Wheeling, Illinois (Chicago 44-114 Sub G-26).

Finally, in November, 1968 it became clear that James Ray had been in touch with his brother Jerry. Illinois motor vehicle records showed that on August 25, 1967 James Ray (using the name of John L. Rayns) transferred his 1962 Plymouth to Jerry (HQ 44-38861-5413). This was during the period when James Ray was making his way from Canada to Birmingham, Alabama. It has continued to be a mystery as to why Ray went to Alabama, how he traveled there, and where he obtained the several thousand dollars he had when he arrived.

Thus, at least one family member, Jerry, had lied to the FBI and had become subject to federal criminal charges for aiding a fugitive. He was never confronted with these facts by the Bureau. In the task force interview of Jerry Ray, he confirmed the fact that he had lied to the Bureau and had seen his brother James on several occasions.*/ Jerry denied knowing anything about James' travels or his source of funds (Interview of Jerry Ray, December 20, 1976, App. B). However, the task force found the credibility of Jerry's

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*/ The task force attempted to talk to James and John Ray but an interview was refused in both instances.

denials to be suspect. In light of this low credibility and critical passage of time which has allowed the statute of limitations to run, we concluded that the FBI abandoned a significant opportunity to obtain answers from family members concerning some of the important questions about James Earl Ray which still remain.

D. Critical Evaluation Of The Assassination Investigation

As this report reflects, there was a wealth of information in the files developed by the FBI murder investigation. We have been able to dig up some additional data. Only a small part of any of this information has been made a matter of any official public record. Some of it was embodied in the stipulation agreed to by James Earl Ray and judicially acknowledged in open court by him (with a stated reservation as to agreeing to the wording indicating a lack of a conspiracy). Some emerged in Ray's post-conviction efforts to get a new trial. A quantity of the "unofficial" evidentiary data and a great deal of mis-information was gleaned by the news media and by professional writers. It is understandable therefore that many suspicions have been generated and, because of Justice Department rules against disclosures of raw investigative files, have gone unanswered.

First, the task force has concluded that the investigation by the FBI to ascertain and capture the murderer of

Dr. Martin Luther King, Jr., was thoroughly, honestly and successfully conducted. We submit that the minute details compacted in this report amply support this conclusion.

At the very outset of the investigation telegrams went to all field offices of the Bureau instructing the Special Agents in Charge to take personal supervision of the investigation, to check out all leads in 24 hours, and noting that they would be held personally responsible. (HQ 44-38861-153). The files we reviewed show that this directive was conscientiously followed. The Bureau sought first to identify and locate the murderer using the obvious leads. They checked out aliases, tracked the traces left under the Galt alias, and used the known fingerprints from the murder weapon and the contents of the blue zipper bag left on South Main Street to eliminate suspects. This backtracking ended in Atlanta. At this point the Bureau initiated a check of the crime site fingerprints against the white male "wanted fugitive" print file. This produced the almost "instant" discovery that the wanted man, Galt, was James Earl Ray, an escapee from Missouri State Prison. In fact the "instant" discovery was a tedious hand search started in a file of some 20,000 prints. That it took only two hours to make a match is said by the Bureau experts to

be largely sheer luck; it could have taken days. We accept the explanation that the fingerprint search was a normal next resort after normal lead procedures were exhausted.

Second, the task force views the evidence pointing to the guilt of James Earl Ray as the man who purchased the murder gun and who fired the fatal shot to be conclusive.

It was possible for the task force to create a well documented history of James Earl Ray from the moment of his escape to his capture in England, using the investigation reports in the FBI files and to corroborate and fill in essential details with Ray's own statements (admissions) in his letters to author William Bradford Huie. From this chronology, from the laboratory proof, and from Ray's judicial admissions it was concluded that he was the assassin, and that he acted alone. We saw no credible evidence probative of the possibility that Ray and any co-conspirator were together at the scene of the assassination. Ray's assertions that someone else pulled the trigger are so patently self-serving and so varied as to be wholly unbelievable. They become, in fact, a part of the evidence of his guilt by self-refutation.

Third, we found that conspiracy leads (aliunde Ray's versions) had been conscientiously run down by the FBI even

though they had no possible relation to Ray's stories or to the known facts. The results were negative.

We found no evidence of any complicity on the part of the Memphis Police Department or of the FBI.

We acknowledge that proof of the negative, i.e., proof that others were not involved, is here as elusive and difficult as it has universally been in criminal law. But the sum of all of the evidence of Ray's guilt points to him so exclusively that it most effectively makes the point that no one else was involved. Of course, someone could conceivably have provided him with logistics, or even paid him to commit the crime. However, we have found no competent evidence upon which to base such a theory.

Fourth, it is true that the task force unearthed some new data - data which answers some persistent questions and which the FBI did not seek. But the Bureau concentrated on the principal in the case and much was not considered important to his discovery and apprehension. We find no dishonesty in this. A lead suggesting that one or both of James Earl Ray's brothers were in contact with him after, and in aid of, his escape in 1967 from the Missouri State Prison, and before the murder of Dr. King, was not followed. It was not unearthed until after Ray's capture in England on June 8, 1968; it was then apparently deemed a lead made

sterile by supervening events. By hindsight the task force believes Jerry and John Ray could have been effectively interrogated further to learn their knowledge, if any, of James Earl Ray's plans, his finances and whether they helped him after King's death.

Finally, the task force observed instances of FBI headquarter's reluctance to provide the Civil Rights Division and the Attorney General with timely reports on the course of the murder investigation. For example, early in the investigation in a reaction to a press report of Attorney General Clark's expectation of making a progress report to the nation, FBI Director Hoover wrote: "We are not going to make any progress reports" (HQ 44-38861-1061).

The Bureau files reflect a significant degree of disdain for the supervisory responsibilities of the Attorney General and the operating Divisions of the Department. For example, the Attorney General authorized the institution of prosecutive action against the suspect "Galt" (Birmingham 44-1740-1005). But then, apparently without further consultation with the Attorney General or the Civil Rights Division, the Bureau prepared and filed a criminal complaint. The Bureau selected Birmingham as the venue in which to file the complaint in preference to Memphis because the Bureau "could not rely on the U.S. Attorney at Memphis"

and "would lose control of the situation" (HQ 44-38861-1555). The Bureau scenario called for then advising the Attorney General "that circumstances have required the action taken" (HQ 44-38861-1555).

We submit that in this sensitive case the Departmental officials in Washington should have been consulted.

As another example, at the extradition stage of the case, marked discourtesy was exhibited to the Attorney General and to Assistant Attorney General Fred Vinson. In a telephone discussion with the Attorney General who complained of being "kept in the dark", an Assistant to the Director accused the Attorney General of falsifications and "hung up the phone". Again, when Assistant Attorney General Vinson was detailed to England to arrange for the extradition of James Earl Ray, the Legal Attache was ordered to be "diplomatic but firm with Vinson and that under no circumstances should Vinson be allowed to push our personnel around" (HQ 44-38861-4447).

The task force views this lack of coordination and cooperation as highly improper. The Attorney General and the Division of the Department having prosecutorial responsibility for an offense being investigated should be kept fully abreast of developments. The responsible

Division, moreover, should have sufficient control of the Bureau's investigations to insure that the legal necessities of pleading and proof are met.

In fairness to the Bureau it has to be observed that it is the obligation of the Department to insist on these perogatives. We do not think it effectively did so in the King murder case.

III. THE SECURITY INVESTIGATION

A. FBI Surveillance And Harassment Of Dr. King

1. Initiation of Technical Surveillance and COINTELPRO Type Activities

In order to reconstruct the actions taken by members of the FBI toward Dr. King, the task force scrutinized the basis for the initiation by the Bureau of any action with respect to Dr. King. During the review it was revealed that on May 22, 1961, Mr. Alex Rosen, then Assistant Director of the General Investigative Division (Division 6), advised Director Hoover in an information memorandum, per his request on Dr. King and four other individuals in connection with the "Freedom Riders," that "King has not been investigated by the FBI" (Memo from Scatterday to Rosen, May 22, 1961, App. A, Ex. 7). The memorandum contained few references on Dr. King. The Director commented, with regard to the omission of a subject matter investigation on Dr. King: "Why not?" The substance of the report was forwarded to Attorney General Kennedy, and the FBI did not pursue the King matter at this time. Thus, FBI personnel did not have nor did they assume a personal interest in the activities of Dr. King through May, 1961. Furthermore, in 1961, information in the Bureau files on

Dr. King had only been gleaned from sporadic reports, and this particular report to the Director was provided by Division 6 which had responsibility for civil rights matters.

In the beginning of 1962, the FBI started and rapidly continued to gravitate toward Dr. King. The sequence of events has already been reported in some detail by the Senate Select Committee as well as in the Robert Murphy Report which you received in March, 1976. The task force in its review of pertinent documents confirms these reports.

In essence, the Director communicated to Attorney General Kennedy during 1962 and 1963 a host of memoranda concerning the interest of the Communist Party in the civil rights movement, and, in particular, Dr. King's relationship with two frequently consulted advisors whom the FBI had tabbed as members of the Communist Party. As a result of the deep interest in civil rights affairs by the Attorney General and by the Kennedy Administration, these FBI reports had the effect of alarming Robert Kennedy and affecting his decisions on the national level.

The net effect of the Bureau memoranda nearly culminated in the summer of 1963 when Attorney General

Kennedy suggested consideration of technical surveillance on King and the SCLC (HQ 100-106670-3631). Previously, the bulk of FBI intelligence on Dr. King was secured by technical surveillance of one of his advisors and from informants close to his associates. However, when Attorney General Kennedy was confronted shortly thereafter with the Director's request for such surveillances, he reconsidered his suggestion and denied the request (HQ 100-106670-165, 171). Attorney General Kennedy as well as several other Department officials were sincerely concerned with King's association with alleged communist members since proposed civil rights legislation was then very vulnerable to the attack that communists were influencing the direction of the civil rights movement. Yet, an affirmative program to gather intelligence with King as the subject was still considered ill-advised. However, a significant turn of events within the circles of the FBI hierarchy would soon reverse the Attorney General's decision, and without his knowledge the FBI would also launch an illegal counter-intelligence program directed to discredit and neutralize the civil rights leader.

