, but I can't read them types.

MR. EVANS: So, U.S. News and World Report, is that a magazine or --

A. It's a news magazine.

Q. News magazine --

A. Large one.

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MR. GANNON: And you, you saw it down there or you had seen it some place else?

A. I got it off a bookstand in Puerto Vallarta.

MR. LEHNER: You stayed in Puerto Vallarta for a month?

A. About three weeks approximately, yes.

Q. Did you use any of your camera equipment down there?

A. I took a few pictures with the polaroid. I didn't, as I mentioned, I never, I never took the other stuff out of the crates.

Q. Did you give any of the camera equipment to Raoul?

A. No, He didn't want it right then.

Q. And from the time that he gave you the $500 for the camera equipment, did you never give him any of the film or camera equipment?

A. I threw it all away.

Q. After Memphis?

A. Yes.

Q. But he never asked for it after giving you the $500 for it? He never asked you for it?

A. I would never have had an opportunity to give it to him, except in Birmingham or Atlanta, but he never asked for it, I was under the impression that he wanted it in Mexico.

Q. And you had it with you in Mexico?

A. Yes.

Q. Why did he, did you not give it to him then?

A. I think he got scared off at the customs. I think they stopped him and questioned him. I don't know if they

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would have a record there or not, but they stopped him and let me go through, so, I assumed -- See, I think they were watching me too, you know, because when I got to Puerto Vallarta I checked in the hotel and later on an investigator went down there and they tore a page out. They had sliced a page out of, where I had registered at, and put a notation on there that the police commissioner or something had took it out, so they was apparently watching me in Mexico too.

Q. How did you learn about that?

A. Well, William Bradford Huie went to Mexico with a, with a police, with a Mexican police official. I got the police official's name and all that, they went down and checked out where all the motels where I was staying at and this one motel had my, they clipped my registration out of the book and put a notation on the book that the police had clipped it out. So, I just assumed they were watching me too, so --

Q. What did Raoul want the camera equipment for in Mexico?

A. Well, I just have to assume he wanted to sell it or possibly surveil someone. It apparently was complicated. I -- I'm not familiar with it. I think Weisberg, he went in detail what it could be used for, but --

Q. You bought a camera for yourself, but all the rest of the things you bought were for him, is that right?

A. That's correct.

Q. How much did your camera cost?

A. Fifty-sixty dollars.

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Q. And how much equipment worth did you buy for, for Raoul?

A. Close to $500 I would guess.

Q. And from the time of giving you that $500 he never again asked for the money back or asked for the -- any of the equipment, is that right?

A. No. As I mentioned I tried to give it to him in Mexico and he appeared nervous about it, said he didn't want it, so I assumed there would be a customs problem or something.

MR. GANNON: Was it, he was sort of past customs then-

A. Yes.

Q. -you know, and if he wanted to resell it, it probably wouldn't have been much of a problem?

A. No. I don't know, I think there's possibility now that they spot check. Customs, they have these motorcycle fellows down there, once and a while they check -- They check Mexicans alot, but they don't fool with tourists. If you got a Mexican plate on there, I seen them stop busses going in there with, you know, the Army stops the bus and takes everybody off, the same way with cars. I know I been in business establishments and army troops would come in the place and start shaking everyone down, there's roadblocks - But I'm just assuming that he was in a Mexican license plate car that he would be scared to getting arrested for maybe foreign made camera equipment, whereas when you blow maybe a hundred thousand dollars worth of something else.

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Q. Did you call the New Orleans number, the New Orleans number that he gave you while you were still in Mexico, in Puerto Vallarta?

A. No.

Q. And when did you leave Puerto Vallarta to come back to the States?

A. In November.

Q. Where did you go?

A. I went to Los Angeles.

Q. What was the reason you went to Los Angeles?

A. Well, one of my main things, I mentioned to Raoul that I was going out there, if I didn't do some other kind of a thing, my main thing, I was going to either go to Los Angeles or San Francisco to try to get a Merchant Seaman's papers or Coast Guard, you got to go to the Coast Guard to get them.

Q. Did you more or less give up on Raoul as far as --

A. Yes.

Q. -giving you any kind of passport?

A. Yes.

Q. Did you ask him for it in Mexico?

A. Yes.

Q. What did he say?

A. He said he didn't have it.

Q. So that was the end of your relationship with Raoul as far as you were concerned when he gave you that $2000?

A. Yes. Unless I needed --

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Q. I'm sorry.

A. Unless I needed money or something, but as far as I was concerned I thought at that time I'd probably get out of the country one way or the other. The fact is, I was already out, but Mexico is not really considered out.

Q. Why did you not consider Mexico out?

A. Well, I don't really believe you can live in Mexico, it's -- There's a language problem, it's difficult to accustom yourself to live in that type of - Down there you are either a -- They don't have no middle class, see, you are either on top or on the bottom and I think it would be difficult to accustom yourself living on the bottom because there is all types of ailments and things if you are not, -----

Q. All kinds of what?

A. Ailments and things, if you are not -- A lot of ailments you get immune to like ailments, for instance, drinking water, you can get serious ailments from drinking water, but, people that lives down there for years and years they get immune to that, whereas probably if somebody like me that hadn't been use to that water they'd probably wind up poisoned or something.

Q. Where did you want to go?

A. It depended on the money, how much, what my finances were.

Q. You said you, if you had a lot of money you'd want

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to go to South America?

A. Or Spain or Sweden or somewhere.

Q. Where did you want to go when you were in Puerto Vallarta?

A. Wherever I could get.

Q. Why couldn't you get anywhere?

A. Well, there was the passport problem and then there was a financial problem. I was pretty good shape financially compared to other - compared to other situations, but you know, I still didn't have enough money to live like I was accustomed to living or anything like that.

MR. GANNON: About how much money did you have all together after Raoul gave you these last two thousand?

A. I think I had about 3000, maybe a little more.

MR. LEHNER: Did you try to get on a ship?

A. Well, if, if I'd possibly get on a ship in, in Puerto Vallarta or Acapulco because they very seldom come in there. I think I seen one come in there all the time I was there so -

Q. Did you try to get some kind of Seaman's papers or --

A. Not in Puerto Vallarta. I waited until I got to Los Angeles and started to try and get them.

Q. What did you do when you got into Los Angeles?

A. Well, that is going to be difficult to run down all that stuff. In reference to getting Seaman's papers or anything?

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Q. Well, why don't you -- Where did you stay when you went into Los Angeles?

A. On Serrano, I rented a room on Serrano.

Q. Under what name?

A. Galt.

Q. What's the name of the place that you stayed at?

A. Well, it's just an apartment building.

Q. Sorry.

A. Just an apartment building. Just on Serrano Street. I don't know the name of the place. It's right off of Hollywood Boulevard.

Q. Had you been to Los Angeles before?

A. I was in jail out there a short period one time.

Q. Did you get a map when you arrived in Los Angeles?

A. Well, I think -- What's that paper say, I got two or three of them I believe. I know I got one, I don't know how many I got down there.

Q. When you were captured in London, did you have any maps on your person then?

A. I probably had eight or ten, I couldn't -

Q. What's that?

A. I may have had eight or ten. I'm not certain.

Q. Was Los Angeles one of the maps you had?

A. It could have verywell been.

Q. Which were the maps you had when you were captured?

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A. Well, that's - Don't ask me that one.

Q. Were any of the maps marked other than the Atlanta map?

A. I have somewhat of recollection of marking the Los Angeles map one time, but maybe the Mexico map, but I, I couldn't say, you'd have to ask the FBI.

Q. Did you have any Atlanta maps on your person when you were picked up in London?

A. I don't know if I did or not. I'm just going by what I read in books. They said they found one in the Atlanta rooming house.

Q. What did you do after you got this place at Serrano?

A. Well, I can't recall the first thing I did. I can't - I might recollect, if I can get these papers off of Lesar or someone, or, or layup in the cell and try to recollect, but I can't remember them.

Q. About when did you arrive in L.A.?

A. I think I rented the room somewhere in late November, I guess about the 20th or the 25th, or somewhere.

Q. Did you try to get a job?

A. Yes, several times. I run an ad in the paper one time.

Q. What kind of ad?

A. In what paper?

Q. What kind of an ad?

A. I ran a job for, an ad, I wanted to get a job that didn't require a social security card. I didn't want to give the Raynes name. I run an ad in the Los Angeles Times for

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culinary helper. I never did get any. I got two or three offers, but all of them required social security cards.

Q. Did you visit any professional people.

A. Three or four I would imagine.

Q. Why don't you take them up in any order that you wish?

MR. GANNON: Can I just, just to go back a little bit?

You know, you said before, something you read in the book, something else I read in the book which involves the Mexico period, somebody somewhere wrote that when you left Puerto Vallarta you had like a, pounds of marijuana and things like that. Were you moving that in Mexico at all?

A. No, I believe that's the one that Gerald Frank's his vicious allegation against me. I have some recollection - These book writers they get on your nerves sometimes, feeding false information, but it's, I want to distinguish from what I write down for lawyers in serious business and flimflamming back and forth with book writers. There is always the possibility that I will tell the lawyer something and he will go tell Gerald Franks or Bradford Huie that I carried a ton of morphine.

Q. A ton of? Right.

A. That's the, that's -

MR LEHNER: Well, did you use the camera equipment on the beach when you were in Mexico?

A. Not on the beach, no.

Q. Did you photograph yourself?

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A. With the polaroid, not in Mexico, no.

Q. Where did you do that?

A. I did it in Los Angeles.

Q. Did you -- Did you have certain female friends in Mexico?

A. Certain ones, yes. I had certain ones.

Q. Certain ones that you saw more than once?

A. Yes.

Q. Did you take pictures of them?

A. I think I took a picture of one of them once, but her and her boy friend was on the beach or something, I think one, one time, yes.