Director Hoover's demeanor toward Dr. King has been well publicized and is summarized below. Certainly, as the task force determined, this played a vital role in

FBI affairs, as did the Director's attitude toward the Communist Party. On August 23, 1963, then Assistant Director of the Domestic Intelligence Division, William C. Sullivan, pursuant to the Director's request, presented a seventy-page analysis of exploitation and influence by the Communist Party on the American Negro population since 1919 (HQ 100-3-116-253X). This report and Mr. Sullivan's synopsis showed a failure of the Communist Party in achieving any significant inroads into the Negro population and the civil rights movement. Director Hoover responded:

> "This memo reminds me vividly of those I received when Castro took over Cuba. You contended then that Castro and his cohorts were not Communists and not influenced by Communists.. Time alone proved you wrong. I for one can't ignore the memos as having only an infinitesimal effect on the efforts to exploit the American Negro by Communists" (HQ 100-3-116-253X).

The Director's comment had a resounding effect on Mr. Sullivan. Seven days later, he replied:

> "The Director is correct. We were completely wrong about believing the evidence was not sufficient to determine some years ago that Fidel Castro was not a communist or under communist influence. In investigating and

> writing about communism and the American Negro, we had better remember this and profit by the lesson it should teach us." (Memo from Sullivan to Belmont, August 30, 1963, App. A, Ex. 8).

Even more importantly, Mr. Sullivan also said in response to the action that he now believed was necessitated in determining communist influence in the civil rights movement:

> "Therefore, it may be unrealistic to limit ourselves as we have been doing to legalistic proof or definitely conclusive evidence that would stand up in testimony in court or before Congressional committees that the Communist Party, USA, does wield substantial influence over Negroes which one day could become decisive." (idem.)

The FBI hierarchy had no written comments on this memorandum either supporting or negating the Assistant Director's proposed line of action.

Then, in September, 1963, Mr. Sullivan recommended "increased coverage of communist influence on the Negro" (Memo from Baumgardner to Sullivan, September 16, 1963, App. A, Ex. 9). The Director refused and commented:

> "No I can't understand how you can so agilely switch your thinking and evaluation. Just a few weeks ago you contended that the Communist influence in the racial movement was ineffective and infinitesimal. This - notwithstanding

> many memos of specific instances of infiltration. Now you want to load the field down with more coverage in spite of your recent memo depreciating CP influence in racial movement. I don't intend to waste time and money until you can make up your minds what the situation really is" (idem.)

In commenting on a cover memo to the above Sullivan request, Director Hoover also stated, "I have certainly been misled by *previous* memos which clearly showed communist penetration of the racial movement. The attached is contradictory of all that. We are wasting manpower and money investigating CP effect in racial movement if the attached is correct" (Memo for the Director from Tolson, September 18, 1963, App. A, Ex. 10).

By now the Domestic Intelligence Division was feeling the full weight of the Director's dissatisfaction with their work product. Mr. Sullivan again replied on September 25, 1963, in a humble manner that Division 5 had failed in its interpretation of communist infiltration in the Negro movement (Memo from Sullivan to Belmont, September 25, 1963, App. A, Ex. 11). The Assistant Director asked the Director's forgiveness and requested the opportunity to approach this grave matter in the light of the Director's interpretation. Director Hoover sanctioned this request but again reprimanded Mr. Sullivan for stating

that communist infiltration "has not reached the point of control or domination." The Director curtly commented that "Certainly this is not true with respect to the King connection" (idem). One could now foresee that Dr. King would be closely watched by FBI personnel.

In October, 1963, the Director forwarded a request to the Attorney General for technical surveillance of Dr. King's residence and the SCLC office in New York City. This time the FBI received authorization for technical surveillance and it was instituted almost immediately. In addition, the FBI had prepared a new analysis on communist involvement in the Negro movement (Communism and the Negro Movement, October 16, 1963, App. A, Ex. 12). A cover memorandum of this analysis written by Assistant to the Director A.H. Belmont to Associate Director Clyde A. Tolson reads:

> "The attached analysis of Communism and the Negro Movement is highly explosive. It can be regarded as a personal attack on Martin Luther King. There is no doubt it will have a heavy impact on the Attorney General and anyone else to whom we disseminate it ... This memorandum may startle the Attorney General, particularly in view of his past association with King, and the fact that we are disseminating this outside the Department" (Memo from Belmont to Tolson, October 17, 1963 App. A, Ex. 13).

To the latter part, the Director wrote, "We must do our duty." Mr. Belmont further said:

> "Nevertheless, the memorandum is a powerful warning against Communist influence in the Negro movement ..."

The Director issued his feeling to this position and added, "I am glad that you recognize at last that there exists such influence."

2. Predicate for the Security Investigation

The security investigation of Dr. Martin Luther King, Jr., and the Southern Christian Leadership Conference (SCLC) was predicated on the belief that they were under the influence of the Communist Party, United States of America (CPUSA). The basis for this belief was that Dr. King relied upon one particular advisor who was tabbed by the FBI as a ranking Communist Party member (HQ 100-392452-133).

This characterization of the advisor was provided by sources the Bureau considered reliable. The task force was privy to this characterization through both our file review and our September 2, 1976, conference with representatives of the Bureau's Intelligence Division. For security purposes the sources were not fully identified to the task force. Therefore, the veracity of the sources and the characterization are remaining questions.

The advisor's relationship to King and the SCLC is amply evidenced in the files and the task force concludes that he was a most trusted advisor. The files are replete with instances of his counseling King and his organization on matters pertaining to organization,

finance, political strategy and speech writing. Some examples follow:

The advisor organized, in King's name, a fund raising society (HQ 100-106670-47, 48). This organization and the SCLC were in large measure financed by concerts arranged by this person (HQ 100-106670-30). He also lent counsel to King and the SCLC on the tax consequences of charitable gifts.

On political strategy, he suggested King make a public statement calling for the appointment of a black to the Supreme Court (HQ 100-106670-32, 33). This person advised against accepting a movie offer from a movie director and against approaching Attorney General Kennedy on behalf of a labor leader (HQ 100-106670-24). In each instance his advice was accepted.

King's speech before the AFL-CIO National Convention in December, 1961 was written by this advisor (HQ 100-392452-131). He also prepared King's May 1962 speech before the United Packing House Workers Convention (HQ 100-106670-119). In 1965 he prepared responses to press questions directed to Dr. King from a Los Angeles radio station regarding the Los Angeles racial riots and from the "New York Times" regarding the Vietnam War.

The relationship between King and his advisor, as indicated, is clear to the task force. What is not clear is whether this relationship ought to have been considered either a possible national security threat or CPUSA directed. We conclude that justification may have existed for the opening of King's security investigation but its protracted continuation was unwarranted.

Our conclusion that the investigation's opening may have been justified is primarily based on memoranda, summarized below, written during the first six months of 1962. It is pointed out that in October, 1962 the Bureau ordered the COMINFIL SCLC investigation (HQ 100-438794-9).

In January the Director wrote the Attorney General and told him that one of King's advisors was a communist. At this time he also pointed out that the advisor wrote King's December, 1961 AFL-CIO speech and assisted King in SCLC matters (HQ 100-392452-131).

In March the Attorney General was advised that a March 3, 1962 issue of "The Nation" magazine carried an

article critical of the administration's handling of civil rights. The article was ostensibly written by Martin Luther King but in fact the true author was another advisor characterized by the FBI as a ranking member of the Communist Party (HQ 100-106670-30, 31).

In May the Attorney General learned that the CPUSA considered King and the SCLC its most important work because the Kennedy Administration was politically dependent upon King (HQ 100-106670-58).

Lastly, in June, 1962 the Attorney General became aware that King's alleged Communist advisor had recommended the second ranking Communist to be one of King's principal assistants (HQ 100-106670-79, 80). Later King accepted the recommendation.

The conclusion that the investigation's continuance was unwarranted is based on the following task force finding:

The Bureau to date has no evidence whatsoever that Dr. King was ever a communist or affiliated with the CPUSA. This was so stated to us by representatives of the Bureau's Intelligence Division during our September 2, 1976 conference. This admission is supported by our perusal of files, which included informants' memoranda and physical, microphone and telephone surveillance memoranda, in which we found no such indication concerning Dr. King.

The Bureau provided us with no documentation that the SCLC under Dr. King was anything other than a legitimate organization devoted to the civil rights movement.

The Bureau files that we examined lacked any information that the alleged Communists' advice was dictated by the CPUSA or inimical to the interests of the United States. Indeed, in early 1963 the Bureau learned through reliable sources the principal advisor had disassociated himself from the CPUSA. His reason was the CPUSA was not sufficiently involving itself in race relations and the civil rights movement (HQ 100-392452-195).

3. King-Hoover Dispute

The flames of Director Hoover's antipathy for Dr. King were fanned into open hostility in late 1962 when Dr. King criticized the Bureau's performance during an investigation of a racial disturbance in Albany, Georgia. Efforts to interview King by the Bureau were not successful (HQ 157-6-2-965) and the matter lay dormant for a time.

The controversy was publicly rekindled in early 1964 when the Director testified before a House appropriations subcommittee that he believed communist influence existed

in the Negro movement. King countered by accusing the Director of abetting racists and right wingers (HQ 100-3 116-1291). During November of 1964, the Director told a group of Washington women reporters that King was "the most notorious liar in the country." A week later, Director Hoover referred to "sexual degenerates in pressure groups" in a speech at Loyola University (HQ 162-7827-16).

Dr. King and his immediate staff requested a meeting with Director Hoover to clear up the misunderstanding. The meeting was held on December 1, 1964. Hoover claimed that "he had taken the ball away from King at the beginning," explaining the Bureau's function and doing most of the talking. On the other hand, King apologized for remarks attributed to him and praised the work of the Bureau. Thus, an uneasy truce was momentarily reached. (HQ 100-106670-563, 607.)

However, the controversy flared again when a letter was circulated by the Southern Christian Educational Fund (SCEF) which referred to the criticism of Dr. King by the Director and urged the recipients of the letter to write or wire the President to remove Hoover from office. In a memo from Sullivan to Belmont on December 14, 1964, Sullivan stated:

"In view of this situation, realism makes it mandatory that we take every prudent step that we can take to emerge completely victoriously in this conflict. We should not take any ineffective or half-way measures, nor blind ourselves to the realities of the situation." (HQ 100-106670-627.)