Q. Did you take picture of yourself or you have others take pictures of you in Mexico?

A. No.

Q. You say you took them of yourself in Los Angeles, what did you do with those photographs?

A. Well, that was about, at that time I was, imagine that I was getting a lot of heat on me on account of these border deals and the escape, and all that. At one time, I took about eight or ten pictures, all identical, a profile, I'd say about this far, 30 or 40 degrees. I had all of these hippy or loney hearts outfits, addresses, I mentioned before , I was using their addresses in case the police stopped me or anything like that. And, At one time, it was just about this time I was also trying to get- I had plastic surgery and I was going to get, try to get, possibly get papers from the Coast Guard to get Merchant Seaman's

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papers, and I did take all these pictures, as I say they are identical. I think Time magazine printed one of them and mailed them to various places, these loney hearts clubs around the United States and - But I didn't use my own address, I, I rented a box in another city in Claifornia, you know, to keep - I didn't want, I didn't want that type of person to come around the house because they, you know, they bring the heat, and, I think that's the only -

Q. You sent these photos of yourself?

A. That's correct.

Q. What was your purpose in doing that, in doing that?

A. Well, I thought possibly, if I got too much heat on me from these border crossings and they started investigating these Merchant Seaman's false papers and all that, that possibly that would throw the Federals off.

Q. How would that be accomplished?

A. Well, the pictures didn't look very much like me and after I took the picture I went and got plastic surgery. That wasn't too brillant of an idea. but I think everything would be confirmed, that I did take the pictures and got the surgery and I guess the FBI has my phone records of where I -

MR. GANNON: You said something about investigating false Merchant seaman's papers, did you ever get any papers, Merchant Seamen papers at all?

A. Uh, no. I never did really get around to it. I, I was doing so many other things, I was trying to get a job, and I was, had to go to New Orleans once and I did contact the Coast Guard a couple of times. I don't know, I may

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have contacted them once on the phone I had there in Serrano St. and I made, I made some other inquiries and I think I did make a few more inquires before I went to New Orleans, but the thing is, they always seemed to be some, something that you, some procedure you had to go through that could let, led to your arrest. It's not as quite as easy in the United States as it is in Canada. See, Canada don't require finger prints or anything and the United States in order to get the Seman papers I found out you have to, they have to take one print. So, I was trying to scheme around and find out how I could get someone else's prints on there rather than mine. But I never did carry it through that far.

Q. Why, you know, you mentioned a couple of times, why the Merchant Seamen, I gather you had never been to sea before?

A. That's correct.

MR. LEHNER: Why did you -- Is there some sort of fascination for the sea, or was it an easy way of getting out of the country?

A. Yes, there is always two ways of getting a passport and that's more difficult than the Merchant Seamen's papers. Because I understand the Seamen papers just required one print or something, where a passport you have to give a complete finger prints, but, of course, at that time I hadn't watched Dan Rather's 60 Minutes program, how easy it is to get a passport. But to me it seemed a lot more difficult because I read the form where you got to do all this and go to the

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post office and all that stuff. I just thought it would been easier to get a Seamen's papers than it would have - plus you get paid for what your, you know, your travel.

MR. EVANS: When you left Mexico, Raoul didn't know that you were going to L.A., he didn't know you were in L.A.? He didn't -

A. I told him I was going there, yes.

Q. You told him you were going. Did you -- Did he know where you were going to stay?

A. No. He had no idea where I was gonna stay.

Q. When you got there, there, did you call New Orleans and inform them as to where you were staying?

A. I did later. I told him to write me general delivery if he wanted to contact me, and, I do, I went to the post office one time, but he never did contact me, and, sometime later on I finally contacted New Orleans.

Q. What means did you use, phone?

A. Yes, telephone.

Q. Did you have a phone installed in your first apartment?

A. Yes.

Q. What was the purpose?

A. Well, the main purpose was I thought maybe I'd have to get a job out there and I wanted to use it for a job, you know, use it for prospective employers calling.

Q. Did you ever make any calls from that phone to New Orleans?

A. I didn't, but I think one time I went to New Orleans

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and I took a fellow named Charlie Stein down there. And he was broke and I think he told -- He once used my phone once to call his relatives saying that he was, that he was coming down there or something.

Q. Well you didn't use that phone then to call Raoul?

A. No I didn't use it.

Q. Okay.

Did you use the phone to call anyone outside of the Los Angeles area?

A. I don't know if I did or not. As I say I think Stein called New Orleans once, and -

I, I think I did call -- I knew I called the Coast Guard, and I knew I called - I think I called a place called, some resort outside of California trying to get a job there. I think it was Bear Lake or something.

Q. All right.

Did you make any other long distance calls to anyone, your brother, family members or --

A. No.

Q. Birmingham?

A. No, that's it.

Q. No calls. Okay.

A. Most calls on there I think would be people calling me on work, things like that. I did have several calls offering me employment from the ad I put in the paper.

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MR. LEHNER: I was aking you about professional people that you saw in Los Angeles. Why don't you take it chronologically, who did you see there?

A. Well, let's see, chronologically, I saw - I took the bartending course, and I had a Chinese/Mexican bar.

Q. What was the purpose ot taking that course?

A. Well, I thought maybe I could get a job tending bar.

Q. And did they take any picture of you while you were there?

A. Yes, that's -

Q. And is that the picture where you had your eyes closed?

A. Yes.

Q. What was the reason you had your eyes closed?

Well, I didn't want that particular picture. I Didn't have anything against pictures, but I didn't want - you know, if I took them I just didn't, I never, see, I've never had a picture taken of me except in the penitentiary up until I was - Until I got out this last time. The only shots they've every ahd of me is mug shots. That's one reason why nobody identified me when they started publishing my picture after this King shooting, and so, I'm not interested in having pictures taken, just to have them taken.