We believe the persistent controversy between Dr. King and Director Hoover was a major factor in the Bureau's determination to discredit Dr. King and ultimately destroy his leadership role in the civil rights movement.

4. Technical Surveillance

Our review of FBI files and interviews with Bureau personnel substantially confirms with a few additions the findings which have already been reported by Mr. Murphy and the Senate Select Committee on Intelligence with respect to the electronic surveillance of Dr. King and his associates.

We found that some microphone surveillances were installed in New York City against Dr. King and his associates which have not thus far been reported. These installations were as follows:

Americana Hotel (HQ 100-106670-2224, 4048)
4/2-3/65 (symbol)
6/3-3/65 (symbol)
1/21-24/66 (no symbol)

Sheraton Atlantic (NY 100-136585 Sub-Files 7-8)
12/10-11/65 (symbol)

New York Hilton (NY 100-136585 Sub Files 11-12)
10/25-27/65 (symbol)

All of these installations with the exception of the placement at the Americana Hotel in January, 1966 appear to have been unproductive either because Dr. King did not reside at the hotel as planned or the recordings made did not pick up any significant information.

The installation by the New York Field Office at the Americana Hotel on January 21, to 24, 1966, caused some consternation within the FBI hierarchy and is illustrative of how the Bureau apparatus could, on rare occasion, continue to function even contrary to the wishes of the Director. The installation was made at the Americana on January 21, 1966, pursuant to the request of SAC Rooney in New York. Assistant Director William Sullivan authorized the coverage. Bureau files indicate that Associate Director Clyde Tolson, upon being informed of the coverage, wrote back on the same day in a rather perturbed fashion to have the microphone removed "at once." Tolson advised the Director that "no one here" approved the coverage and that he had again instructed Sullivan to have no microphone installations without the Director's approval. Hoover confirmed Tolson's directive. (HQ 100-106670-2224X).

No symbol number was ever attached to this coverage as was the standard practice. This was apparently due to the strong disapproval voiced by Headquarters. Yet, despite

Hoover's orders, the coverage was maintained and a good deal of intelligence on King's personal activities was obtained and transcribed. These activities are reflected in a six page memorandum. (HQ 100-106670-4048.)

Irrespective of the level of Bureau approval which was required for electronic surveillance installations during the King years, our review reinforced the conclusions of the Senate Select Committee that the purposes behind this intelligence gathering became twisted. Several instances of Bureau correspondence are instructive. Section Chief Baumgardner in recommending coverage of King in Honolulu urged an exposure of King's "moral weakness" so that he could be "for the security of the nation, completely discredited" (HQ 100-106670 June File, Memo Baumgardner to Sullivan, January 28, 1964). In a similar memo from Sullivan to Belmont recommending coverage in Milwaukee at the Schroeder Hotel, the expressed purpose was to gather information on "entertainment" in which King might be engaging similar to that "uncovered at the Willard Hotel" (HQ 100-106670 June File, Memo Sullivan to Belmont, January 17, 1964).

Director Hoover, upon being informed of the results of the surveillance, ordered that they all be immediately transcribed despite DeLoach's recommendation that the transcribing be done later (HQ 100-106670-1024). As each of the

file reviews has shown, portions of summaries of the transcripts were widely disseminated among governmental officials. These disseminations included a rather comprehensive six volume transmittal by the Bureau in June, 1968. This was at the apparent request of the President through Special Counsel Larry Temple for all information concerning Dr. King, including the instructions and approval of former Attorney General Kennedy regarding the electronic surveillance of King (Memo R. W. Smith to William Sullivan, June 2, 1968, referring to memo DeLoach to Tolson, May 24, 1968, setting forth the President's request). Included with the transcripts were several summaries, previously disseminated, and several hundred pages of Bureau communications to the White House from 1962 to 1968 regarding King and his associates. The purpose of the White House request was not stated, but it was the most complete accumulation of transmitted information on the electronic surveillance of King which we encountered during our review of Bureau files. The task force noted the timing of the alleged White House request and subsequent transmittal particularly in light of

Director Hoover's communication to the White House on March 26, 1968 (included in the transmittal) which advised that Robert Kennedy had attempted to contact Dr. King before announcing his candidacy for the Presidency (HQ 100-106670-3262).

The task force reviewed selected portions of all of the transcripts in the King file as well as selected portions of several tapes from which the transcripts were obtained. An inventory of the tapes reviewed is set forth below:

1) Washington, D.C., 1/5-6/64 (Willard Hotel, 15 reels) - Reel Nos. 1-6, 9, 10, 11, 12 and 14

2) Atlanta Tape (symbol) (one reel)

3) Composite Tape 12/15/64
Track No. 1 - Washington, D.C. recordings
(edited version of 15 reels)

Essentially, we reviewed the tapes by listening to the beginning, middle, and end of each tape and compared it to the corresponding transcript. They were basically accurate transcriptions in the sense that what was in the transcripts was also on the tapes. However, some material on the tapes was not put on the transcripts apparently because either that portion of the recording was garbled or unclear or it was considered unimportant.

Our review of the composite tape, the Atlanta tape and the agents handwritten notes included in the box with the recordings from the Willard Hotel gave an additional indication of where the Bureau's interest lay with respect to Dr. King. The composite tape contained "highlights" of the fifteen reels of tape from the Willard Hotel and appeared to consist of little more than episodes of private conversations and activities which the Bureau chose to extract from the original recordings. The Atlanta tape was obtained from the telephone tap on the King residence and consisted of several of Dr. King's conversations. These included conversations of Dr. King with his wife regarding his personal life and had nothing to do with his political or civil rights activities. The handwritten notes from the original Willard tapes contained notations as to what point in the tape a particular personal activity or conversation took place.

5. COINTELPRO Type and Other Illegal Activities

The task force has documented an extensive program within the FBI during the years 1964 to 1968 to discredit Dr. King. Pursuant to a Bureau meeting on December 23, 1963 to plan a King strategy and the Sullivan proposal in January, 1964 to promote a new black leader, the FBI accelerated its

program of disseminating derogatory information, which was heavily fraught with the Bureau's own characterizations of King, to various individuals and organizations who were in critical positions vis-a-vis the civil rights leader. Our review has essentially confirmed those already performed by the Civil Rights Division and the Senate Select Committee and we, therefore, do not dwell on those areas which they have already covered. We did find, however, additional proposed activities against Dr. King, some of which were approved by the Director. They are instructive not only in revealing the extent to which the Bureau was willing to carry its efforts but also in showing the atmosphere among some of the rank and file which this program against King created.

In November, 1964, the Bureau discovered that Dr. King was desirous of meeting with high British officials while in England during King's planned trip to Europe. Section Chief Baumgardner recommended a briefing for the purpose of informing British officials concerning King's purported communist affiliations and private life (HQ 100-106670-522, 523). Within three days the briefings had been completed (HQ 100-106670-525, 534, 535).

One particular dissemination, the contents of which was not revealed in the files, was apparently initiated and carried out personally by the Director. On January 22, 1965, the SAC in Atlanta advised Mr. Sullivan that, pursuant to their electronic surveillance, the Bureau learned that King had phoned Ralph Abernathy and complained that Hoover had had a meeting with a particular Atlanta official while in Washington attending the Inauguration. According to King, when this official returned to Atlanta he contacted Dr. King senior and passed on a "good deal" of information. According to Sullivan's memo to Belmont, Dr. King, Jr. was very upset (HQ 100-106670-768). The files did not reveal any formal proposal for this briefing but Section Chief Baumgardner later speculated that the Atlanta official was Chief of Police Jenkins since the Director had met with him on January 18, 1965 (HQ 100-106670-780). The files do not indicate whether the Director suggested that the information be passed on to Dr. King's father.

In connection with the post-assassination efforts to declare a national holiday in memory of Dr. King the Senate Select Committee has outlined in its report the attempts by the Bureau to prevent such a declaration by briefing various members of Congress on King's background (HQ 100-106670-3586). We discovered that the Bureau also sent a monograph on King to the President and the Attorney General in 1969 for this same purpose (HQ 100-106670-3559).

The Bureau's efforts to discredit Dr. King's movement also included attempts to damage the reputation of King's family and friends. The Bureau looked very closely at Coretta King although a security investigation was never opened. This included scrutinizing her travels in an attempt to uncover possible facts embarrassing to her. These attempts also included a plan, proposed

by Assistant to the Director DeLoach and approved by Hoover to leak information to the press that Coretta King and Ralph Abernathy were deliberately plotting to keep the assassination in the news by claiming a conspiracy existed in order to keep monetary contributions flowing for their benefit (HQ 44-38861-5654).

Ralph Abernathy and Andrew Young also became Bureau targets. Shortly after the assassination the field was instructed to report any information on possible "immoral activities" of King's two associates (HQ 62-108052-Unrecorded serial, Atlanta to Director, April 29, 1968). Presumably there were COINTELPRO type purposes behind this request.

The Atlanta Field Office in attempting to demonstrate the initiative and imagination demanded by Headquarters proposed additional measures against Ralph Abernathy. The Bureau learned that after Dr. King's death, Rev. Abernathy may have voiced some concern over possible assassination attempts on his own life. The Atlanta office proposed that the Bureau begin notifying Abernathy directly (instead of only informing the police) of all threats against him in order to confuse and worry him (HQ 62-108052-Unrecorded serial, Atlanta to Director, March 28, 1969). This activity was not approved by Headquarters.

Bureau files indicate that the FBI may have also attempted to help the executive branch in its efforts to deal with Abernathy after King's death. In a memo to Associate Director Tolson, Director Hoover related a telephone conversation with former Vice President Agnew in which Mr. Agnew expressed concern over the "inflammatory" statements which Abernathy had made. The Vice President was seeking information from Hoover which could be useful in destroying the credibility of Rev. Abernathy. Hoover agreed to the request (HQ 100-106670-Unrecorded serial, Hoover to Tolson, May 18, 1970). We did not find what information, if any, was forwarded to the Vice President.

Finally, we discovered that a series of illegal surreptitious entries was conducted by the FBI. Some of these entries had as one purpose, among others, the obtaining of information about Dr. King. The FBI in the review of its indices was unable to locate records of any entries onto the premises of Dr. King or the SCLC.

The agents began to retrieve information about Dr. King during these entries through the use of photographs. In one instance a supervisor in the appropriate field office requested authority to conduct an entry for the express purpose of obtaining information about Dr. King. The proposed entry was approved at Headquarters pursuant to a telephone call by an Inspector and was later conducted.

On four subsequent occasions the Bureau again conducted entries and obtained information concerning King and the SCLC. On one such occasion a specimen of King's handwriting was obtained. The purpose of gathering this piece of intelligence was not revealed.

Bureau policy at the time of these entries required the approval of such field requests by Director Hoover or Associate Director Tolson (Memo Director, FBI, to Attorney General, September 23, 1975). We assume that such approval was granted. Handwritten

notations on the field office memos indicate that the Bureau was advised of the entries in each case.

We also raise the issue of these illegal entries because aside from being violative of Fourth Amendment rights the entries ran the risk of invading a privileged relationship.

We note in passing that the FBI continued to employ an informant in the SCLC despite the fact that the informant conceded to agents that the informant had embezzled some SCLC funds. The Bureau voiced strong disapproval of these activities. Yet, no legal or disciplinary action was ever taken with respect to the informant (HQ 134-11126-56, 57).

B. Critical Evaluation of the Security Investigation

In the area of domestic intelligence the mandate of the FBI has been both broadly and vaguely defined. It is stated in the Code of Federal Regulations as follows:

> (The FBI shall:) carry out the Presidential directive of September 6, 1939, as reaffirmed by Presidential directives of January 8, 1943, July 24, 1950 and December 15, 1953, designating the Federal Bureau of Investigation to take charge of investigative work in matters relating to espionage, sabotage, subversive activities, and related matters (28 CFR 0.85 (d)).

Given this charter and the history of the sometimes overpowering influence of the views of the late Director J. Edgar Hoover on his subordinates and on succesive Attorneys General, it was understandable that a security investigation should be initiated into the possible influence of the Communist Party, U.S.A., on Dr. Martin Luther King, Jr. Two of King's close advisors, at the outset of the security matter, were reported to be Communist Party members by sources relied upon by the Bureau.

The security investigation continued for almost six years until Dr. King's death. It verified, in our view, that one alleged Communist was a very influential advisor to Dr. King (and hence the Southern Christian Leadership Conference) on the strategy and tactics of King's leadership of the black civil rights movement of the early and mid-sixties. Another had no such weight although he seemed to be of use to King. But this very lengthy investigative concentration on King and on

the principal advisor established, in our opinion, that he did not "sell" Dr. King any course of conduct or of advocacy which can be identified as communist or "Party line". King, himself never varied publicly or privately from his commitment to non-violence and did not advocate the overthrow of the government of the United States by violence or subversion. To the contrary, he advocated an end to the discrimination and disenfranchisement of minority groups which the Constitution and the courts denounced in terms as strong as his. We concluded that Dr. King was no threat to domestic security.

And the Bureau's continued intense surveillance and investigation of the advisor clearly developed that he had disassociated himself from the Communist Party in 1963 because he felt it failed adequately to serve the civil rights movement. Thus the linch-pin of the security investigation of Dr. King had pulled himself out.

We think the security investigation which included both physical and technical surveillance, should have been terminated on the basis of what was learned in 1963. That it was intensified and augmented by a COINTELPRO type campaign against Dr. King was unwarranted; the COINTELPRO type campaign, moreover, was ultra vires and very probably in violation of 18 U.S.C. 241 (and 242), i.e. felonious.

The continuing security investigation reflects also that the Attorney General and the Division charged with responsibility for internal security matters failed badly in what should have been firm supervision of the FBI's internal security activities.

IV. RECOMMENDATIONS

A. As To The Murder Investigation

The task force does not fault the technical competence of the investigation conducted into the death of Dr. King. We found no new evidence which calls for action by State or Federal Authorities. Our concern has developed over administrative concomitants of the crime detection tactics.

1. The progress of such sensitive cases as the King murder investigation and the development of legally sufficient evidence to sustain prosecution are properly the ultimate responsibility of the Division of the Department having supervision of the kind of criminal prosecution involved. The Division head should delineate what progress reports he wishes. The Bureau should not be permitted to manipulate its submission of reports to serve its purposes, such as the protection of its public relation efforts, or the prevention of the responsible Division of the Department from causing the Bureau to pursue a line of inquiry which the Bureau does not approve. The Attorney General and his Assistants are the officers most accountable to the electorate and they, not the police agency, must maintain effective supervision.

2. As a corollary of our espousal of tighter Department authority over the FBI, we recommend that the Bureau's public relations activities and press relations be controlled by the Attorney General's Office of Public Information. Clear directives to prevent the development of personality cults around particular Bureau Directors and officials should be drawn. Bureau press releases should be cleared through the Office of Public Information.

3. The task force recommends that in sensitive cases no criminal action be instituted by the Bureau without the closest coordination and consultation with the supervising Division of the Department. This supervision by the Department should be as tight as the control and consultation the Bureau had with its Field Offices as exhibited in our review of the assassination investigation.

4. It was observed that almost no blacks were in the FBI special agent's corps in the 1960's and none in the Bureau's hierarchy. This undoubtedly had the effect of limiting not only the outlook and understanding of the problems of race relations, but also must have hindered the ability of investigators to communicate fully with blacks during the murder investigation. By way of illustration had there been black agents in the Memphis Field Office participating fully in the investigation of Dr. King's murder, it is unlikely that the interviews with

at least three black members of the Memphis Police and Fire Department would have been overlooked. It is also very probable that black citizen "lead" input would have been greater.

B. As To The Security Investigation

The task force was charged to address itself particularly to the question of whether the nature of the relationship between the Bureau and Dr. King called for criminal prosecution, disciplinary proceedings, or other appropriate action. Our responses follow.

1. Because the five year statute of limitations has long since run we cannot recommend criminal prosecution of any Bureau personnel, past or present, responsible for the possible criminal harrassment of Dr. King. (18 U.S.C. 3282). No evidence of a continuing conspiracy was found.

2. The responsibility for initiating and prolonging the security investigation rested on the deceased Director of the Bureau and his immediate lieutenants, some of whom are also deceased and the remainder of whom are retired. They are beyond the reach of disciplinary action. The few Bureau personnel who had anything to do with the King security investigation and who are still in active service, did not make command decisions and merely followed orders. We do not

think they are the proper subjects of any disciplinary action. Some of the activities conducted, such as the technical electronic surveillance, had the approval of the then Attorney General. The Courts had not adequately dealt with what authority rested in the executive branch to initiate such surveillance in the interest of "national security". We do not think the "leg men" in the Bureau should be held to an undefined standard of behavior, much less a standard not observed by the highest legal officer of the government.

The Bureau's COINTELPRO type activities, the illicit dissemination of raw investigative data to discredit Dr. King, the efforts to intimidate him, to break up his marriage, and the explicit and implicit efforts to blackmail him, were not fully known to the Department, but were none-the-less ordered and directed by Director Hoover, Assistant to the Director DeLoach, Assistant Director Sullivan and the Section Chief under him.

In our view their subordinates were far removed from decision responsibility. Moreover, we think the subordinates clearly felt that, by reason of Director Hoover's overpowering and intimidating domination of the Bureau, they had no choice but to implement the Bureau's directions. Punitive action against the very few

remaining subordinate agents would seem to the task force to be inappropriate in these circumstances and at this very late date.

3. The Bureau's illicit surveillance produced tapes and transcripts concerning King and many others. These may be sought by King's heirs and representatives. Worse still, they may be sought by members of the public at large under the Freedom of Information Act. We recommend that these tapes and transcripts be sealed and sent to the National Archives and that the Congress be asked to pass legislation denying any access to them whatever and authorizing and directing their total destruction along with the destruction of material in reports and memoranda derived from them.

4. The potential for abuse by the individual occupying the office of Director of the FBI has been amply demonstrated by our investigation. We think it is a responsibility of the Department in the first instance and, secondarily, of the Congress to oversee the conduct of the FBI (and the other police agencies of the government). We endorse the establishment by the Attorney General of the Office of Professional Responsibility on December 9, 1975, as an effective means for intra-departmental policing of the Bureau. We also think the permanent

Senate Select Committee on Intelligence is an appropriate agency of the legislative arm to oversee the performance of the Bureau. Both the Office of Professional Responsibility and the Senate Select Committee should be expressly designated in their respective enabling regulations and resolutions to be a place to which Bureau subordinates may complain, confidentially and with impunity, of orders which they believe to threaten a violation of the civil rights and liberties of citizens and inhabitants of the United States.

5. It seems to us that the unauthorized malicious dissemination of investigative data from FBI files should be more than the presently prescribed misdemeanor (5 USC 552a(i)(1)). A felony penalty should be added.

Parenthetically, it should be noted here that it should be made clear that it is improper (but not criminal)

for the Bureau to by-pass the Attorney General and deal directly with the White House.

6. The task force recommends that the FBI have no authority to engage in COINTELPRO type activities which involve affirmative punitive action following Star Chamber decisions with respect to citizens or inhabitants (See 18 U.S.C. 241 and 242). We believe that the guidelines which the present Attorney General has established to govern the FBI's domestic security investigations effectively preclude these activities. Those guidelines moreover, appear to us to permit only strictly legal investigative techniques to be employed in full scale domestic security investigations. This too we endorse.

The foregoing comprises our report and recommendations. It is respectfully submitted.

The Martin Luther King, Jr. Review Task Force

FRED G. FOLSOM

JAMES F. WALKER

JOSEPH T. GROSS, JR.