Q. Did you finish that course?

A. Yes.

Q. Did you try to get a job as a bartender?

A. No. I'd been getting, I was getting back to dealing

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with Raoul and deals like that, and I finished the course rather late, and I did - Everything runs htogether on this California business, but I did, I think I - See, the bartending course I could have gotten perhaps a job in any place with the course if I had the diploma, I wasn't restricted just to Los Angeles, for instance, if I had got to another country I could have still used that for some type of a reference. I, I renewed the locksmith course. I started it in Canada, I think I renewed it out in Los Angeles.

Q. What was the purpose of that?

A. Well, I, we weren't, we went through that.

Q. The same purpose?

A. Yes, the same one.

Q. Okay.

A. And I, I had read, read quite a bit about hypnosis in the penitentiary and I took, I went out one time and took, in, I didn't take a course, I checked on a guy and he gave me a few gooks to read and - But he really wasn't, no, he was dealing with salesmen or something, in other words, it didn't, I wasn't too interested in it and I think I saw two of those individuals. And I took a dance course in Mexican dance, in Latin Dances and that was it.

Q. What was the purpose of taking the cance course.

A. Well, if I thought maybe I'd be in Latin America sometime. I really wasn't interested in it, and I was more or less hossiered, I guess is the word.

Q. What's the word?

A. Hossiers, I guess, hossiered into it because I really

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wasn't that much interested in it.

Q. You mean you were sort of convinced to take the course?

A. Well, after you get in, it's difficult to get out.

MR. KERSHAW: Have you ever come up against one of those dance studios? They sell you a contract like nobody else.

MR. LEHNER: Well, at this time weren't you interested in saving up money to get out of the country? Why were you spending money on things such as dance lessons and --

A. Actually --

Q. And a plastic surgery job?

A. Well, the plastic, actually, I didn't, none of this stuff cost too much money. I think the plastic surgery was $200, the dance couse was a 100 and something, and the, nothing cost very much money except the dance business, and -

Q. Except that you didn't have any income and you were finished with Raoul as far as you were concerned. You were going try to get out of the country. Didn't you need more money rather than to spend it?

A. Well, I was getting more or less thinking about getting connected up with him again. Because I went back down to New Orleans in December of 1967 and got -- Well, I just got $500, but my probelm was, I didn't have enough money to do what I wanted to do, and I had -- But I had enough to -

MR. GANNON: Not to work?

A. Yes, to spend it foolishly, but of course if I had to on hindsight, I'd probably made a few different moves than

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what I, what I did make.

Q. What was the reason you went to the plastic surgeon?

A. Well, that was to --- I originally had in mind to get the picture for the Merchant Marine card through plastic surgery. I intended to go back there if I stayed there longer to get one. Well, see, on pictures mostly your nose and eyes are what your identifying marks, whereas, if you talk to someone face to face it's usually the eyes and mouth, and I was trying to alter the nose and ears, and that way if I did get some type of phoney pass -- you know, paper through the government, it would be more difficult for them to identify me.

Q. It would be more difficult for them to identify you, - but if you did get into trouble they would finger print you, so you would end up identified that way, wouldn't you?

A. Well, I'm talking about, well, see that's the reason, originally in Canada that's the way I got identified, through pictures not through finger prints. I think, like I mentioned in Merchant Marines papers, you just put your thumb print on there and they take it, of course, this is hindsight and it took the FBI as long as they subsequently did find me well, I could have been anywhere before they could trace me down through the prints, and I don't know, I just thought it was a good idea to try to alter my features a little bit if I was going to get some type of papers, you know, through a government agency.

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Q. How did you have your nose changed? What was the change in your nose?

A. Well, actually there really wasn't anything wrong with the noxe. I told, I told the, I think I told the doctor that I wanted to do TV commercials or something. I wanted plastic surgery.

Q. How was the nose idfferent, different than it is now, before the surgery?

A. Well, before it was straight and it was to one side slightly, you couldn't hardly notice it, so I told him I wanted to, to straighten it out plus sharpen the tip on it, which he did. but he, he process you go through, they freeze you, and then they make the alterations. Well, when I got back to the hotel -- It stays frozen two or three hours. I took the tape off and mashed it down and altered it after he altered it. Whereas, it's not, it's more or less mashed down now.

Q. Did you go back to him since that time that you altered it?

A. Well, I was suppose to go back twice, I went back once to see if it was healing and he said it was, and I was suppose to go back to a second time to get a picture taken, but naturally I didn't.

Q. Well, the time you went back after you altered it, altered it, didn't he notice that it was different from the way he had set it?

A. Well, he apparently didn't, and I think it had, I might have had tape on it too, a little tape on it.

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Q. Didn't he take the tape off to check it out?

A. I'm not sure when he took the tape off. I think he looked under. He looks underneath, he, they're, they are concerned with infection more than they are the finished product.

Q. Now, you take dance lessons, you had your nose altered, what about hypnosis, what did you do on, in that score?

A. Well, I called up some fellow on the phone that was suppose to be -- I read about him in the penitentiary, he was an expert in this field. I read two or three books on it and I went out to him. He was on -- He was way out in the suburbs of Los Angeles and he said he was primarily, his business was to give salesmen more confidence and breaking people of cigarette habits and things like that, and I talked to him once or twice and I think he charged me thirty or forty dollars and give me a couple of books to read, but he was, that really wasn't, I don't think, what his trade was, he was more or less a business consultant, I think.