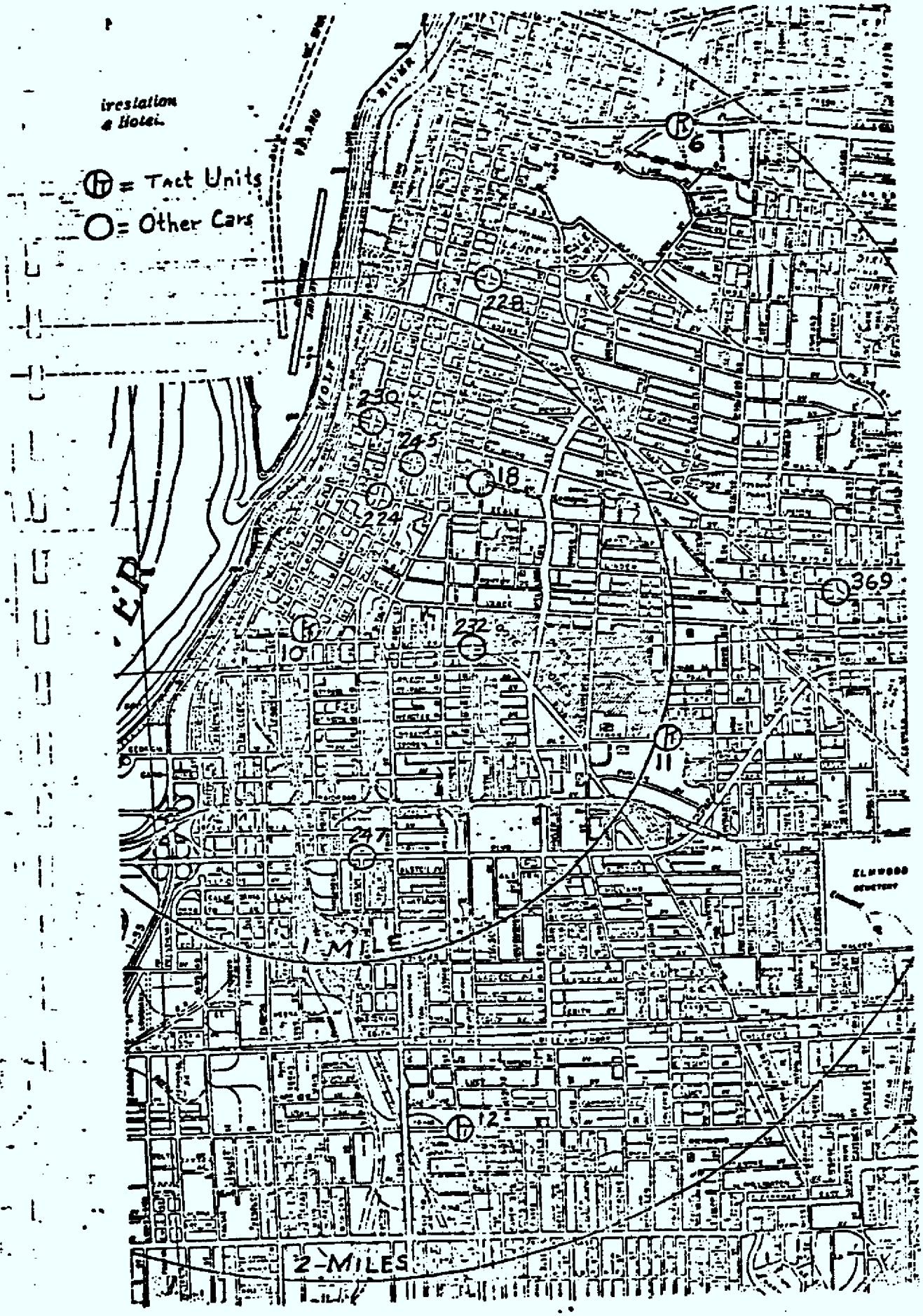
WILLIAM D. WHITE

JAMES R. KIECKHEFER

January 11, 1977

APPENDIX A

EXHIBIT 1


irestation
e Hotel
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WOLF
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6
228
230
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ELMWOOD
CEMETERY
1 MILE
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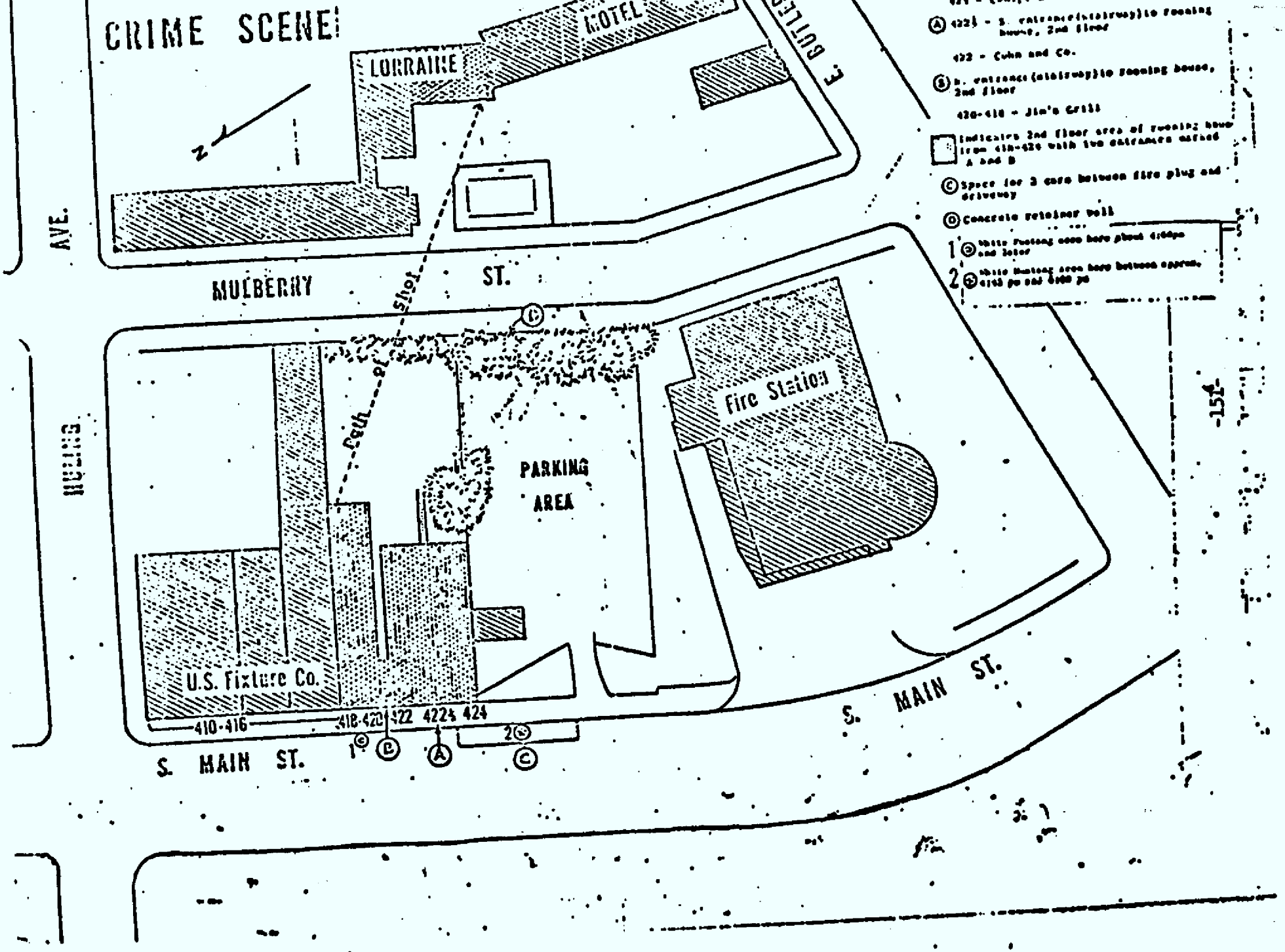
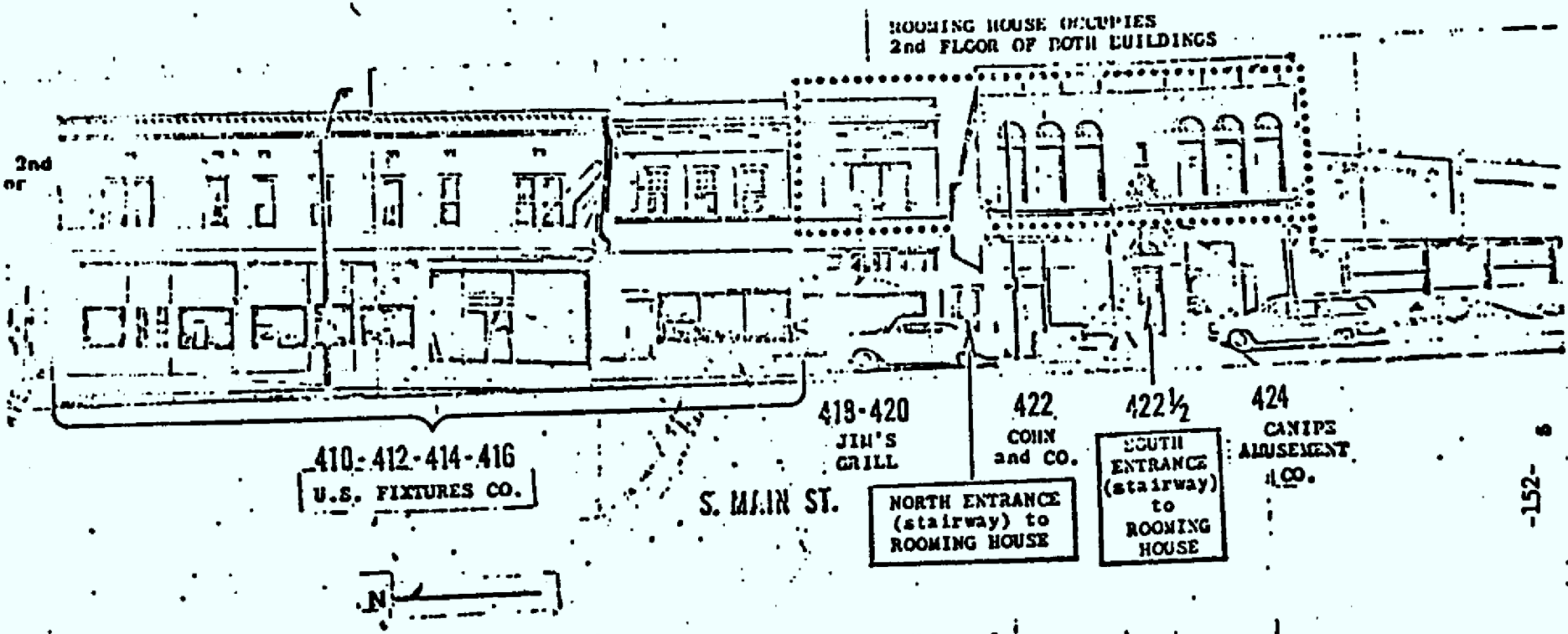
EXHIBIT 2


CRIME SCENE
LORRAINE MOTEL
MULBERRY ST.
AVE.
Path of shot
PARKING AREA
Fire Station
U.S. Fixture Co.
410-416
418-420
422
422½
424
S. MAIN ST.
S. MAIN ST.
-154-
Ⓐ 422½ - S. entrance (stairway) to rooming house, 2nd floor
422 - Cohn and Co.
Ⓑ S. entrance (stairway) to rooming house, 2nd floor
420-418 - Jim's Grill
indicates 2nd floor area of rooming house from 418-420 with two entrances marked A and B
Ⓒ Space for 2 cars between fire plug and driveway
Ⓓ Concrete retainer wall
1 Ⓔ White footing area here about 4'deep and later
2 Ⓔ White footing area here between approx. 4'68 pe and 5'00 pe



COMPOSITE PHOTO of
410-424 S. MAIN ST.

SECOND FLOOR PLAN of ROOMING HOUSE

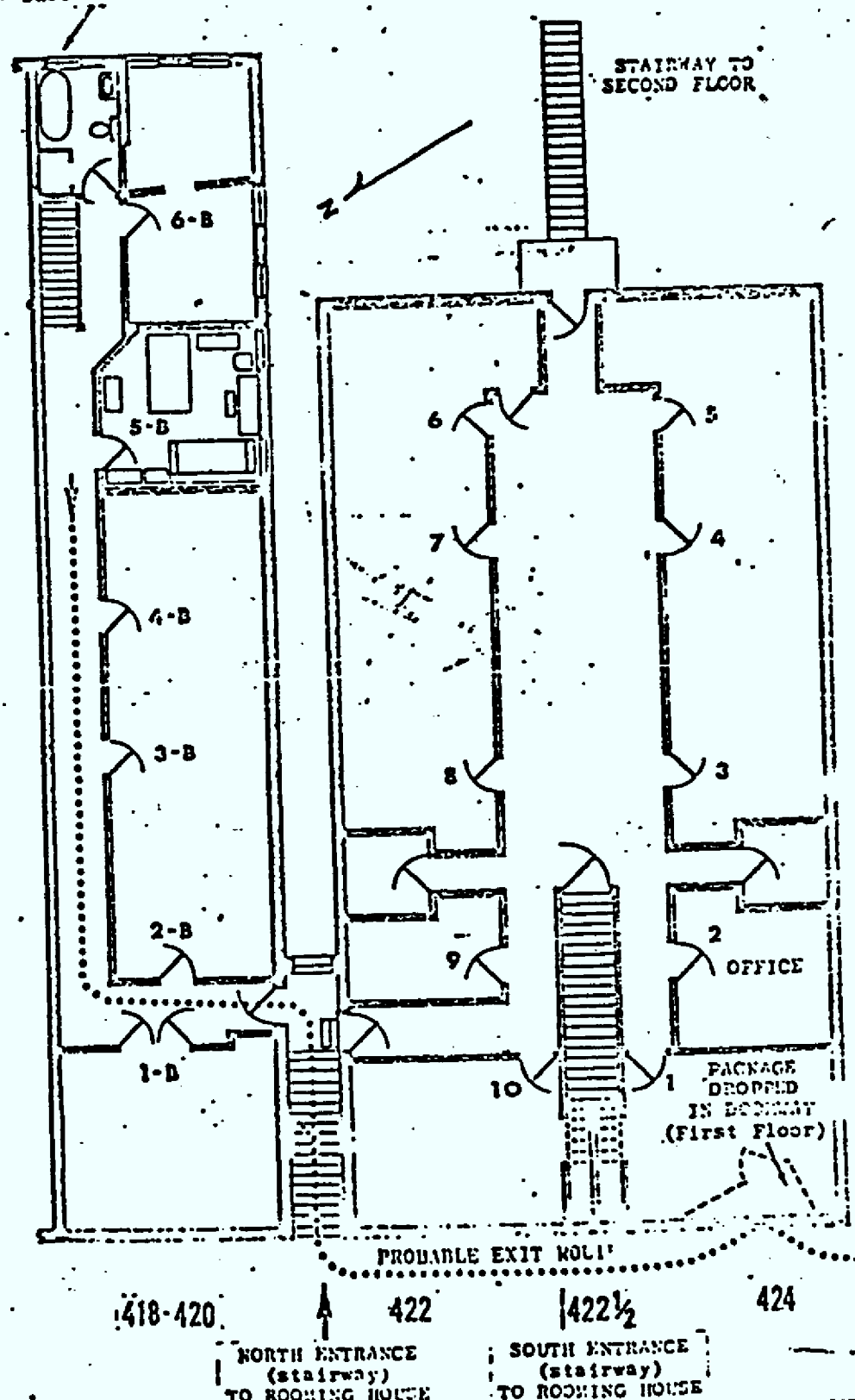


EXHIBIT 3

TENNESSEE DEPARTMENT OF PUBLIC HEALTH

PROVISIONAL ( )
FINAL (X)

CASE NO. [illegible]
COUNTY Shelby

OFFICE OF THE CHIEF MEDICAL EXAMINER

853 Madison Avenue
Memphis, Tennessee 38103

AUTOPSY REPORT

NAME OF DECEDENT Martin Luther King, Jr. RACE N SEX M AGE 39

HOME ADDRESS ~~Atlanta, Georgia~~
(NUMBER OR STREET) (CITY OR TOWN) (STATE)

COUNTY MEDICAL EXAMINER J. T. Francisco, M.D.

ADDRESS Memphis, Tennessee

DISTRICT ATTORNEY GENERAL Phil A. Canale

ADDRESS Memphis, Tennessee

ANATOMICAL DIAGNOSIS Gunshot wound to body and face with:
Fracture of mandible
Laceration vertebral artery, jugular vein and subclavian artery, right,
Laceration of spinal cord (lower cervical, upper thoracic),
Intrapulmonary hematoma, apex, right upper lobe

CAUSE OF DEATH Gunshot wound to spinal column, lower cervical, upper thoracic

NARRATIVE OF FINDINGS Death was the result of a gunshot wound to the chin and neck with a total transection of the lower cervical and upper thoracic spinal cord and other structures in the neck. The direction of the wounding was from front to back, above downward and from right to left. The severing of the spinal cord at this level and to this extent was a wound that was fatal very shortly after occurrence.

The purpose of this report is to provide a certified opinion to the County Medical Examiner and the District Attorney General. The facts and findings to support these conclusions are a matter of record in the office of the State Medical Examiner.

DATE SIGNED [illegible] M

J. T. Francisco

ADDRESS 853 Madison Avenue-Memphis, Tennessee

Form 388

THE CITY OF MEMPHIS HOSPITALS

AUTOPSY PROTOCOL

Autopsy No. A68-252 Service Med. Ex. Hospital No.

Name Martin Luther King, Jr. Age 39 Race Negro Sex Male

Unknown-Approximately

Date of Admission DOA Date and Hour of Death 4-4-68 P.M.

Date and Hour of Autopsy 4-4-68 10:45 P.M.

Pathologist Drs. Sprunt and Francisco Assistant

Checked by Date Completed 4-11-68

FINAL PATHOLOGICAL DIAGNOSIS

PRIMARY SERIES:

I. Distant gunshot wound to body and face
   - A. Fracture of right mandible
   - B. Laceration of vertebral artery, jugular vein and subclavian artery, right
   - C. Fracture of spine (T-1, C-7)
   - D. Laceration of spinal cord (lower cervical, upper thoracic)
   - E. Submucosal hemorrhage, larynx
   - F. Intrapulmonary hematoma, apex right upper lobe

SECONDARY SERIES:

1. Remote scars as described
2. Pleural adhesions
3. Fatty change liver, moderate
4. Arteriosclerosis, moderate
5. Venous cut-downs
6. Tracheostomy

LABORATORY FINDINGS:

Blood Alcohol - 0.01%

EXHIBIT 4

JAMES EARL RAY

Some Known Expenditures: April 23, 1967 - June 8, 1968

Section	Serial	Item	Amount	Date
71	5246	Rent for one week at 2731 N. Sheffield; Chicago	$13.61	4/30/67
74	5448	1959 Chrysler; Chicago	$200.00	6/5/67
74	5413	1962 Plymouth; East St. Louis	$209.50	7/14/67
74	5437X	Bourgarde Motel; Dorion, Canada	$17.28	7/17/67
19	2192	Rent for Apt. at Harkey, Apts., 2585 Notre Dame Street, Montreal at $75/mo; Montreal	$150.00	7/19/67
60	4692	Suit at English Scotch Woolen Company; Montreal	$75.06	7/21/67
19	2192	Book ordered from Futura Books in Inglewood, Calif.; Montreal	$9.00	7/24/67
17	2068	Correspondence course at Locksmithing Institute in New Jersey; Montreal	$17.50	7/28/67
74	5402	Grey Rocks Inn from 7/30 to 8/5; Canada	$195.15	8/5/67
19	2192	Formula for making glass purchase by money order to E.Z. Formula; Montreal	$1.00	8/9/67
74	5400	Granada Hotel; Birmingham	$4.50	8/26/67
21	2324	Room and board for one week	$22.50	8/26/67
6	628	1966 White Ford Mustang; Birmingham	$1,995.00	8/30/67
21	2324	Room and board; Birmingham	$22.50	9/2/67
21	2324	Room and board; Birmingham	$22.50	9/9/67
21	2324	Dance lessons; Birmingham	$10.00	9/12/6