MR. GANNON: What did you hope to get out of the hypnosis, say, even if this guy had worked out?

A. It, it was more or less just boredom and I was just interested, I had got interested in the penitentiary. I never thought it would -- The only possible way it could help you is that you might be in solitary confinement and it would help you and a lot of people practice hypnosis and Yoga and all that stuff when they are locked up, Yoga exercises, but that could be -- Since I didn't have any habits to speak of, that

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would be the only way it could assist me.

Q. But at that time you weren't expecting to go back, were you?

A. Well, I wasn't expecting it, but I never had ruled it out.

MR. LEHNER: Have you ever taken narcotics?

A. I never have, no.

Q. Ever smoked Marijuana?

A. Not as I know of.

Q. Ever taken highs or lows, pills?

A. Well, in the penitentiary you get all these kinds of, these pills, it's all through the doctor and everything, but all them pills don't do noting for me. I've took various things coming out of these prison pharmacies, but they put you to sleep, but that's about it.

MR. EVANS: You what they call bennies, right?

A. Bennies, benzedrine, yes.

Q. Have you ever taken any of these?

A. Well, not that I know of, I could have very well could have because they use to sell them around filling stations 20 years ago like popcorm. But, I know I haven't taken any in 10 years. If I took any, why I took them inadvertently in jail or --

Q. You didn't, you wouldn't, you wouldn't have taken any after you got out right, after you escaped?

A. No, I'm a hundred perecent certain, I'll take any kind of a scout's oath that I wasn't on any narcotics, the fact is, when they arrested me in England

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they had some false story in the paper about they had found some hypodermic syringe in the commode or something.

They give me a test to see if I had been taking narcotics, but it's a simple process to see if anybody takes narcotics most of them are in the viens or they have scars on their arms or if they, I believe you can run some type of test, at least a blood test to see if you have taken any within a certain period of time. I know they run a test on me in England right after they arrested me.

Q. You said when you were talking before, Mr. Lehner was asking you about money, you said you went to New Orleans in the middle of December and got $500?

A. That correct.

Q. How did you come by that, that money?

A. Well, I met this Raoul in a tavern, I called him, I contacted him and he asked me to come to New Orleans on a certain date, December or something and I went down there. I went down there with some fellow named Stein and I met him at -- Stein wanted to pick up his children or something, but anyway, when I got down there the meeting was short and we just met, talked about possibly going to Mexico and stuff like that, and I mentioned that I was getting short of money, and he gave me $500, and I drove on back and got Stein and went on back.

MR. LEHNER: How much did it cost you round trip by, as far as the gas was concerned?

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A. Well, I don't know, didn't have no money coming down and I paid the gas coming down and he paid, he got some money down somewhere in New Orleans and he paid it coming back, but I don't know how much it cost. it's a long drive,it's, we took 33 hours to get there, I believe it was or something.

MR. GANNON: How did you contact Raoul to set up this meeting in New Orleans? Did you call him on the phone?

A. Yes. I called him on the phone and --

MR. LEHNER: What was the conversation?

A. Well, he wrote -- Well, I'm not sure the conversation, I didn't talk to him and there was some mention about coming down and he wanting to see me or something and, and there was a certain date, a certain date mentioned and I don't know, that's about all I remember about the conversation. I more clearly, I remember more clearly on when I got down there and what I did and what I - than before I went down there.

Q. Is it, it's clear that you called him up to arrange the thing -

A. Yes, he didn't -- Well, when I got to Los Angeles he didn't contact me, that's my fault, I more or less asked for that because I contacted him initially.

Q. Did he write to you?

A. He wrote to me once, but that was, I left a change of address. I think he wrote to me at the -- I got the mail at the hotel. After I left Serrano Street, I moved into a hotel.

Q. Which hotel?

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A. On, Hollywood Boulevard, I can't remember the name now, it was right around the corner, but I think what happened, there was a, I gave him the phone number. I think I gave him the Serrano St. address when I went to New Orleans, and he had the address down there, the Serrano St. Well, when I came back from New Orleans, I moved from Serrano St. to the, to the hotel and now I gave a change of address to the post, to the postman. I don't think I took it to the post office. I think I gave it to the post, postal carrier. I seen him walking down the street there and I changed the address.

Q. The time he wrote to you was after you visited him in New Orleans, after you went from L.A. to New Orleans with Stein, after that time he wrote you a letter?

A. Yes, but I'm not clear just what - I could recollect if I thought about it a little more, but I'm not sure all the details of that. That was, that was after I come back from New Orleans.

Q. What was the purpose of calling him when you called him from L.A. to New Orleans?

A. Well, money and passports and things like - If I remember, I was primarily interested in money then because I was kind of getting short of money.

Q. Did you speak to him?

A. No, not him, no.

Q. You spoke to someone on the phone?

A. Yes.

Q. You told that person you were interested in money and passport?

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A. Well, I didn't say that on the phone, I -

Q. What did you say?

A. Well, I'm not sure, just, I was evasive on it.

Q. What did the person say to you?

A. Well, there was some mention about coming down a certain date and -

Q. That Raoul would be there?

A. Yeh, I could make some kind of a meeting down there.

Q. Was there any reason why you didn't ask, hey, could I speak to Raoul on the phone?

A. There was no reason, that I see, the possibility he wasn't there.

Q. Well, isn't it true that you made that trip to L.A. - from L.A., rather to New Orleans not knowing whether Raoul was going to say I don't have any money for you; and you spent all that money on gas for nothing, because in fact you had given up on what you told me, any hope of him giving you a passport and for all intents and purposes you gave up any crimianl enterprises with him?

A. There wasn't all that interest in money, Stein, I mentioned to Stein later that I was going down there and he, he volunterred to pay for the - I mean there wasn't no big deal on the gas money because it wouldn't have come out to that much, 20 or $25, and they -

Q. You say 20 or $25 from L.A. to New Orleans?

A. Oneway, I believe.

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So they showed interest, and, I thought it would be to my financial interest to go on to find out what their interest was and what it wasn't.

MR. GANNON: Where did you meet Raoul in New Orleans?

A. Well, I checked into the hotel off, in the French Quarter, About seven or eight blocks from Canal Street and I don't know if I called him from the hotel or somewhere else and he give me an address of a tavern and he asked me where I was staying and he gave me an address of a tavern and we went over -

Q. Do you remember the name of the tavern?

A. Yes. I got the name, I get, I drawed a diagram for Huie and he went down there and talked to him, I don't recall now, but I have the name of it.

Q. About what, you said this was in December?

A. Well, yes, it must have been middle or late December.

Q. Do you remember roughly what day it was?

A. No. I don't remember, 17th or -- there's a record of the motel I stayed in, but, I'd say it was December 17th or 18th.

Q. 1967?

A. 67.

Q. And what was the conversation at, when you met him at this tavern?

A. Well, we went into the possibilities of Mexico and taking guns, and I think that's the first time the guns were ever mentioned and what would be my interest, and I indicated that I was interested, and it wasn't too long a conversation. I know I was complaining about money more than anything else, and he just give me $500.

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Q. How did he put it when he brought the gun business up?

A. Well, he put it that I would get considerable amount of money this time. There was mention of 12 thou, 10 or $12,000 and the possibility of a -- He, that's the only time I ever -- any political question ever come up. He mentioned about there was the possibility that I could go into Cuba and go from there to anywhere in the world. And, but I, it was unclear to me how I was going to get to Cuba or anything, you know, fight there, go down there voluntarily and I told him I wasn't too interested in Cuba, but I was interested in 10 or 12,000 and a passport.

Q. Could you be more particular about the bar and the location of it?

A. It's on Canal Street. I think it's about, it's not far from the post office. I imagine about six or seven hundred, it's close to the --

Q. Six or seven what?

A. Six or 700 block. It's close to the river I guess and --

Q. The name of the bar?

A. It's skid row.

MR. EVANS: Did you ever give the name of the bar or the location to anyone?

A. Yes. We got -- Huie went down there and investigators went down there and checked, found it out, but I don't know if, who they interviewed or anything else, but I know the name of it

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is in Huie's book.

MR. LEHNER: Did you -- Do you recall anything about who was there or anybody that either you spoke to or that Raoul spoke to?

A. Yes. Well, no, he didn't speak to anyone. I don't think there was seven or eight people in there. I know there was a female waitress in there and we wasn't in there very long, 15 or 20 minutes. And after I left, why, I went to see Stein and told him I was ready to go back, but he wanted to stay there a couple more days and so I stayed there two more days until he - He was trying to get some money or something.

Q. Did you call anybody in route either from LA to New Orleans or from New Orleans to L.A.?

A. I called my brother, I think either in New Mexico or Arizona.

Q. Where was your brother?

A. He was working in Chicago.

Q. This is Jerry?

A. Yes.

Q. Anybody else you recall?

A. No.

Q. Did you make any other attempted calls?

A. No. I may have called twice, I may have called Jerry once and he wasn't there, but that was the, that would have been the only two.

Q. Where was the other calls were made from? You say one

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from either Arizona or New Mexico or were they both from Arizona or New Mexico?

A. Well, I either made one or two calls. If I made two, it was probably because the first time Jerry wasn't there or something and I believe the reason I made them from New Mexico and Arizona instead of California, I was on the move there and it wouldn't have been no possibility of tracing the call and tracing me to the call.

Q. The last number you had for Raoul in New Orleans you had that on a piece of paper?

A. I got that -- Have I got it on a piece of paper?

Q. Did you have it on a piece of paper?

A. Yes.

Q. And what happened to that paper?

A. I believe that's the one I destroyed either in Montreal- when I got arrested for jaywalking.

Q. What was the conversation, what kind of conversation did you have with your brother when you called him?

A. Well, I was just telling him where I was at and everything's all right, a short conversation. I didn't tell him anything about my affairs or anything like that.

Q. Did you work for the Wallace for President campaign in California?

A. No, I think the way that happened when I first went out there I had Alabama all my identification was from Alabama and there was a lot of publicity at that time about politics, I

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mean, they said something about Alabama and Wallace and all that. And I made a phone call out there one time when I first, after I got the phone connected and inquired about it and they said, well - See, what, what I was going to do if the police stopped me or anything, I would tell them I'm out there working for Wallace or something, but they told me, the people that answered the phone, said no, they said we are just going to be out here two or three months or something, so, consequently instead of telling people I was connected with Wallace, I usually, I told these various bartenders, bartenders and bartending school and everything, dance schools, that I was some sort of a, some type of a entrepeneur, whatever you call it from old Mexico and I woned a tavern in Old Mexico and I just up here trying to buy a tavern in Mexico. That was more or less a cover for, you know, incase the police or references to people I contacted with.