Section	Serial	Item	Amount	Date
21	2324	Room and board; Birmingham	$22.50	9/16/67
21	2324	Room and board; Birmingham	$22.50	9/23/67
9	1135	Camera equipment, Superior Bulk Film Co.; Birmingham	$337.24	9/28/67
18	2118	Room only; Birmingham	$17.50	9/20/67
55	1422	.38 Caliber, Liberty Chief Revolver	$65.00	10/1/67
75	5496	Hotel San Francisco - 10/10; Acapulco	$6.00	10/11/67
75	5496	Pancho Villa - 10/15; Guadalajara	$3.20	10/16/67
75	5496	Pancho Villa - 10/18; Guadalajara	$3.20	10/19/67
69	5150	Hotel Rio at $4.80/day- 10/19-11/6; Puerto Vallarta	$91.20	11/6/67
69	5150	Elisa Arellano to rent apt.; Puerto Vallarta	$48.00	11/ /67
69	5150	Hotel Tropicana at $7.20 day - 11/7-11/13; Puerto Vallarta	$43.20	11/13/67
6	668	Rent at 1535 N. Serrano;	$127.50	11/19/67
6	668	Utilities at 1535 N. Serrano; Los Angeles	$10.00	11/20/67
52	4143	Appointment with Dr. Mark Freeman; Beverly Hills	$25.00	11/27/67
52	4143	Appointment with Dr. Mark Freeman	$25.00	11/30/67
52	4143	Appointment with Dr. Mark Freeman	$25.00	12/4/67
52	4143	Dance lessons at National Dance Studio; Los Angeles	$29.00	12/5/67
52	4143	Appointment with Freeman	$25.00	12/6/67
52	4143	Dance lessons	$29.00	12/7/67

Section	Serial	Item	Amount	Date
52	4143	Appointment with Freeman	$25.00	12/11/67
52	4143	Dance lessons	$29.00	12/12/67
6	745			
22	2325	Dance lessons	$100.00	12/14/67
52	4143	Appointment with Freeman	$25.00	12/14/67
74	5399	Provincial Motel - 12/17-12/19; New Orleans	$24.00	12/19/6
6	745			
22	2325	Dance lessons	$364.00	12/21/6
22	2325	Locksmithing Institute; Los Angeles	$15.00	1/8/68
22	2325	International School of Bartending; Los Angeles	$20.00	1/19/6
22	2325	International School of Bartending; Los Angeles	$105.00	1/20/
22	2325	Rent at St. Francis Hotel; Los Angeles	$85.00	1/21/
12	1500	Free Press of Los Angeles	$4.25	1/29/
22	2325	Locksmithing Institute	$7.50	1/31/
12	1500	C.M. Hedgpeth, mail forwarding service	$3.00	2/1/6
6	668	Rent at St. Francis Hotel	$85.00	2/21/
12	1500	Futura Books	$6.44	2/26/
12	1500	Tiffany Enterprises	$9.98	2/26/
22	2325	Locksmithing Institute	$7.50	2/26,
22	2325	Locksmith Ledger	$5.25	2/26,
12	1428	Locksmithing Institute	$15.00	3/8/
8	1033	Room/week at 113 14th St.; Atlanta	$10.00	3/24,

EXHIBIT 5

on	Serial	Item	Amount	Date
	5502	Flamingo Motel 3/22; Selma	$8.00	3/23/68
	1428	Locksmithing Institute; Atlanta	$7.50	3/28/68
	5725	Travelodge Motel; Birmingham	$8.48	3/29/68
	432	Purchase of rifle Birmingham	$248.59	3/29/68
	1033	Room in Atlanta	$10.00	3/21/68
	630	Rexall Drugstore; Whitehaven, Tenn.	$1.83	4/3/68
	327	Rooming house on Main St.; Memphis	$8.50	4/4/68
	46	Binoculars; Memphis	$41.55	4/4/68
	4454	Rent/week at 962 Dundas St.; Toronto	$9.00	4/16/68
	4454	Round trip airplane ticket; Toronto	$345.00	5/2/68

JAMES EARL RAY

Known Income: April 23, 1967 - June 8, 1968

Section	Serial	
68	5100	Payroll checks from Indian Trail Restaurant Winnetka, Illinois

May 7	$ 57.69
May 14	84.89
May 21	84.89
May 28	84.89
June 4	89.63
June 11	89.63
June 18	95.19
June 25	77.53
	$664.34

EXHIBIT 6

READING BIBLIOGRAPHY

Bishop, Jim. The Days of Martin Luther King, Jr. G.P. Putnam's Sons, New York, 1971.

Frank, Gerold. An American Death. Doubleday & Company, New York, 1972.

Hoch, Paul, and Scott, Peter, and Stetter, Russell. The Assassinations, Dallas and Beyond. Random House, 1976.

Huie, William Bradford. He Slew the Dreamer. Delacorte Press, New York, 1968.

McMillan, George. The Making of an Assassin. Little Brown & Co., 1976.

Seigenthaler, John. A Search for Justice. Aurora Publ., Nashville, 1971.

EXHIBIT 7

UNITED STATES GOVERNMENT

Memorandum

TO : MR. A. ROSEN

DATE: May 22, 1961

FROM : MR. G. H. SCATTERDAY

SUBJECT:

MARTIN LUTHER KING, JR.;

(6)

Memorandum to Mr. Rosen

Martin Luther King, Jr.

Reverend Martin Luther King, Jr., prominent integrationist who led bus boycott in Montgomery, Alabama, and "sit-in demonstrations," has been associated with National Association for the Advancement of Colored People and Congress of Racial Equality. King has not been investigated by the FBI.

Bureau files reveal: King thanked Socialist Workers Party (cited by Attorney General) for support of bus boycott; attended meetings of Progressive Party (cited by Subcommittee of Senate Judiciary Committee); and was honorary chairman of Young Socialist League campaign on behalf of victims of racist terror.

King in 1950's mentioned as potential victim of assassination plot and in 1957 attended Communist Party training school seminar and reportedly gave closing speech. King President of

Somehave more details.

Southern Christian Leadership Conference (to further Negro vote registration) and advised "The Civil Rights law...is meaningless unless we go out and make use of it." King thanked Benjamin Davis, Jr., Communist Party official, for giving blood when he was in a hospital following assault. King in 1960 indicated his support for Committee to Secure Justice for Morton Sobell (cited by House Committee on Un-American Activities (HCUA) as communist front) and in 1961 wrote article in "The Nation" which called for integration of FBI to help speed integration. King attended meetings with integration leaders in Montgomery, Alabama, 5-21-61.

EXHIBIT 8

EXHIBIT 9

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. A. H. Belmont

DATE: August 30, 1963

FROM : Mr. W. C. Sullivan

SUBJECT: COMMUNIST PARTY, USA
NEGRO QUESTION
IS - C

Reference is made to the enclosed material on which the Director has written: "This memo reminds me vividly of those I received when Castro took over Cuba. You contended then that Castro and his cohorts were not Communists and not influenced by Communists. Time alone proved you wrong. I for one can't ignore the memos re King, et al as having only an infinitesimal effect on the efforts to exploit the American Negro by the Communists."

The Director is correct. We were completely wrong about believing the evidence was not sufficient to determine some years ago that Fidel Castro was not a communist or under communist influence. On investigating and writing about communism and the American Negro, we had better remember this and profit by the lesson it should teach us.

I do think that much of the difficulty relating to the memorandum rightly questioned by the Director is to be found centered in the word "influence." We do not have, and no Government agency or private organization has, any yardstick which can accurately measure "influence" in this particular context, even when we know it does exist such as in the case of the obvious influence of over Martin Luther King and King's influence over other Negro leaders. Personally, I believe in the light of King's powerful demagogic speech yesterday he stands head and shoulders over all other Negro leaders put together when it comes to influencing great masses of Negroes. We must mark him now, if we have not done so before, as the most dangerous Negro of the future in this Nation from the standpoint of communism, the Negro and national security.

On determining membership of Negroes in the Communist Party, we are not confronted with the same problem. We do have here accurate yardsticks for establishing membership. Of course, our standards are very exacting. This means there are many Negroes who are fellow-travellers, sympathizers or who aid the Party, knowingly or unknowingly, but do not qualify as members. These we must not ignore. The old communist principle still holds: "Communism must be built with non-communist hands." Therefore, it may be unrealistic to limit ourselves as we have been doing to legalistic proof or definitely conclusive evidence

Enclosure

that would stand up in testimony in court or before Congressional committees that the Communist Party, USA, does wield substantial influence over Negroes which one day could become decisive.

The memorandum which the Director penetratively questioned, while showing in the details the communist impact on Negroes, did suffer from such limitations. These limitations we will make every effort to lift in the future. The great amount of attention this Division is giving to communist activities directed toward the Negro should enable us to do this.

For example, here at the Seat of Government, the Negro - communist question takes up as a whole the time of one supervisor and during the past few weeks four men have been so occupied. Additionally, (1) specialized instructions are regularly given the field on communist infiltration of the Negro; (2) monographs have been written on the subject and widely disseminated; (3) regularly disseminated are memoranda and reports; (4) August 21, 1963, we devoted the entire Current Intelligence Analysis to the communist plans for the Negro March of August 28, 1963, (149 copies of this Analysis were disseminated to 44 agencies of the Government; (5) much material on the issue is given to Agents at In-Service; and (6) an SAC Letter is under preparation in this Division now giving the field the benefit of what we learned from the Negro March on Washington and issuing instructions for increased coverage of communist influence on the Negro.

As the memorandum pointed out, "this Nation is involved in a form of racial revolution and the time has never been so right for exploitation of the Negroes by communist propagandists." Nineteen million Negroes constitute the greatest single racial target of the Communist Party, USA. This is a sombre reality we must never lose sight of. We will do everything possible in the troubled future to develop for the Director all available facts relating to Negro membership in the Communist Party, plus the more complex and difficult to ascertain influence of communist organizations and officials over the leaders and masses of Negroes.

We regret greatly that the memorandum did not measure up to what the Director has a right to expect from our analysis.