Q. Did you - Did you lose your driver's license and your keys?

A. Did I lose them? I lost the keys.

Q. What about your driver's license?

A. No, I lost the keys out of my coat pocket, I got rolled.

Q. Did you get another set of keys?

A. I got a locksmith to, from Hollywood Boulevard to make me a set.

Q. Well, did you ever lose your driver's license where you had to contact maybe Alabama to get another driver's

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license?

A. No, I don't have any recollection of ever losing any papers. What happened, I thought, you want me to go on now about how I lost the keys and all that stuff?

Q. Sure.

A. This will just take a short time. I went in the tavern and I think I had the Mustang parked across the street and everybody was stirred up out there at that time over politics or something and somebody said something about my Alabama driver's license, the tags on my car, and something about blacks in Alabama and I didn't say much because I didn't want to get in no kind of a brawl in a tavern and get arrested. So, I walked out the door and I started to leave and two people followed me out one a short stocky guy and the other kind of tall. Both of them were white. One of them pulled my coat over my, down over, started hitting me and the one jerked my watch off and then, so I slipped out of the coat and it just so happened this time I had the 38 under the car seat and I, trying to get over and get some equalizer, but I had my keys in my coat pocket, the car keys, but everything else they didn't get anything else. I even had my room keys in my front pocket, my pants pocket, the only thing they got was the car keys. So, There was a church across the street so, I went up around the church and circled back and they come up behind some houses on the same side of the street of the tavern was and I watched the car until it got daylight and I thought the police were going to come over there and investigate the car, so they

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didn't come over, so I went back to the house and changed shirts and then went down to a locksmith on Hollywood Boulevard and had him make me another set of keys and then I went back and bought me another, bought me a watch, I think my father has the watch now, I bought a watch a couple of blocks down.

Q. Did you loseyour wallet in that incident?

A. No, I think the only thing I lost was a watch and a - See, because if I had lost my wallet I'd would have lost my car title and everything.

Q. And your driver's license?

A. Yes.

Q. You don't recall ever losing your driver's license and contacting Alabama to get another driver's license?

A. No, I have, I may have, but I don't have any recollec- I, tried to think about that on account, but I thought if I'd lost them, I would have lost the title too, but --

Q. The CBS interview you got the transcript back, do you have that with you, now?

A. I have it in the cell, I could give it to him.

Q. Could you give it to Mr. Kershaw so we, he could either xerox a copy or we could xerox it and send it back, whatever is more convenient to you?

MR. LEHNER: It is now ten to four. We have just about, have to leave shortly. I do want to spend a couple of minutes with you Mr. Kershaw, just chit-chatting after this is over. I think we could make arrangements for another interview at that time, so is there, if there is anything else we want to

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say on the tape, say it now, otherwise we can cut it off and have our little chat.

MR. KERSHAW: On little brief thing here. Referring to James's letter to me which you gave us this morning, on the third paragraph of page two. If you will look at that.

MR. LEHNER: Yes.

MR. KERSHAW: It is garbled.

MR. RAY: I had to type that fact, I didn't have much time.

MR. KERSHAW: I know, and it doesn't make any sense like it is, Jim. I think what you mean here is, the above-referred-to assistance, that is, that we give the Committtee, other Government bodies, in return for that assistance, other Government bodies should not, could, we believe, render the Committee -- Oh, hell, what you mean is, that, if we do --

MR. LEHNER: I think, why don't you just state what he means by this, I think I understand what he means even though its --

MR. KERSHAW: What is says is, is he'll give all his testimony, but, but we think all these records should be made available to us.

MR. RAY: Well, I think this is condi -

MR. KERSHAW: Is that what you are trying to say there? Or what are you trying to say?

MR. RAY: What I'm trying to say, is, in other words, I would tell the committee, I've done gave them all these releases, lawyer releases, --

MR. KERSHAW: Yes.

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MR. RAY: And I would testify in detail on everything I did up until the escape of the Missouri Prison until April 5, 1968, and in return in the intermediary they should --

MR. KERSHAW: Make these records available.

MR. RAY: The government should make, you know, not, maybe not all of them, but part of them and then I've referred to these various - Sen. Church, he's wanted to burn something, Bella Abzug, and Judge Smith, he's -- I didn't put Judge Smith on there.

MR. LEHNER: I could say this, just to wrap it up for now, that Mr. Kershaw and I have spoken about such as the Judge Smith incident. We have no control over what other people wish to do, all we have control over is what application we can make to appropriate authorities, the courts, to other agencies, and then if they don't comply then we have to consider whether suits are appropriate. But I think it is crystal clear and I'll reiterate it now for the record, that both of our interests coincide in these areas of getting access to all of these things for whatever they lend to the investigation. If they are found to have no relevance so be it, lets find that, and then we can dispose of it, and if they are relevant then we want to get to the relevant portions and investigate it.

MR. KERSHAW: Right, I, that, that's on the record, I just want to clear up that one little garbled paragraph there.

MR. RAY: The point I have been trying to make, if I

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have made it, is that, the committee wouldn't have no leverage if I gave all my testimony, presented all documents, and gave all, released all attorneys from the privilege rule, the Committee or us, neither one, wouldn't have no leverage on the courts or all these things that's been sealed or the Justice Department or anything.

MR. LEHNER: I think I understand, I think I understand what you are saying, let me say this, first of all, you have not testified, you haven't consented to testify, this is not under oath, this is informal conversation, it's being recorded for our investigative purpose, so you have not testified before the Committee, nor have you promised to. Secondly, it is not just your interest to get these things, it is to our interest too. Now, the fact that you are cooperating with us and we are able to tell our Committee Mr. Ray is cooperating with us on, and may be testifying before you and may be testifying at a pulic hearing before you -

MR. KERSHAW: Un huh.

MR. RAY: That's the --

MR. LEHNER: Why can't we put some pressure on these other agencies and get their materials -

MR. KERSHAW: Exactly.

MR. LEHNER: -because you have not promised to testify as of now, and that is something you could always withhold until the very last second.

MR. RAY: Well, see in this letter I have agreed to take all these polygraph tests and all on dondition that, that, that they come up with something, you could lay it on the, put the onus on them, either they come us with it or just forget aobut it, do -

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LEHNER: Well, I have got to tell you about our rules. I have given Mr. Kershaw a copy of those. We cannot do more than request anybody to take a lie detector test. Part of our rules are also that when somone refuses to take a lie detector test we can not in anyway publicize it. If they take a lie detector test the results of it we cannot disseminate publicly, whether favorable or unfavorable. The person taking the test has the option to do whatever he or she wants to do, that's up to that person, so all we can do is request you or anyone else to take a lie detector test we cannot force any particular person. I know you have a interest in having certain people do that, but that cannot be more than asked, and if it is refused, it cannot be publicized in any way. So, I think we do have similar interests and you are not in anyway forclosing yourself when you take the lie detector test to -- whether to reveal it's contents or not.

MR. RAY: See, I want to put the responsibility on the government if they want to cooperate. In other words, I'm willing to go through all that and release everything, but I'm not willing to go through it if they are going to keep everything sealed up and even insignificant things.

MR. KERSHAW: Here's the situation on this Jim, we will make requests, first of all, of these various Committees and say, look, Ray is trying to cooperate and we think it is only fair that the Committee and the, that the defense for Ray have joint access to these records, now, then if they refuse then

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Mr. Lehner will work with me and I will file a petition in court seeking to have these records released and he will do everything that he can to help me and I believe he can go before the court with me.

MR. LEHNER: I think the first order of business would be to make request through the Committee for those things and I think we are going to be successful. I think we are going to be successful, but you should be assured that we have a similar interest with you in this regard.

MR. RAY: What about this question. What if they refuse to cooperate at all, not only --

MR. LEHNER: Which one are you referring to now?

MR. RAY: Well any of them, including Judge Smith, what if they say this is national security and we can't release this?

MR. LEHNER: All you can do in a court is make an application, as you well know having been before the courts, we are the legislative, representatives of the legislative branch in a limited area. We can make the request and then if that is denied we can seek, we could seek -- We could seek it through legal means through suit. But I hink when we are talking about the Church Committee, I think we are going to, I think you are going to find we are going to get cooperation from various other agencies like that.

MR. KERSHAW: I would say this, Jim, and Bob, see if this doesn't sound reasonable to you. If first of all we

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think the Committee will cooperate, Church and Rockefeller, and soforth. If they do not, and the courts refuses our petition, then that will certainly be usable by us in a petition to rehear and in a new trial, that information has been arbitarily withheld and that is prejudicial to them and not to us, and we can make good capital out of that, so if they do we get it and if we don't why they wish they had.

MR. RAY: Well, now, how far should I testify until we start, at least asking them to see what their good faith -

LEHNER: Well let me just say this.

MR. KERSHAW: Well, you aren't testifying at all.

MR. LEHNER: You're not testifying, you are not under oath, all this is, is things for us to go into the field and hopefully we get our money when our appropriation bill passes in two wekks and then we go to Los Angeles, to New Orleans, to Canada and find out what can be corroborated of what we are hearing now and what can't be corroborated.

MR. KERSHAW: In other words, we haven't committed a thing yet. Now, then, we will cross that, the bridge of recalcitrance, or hardheaded or pigheaded committees when we get to them. If they turn out to be that way, we will decide what to do at that time.

MR. LEHNER: Okay, it is now four o'clock, let's end the taping unless there is anything further, Mr. Kershaw?

MR. KERHSAW: No.

MR. LEHNER: Fine, thank you.

(End of April 14, 1977 interview with James Ear. Ray).

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My contacts with Jerry Ray between approximately April 30th 1967 and June 6th 1968, when I was arrested in London, England.

1. Phoned Jerry in May 1967.
2. Later met him on Howard Street ? tavern in May 1967.
3. Met him in Lund Strret ? apartment in June-July 1967.
4. Gave him 1962 Plymouth in August-September 1967.
5. Phoned him from Arizona or New Mexico in, December 1967.

James e. Ray

James E. Ray

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