RECOMMENDATION:

For the information of the Director.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan

DATE: September 16, 1963

FROM : Mr. F. J. Baumgardner

SUBJECT: COMMUNIST PARTY, USA
NEGRO QUESTION
COMMUNIST INFLUENCE IN RACIAL MATTERS
INTERNAL SECURITY - COMMUNIST

This memorandum recommends increased coverage of communist influence on the Negro. The history of the Communist Party, USA (CPUSA), is replete with its attempts to exploit, influence and recruit the Negro. The March on Washington, 8-28-63, was a striking example of such Communist activity as Party leaders early put into motion efforts to accrue gains for the CPUSA from the March. Well-documented information concerning the Party's influence on a principal March leader, Reverend Martin Luther King, Jr., is but an example. The presence at the March of around 200 Party members, ranging from several national functionaries headed by CPUSA General Secretary Gus Hall, to many rank-and-file members, is clear indication of the Party's favorite target (the Negro) today.

All indications are that the March was not the "end of the line" and that the Party will step up its efforts to exploit racial unrest and in every possible way claim credit for itself relating to any "gains" achieved by the Negro. A clear-cut indication of the Party's designs is revealed in its plans to hold a highly secretive leadership meeting in November, 1963, which will deal primarily with the Negro situation. This meeting is to be preceded by a Gus Hall "barnstorming" trip through key areas of the country to meet Party people and thus better prepare himself for the November meeting.

The entire field is being alerted to this situation in a proposed SAC Letter (attached). The field is being instructed to intensify our coverage of communist influence on the Negro by giving fullest consideration to the use of all possible investigative techniques. In addition, the field is being told to intensify its coverage of those communist fronts through which the Party channels its influence and to intensify its investigations of the many Party members and dupes who engage in activities on behalf of the Party in the Negro field. Further, we are stressing the urgent need for imaginative and aggressive tactics to be utilized through our Counter-intelligence Program--those designed to attempt to neutralize or disrupt the Party's activities in the Negro field. Necessity for prompt handling of all facets of this matter to insure timely dissemination to the Department and other interested agencies is also being emphasized.

100-3-116
1 - 100-3-116 (CPUSA, Negro Question)

31 OCT 16 1963

Memorandum to Mr. Sullivan
RE: COMMUNIST PARTY, USA
NEGRO QUESTION
COMMUNIST INFLUENCE IN RACIAL MATTERS
100-3-116

The proposed SAC Letter requires key security offices to submit to the Bureau, within 30 days, an analysis of their current coverage of communist activities in the Negro field plus details of their plans for intensification. Also, those 16 offices participating in the Counterintelligence Program on a regular basis are being required to include in their next monthly letters due 10-15-63 their plans to neutralize or disrupt Party activities in the Negro field.

RECOMMENDATION:

If approved, attached SAC Letter go forward apprising the field as above and urging full implementation so that the desired results may be achieved. Also attached for approval are necessary Manual changes.

No. I can't understand how you can go so widely outside of your thinking & evaluation. And a few weeks ago you contended that the Communist influence in the racial movement was ineffective & unimportant. This notwithstanding many memos of specific instances of infiltration. Now you want to load the field down with more coverage in spite of your statement [illegible] in racial movements [illegible] waste time & money until [illegible]

EXHIBIT 10

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
Tele. Room
Holmes
Gandy

9/18/63

MEMORANDUM FOR THE DIRECTOR

While the attached memorandum bears the initials of Mr. Baumgardner, it was prepared from a rough-draft furnished to him by Mr. Sullivan.

It should be understood that Sullivan, Baumgardner, Sizoo and Belmont read the memorandum and agreed with it prior to its submission.

REC-5 62-109060-2534

Enclosure

22 DEC 5 1963

Clyde Tolson

CT:LCB

I have retained personal custody of this memorandum pending instructions and believe should remain permanently in the Bureau files. The attached memorandum was transmitted with the understanding that it would be returned to me.

2 ENCLOSURE

EXHIBIT 11

To: Mr. A. H. Belmont Date: September 25, 196

From: Mr. W. C. Sullivan

Re: COMMUNIST PARTY, USA
NEGRO QUESTION
COMMUNIST INFLUENCE IN RACIAL MATTERS
INTERNAL SECURITY - C

Predication:

Reference is made to the enclosed memorandum dated 9/16/63 and to the attached proposed SAC Letter.

On returning from a few days leave I have been advised of the Director's continued dissatisfaction with the manner in which we prepared a Brief on the above-captioned matter and subsequent memoranda on the same subject matter. This situation is very disturbing to those of us in the Domestic Intelligence Division responsible for this area of work, and we certainly want to do everything possible to correct our shortcomings. We absolutely will not be stubborn about admitting any mistakes we have made or be stiff-necked and unbending concerning our analysis of this matter. The Director indicated he would not approve our last SAC Letter until there was a clarification and a meeting of minds relative to the question of the extent of communist influence over Negroes and their leaders. In this memorandum I will seriously and sincerely try to clarify a most regretable situation. It is prepared not on official office memorandum but rather on plain bond believing that this discussion need not be made a matter of official record.

Common Agreement:

First, I am sure we all are in agreement on the following which was in both the cover memorandum and the detailed brief attached: (1) for the past 44 years the Communist Party, USA, has spent enormous sums of money and ceaseless efforts to influence Negroes and to make communists out of them; (2) the 19 million Negroes in the country today constitute the greatest single racial target of the Communist Party, USA; (3) Negro leader Martin Luther King, _____ does have as an extremely important advisor _____; (4) we are right now in this nation engaged in a form of social revolution and the time has never been so right for exploitation of the Negroes by communist propagandists; and (5) the Communist Party could in the future make prodigious strides and great successes with the American Negro to the serious detriment of our national security. In addition to the above, the material furnished contained many pages of specific examples of communist policies. ~~programs and activities~~

Enclosures Sent 9-26-63 REC. 40

Memorandum for Mr. Belmont
RE: COMMUNIST PARTY, USA
NEGRO QUESTION
COMMUNIST INFLUENCE IN RACIAL MATTERS

showing communist involvement in Negro racial matters in this nation, relative to which we can all agree.

Essence of the Situation:

The essence of the situation seems to be this: We presented what facts there are in our files in the Brief in question and I know that the Director certainly would not want us to do other than this. The position taken at the time the Brief was written was that, while there is communist influence being exerted on Negroes and Negro leaders, it has not reached the point of control or domination. This historically has been the position of the Bureau in this matter in light of file reviews going back ten to twenty years. Certainly this is not true with respect to the King connection.

The Historical Position:

For example, in a detailed document prepared on Communist Party and the Negro in 1953, we find the statement referring to "the failure of the Communist Party to attract even a significant number of Negroes in the United States to its number." Another example is to be found in an analysis in this same field prepared by the Bureau in 1956 to the effect that communist efforts have been "unsuccessful on a state or national level" in infiltrating "legitimate Negro-fraternal, protest and improvement organizations," although they made limited success in some "isolated chapters." The Director's book, Masters of Deceit, published in 1958, states: "It became obvious that the Party, despite great efforts, had failed to win over even a significant minority of Negroes." In 1960 the Director's statement to The Committee on the Judiciary, United States Senate, reads: "It is no secret that one of the bitterest disappointments of communistic efforts in this Nation has been their failure to lure our Negro citizens into the Party." In 1962 similar public statements were made. On page seven of the Brief submitted to the Director under the date of August 23, 1963, this historical position was restated and it was said, "One of the bitterest disappointments of the communists has been their single failure to lure any significant number of our Negro citizens into the Party." This statement was set forth again in the cover memorandum which the Director marked.

The point I wish to make here is this: The fact that this has been our historical position in the Bureau for many years is no reason to assume that it is the correct position at this time, as the Director has clearly explained. Times and conditions change and, as the evidence mounts, naturally we need to change our position along with this evidence.

Memorandum for Mr. Belmont
RE: COMMUNIST PARTY, USA
NEGRO QUESTION
COMMUNIST INFLUENCE IN RACIAL MATTERS

Interpretation:

As we know, facts by themselves are not too meaningful, for they are somewhat like stones tossed in a heap as contrasted to the same stones put in the form of a sound edifice. It is obvious to us now that we did not put the proper interpretation upo the facts which we gave to the Director.

Martin Luther King:

We have been aware of the communist influence for nearly two years on Martin Luther King, Jr., head of the Southern Christia Leadership Conference, and in the comprehensive memorandum entitled "Communist Party, USA, Negro Question," dated 8/23/63 we set out information to the effect that a number of Negro leaders in this country have had subversive connections in their backgrounds and that Martin Luther King, Jr., has been dealing with

As previously stated, we are in complete agreement with the Director that communist influence is being exerted on Martin Luther King, Jr., and that King is the strongest of the Negro leaders. As we have stated before in a memorandum, we regard Martin Luther King to be the most dangerous and effective Negro leader in the country. In addition, we know the Party is directing a major effort toward strengthening its position among the Negroes inasmuch as we have information the Party plans to intensify its efforts to exploit the racial situation for the purpose of gaining influence among the Negroes.

Memorandum for Mr. Belmont
RE: COMMUNIST PARTY, USA
NEGRO QUESTION
COMMUNIST INFLUENCE IN RACIAL MATTERS

SAC Letter to the Field

I would like to set forth here briefly why I think that the enclosed SAC Letter, which was returned to us by the Director, should be sent to the field offices. My first reason is this: We need to renew our efforts and keep the pressure on and leave no stone untufned to develop every and all facts which exist in this matter. Some of these facts may not yet have been unearthed by our field offices, and will not be unless we follow up this matter evermore closely with them. My second reason why I think the SAC Letter should be sent is related to the present changing situation inthe Communist Party - Negro relations area. During the past two weeks in particular there have been sharp stepped-up activities on the part of communist officials to infiltrate and to dominate Negro developments in this country. Further, they are meeting with successes. This should be no surprise to us because since the Negro march on Washington on August 28 communist officials have been doing all possible to exploit the very troubled racial situation. As they said weeks ago, the end of the Negro march would be the beginning of evermore systematic activities on their part to penetrate and influence Negroes and Negro leaders. They are now in full force acting upon this intention of theirs expressed weeks ago. The field should be alerted to this fact and given instructions to investigate exhaustively new communist - Negro activities. The SAC Letter in question will be a great help toward this end, and it should result in our developing important facts relating to the current changes and pertinent activities going on during the past few weeks in this entire field.

Subject of Deep Concern

May I repeat that our failure to measure up to what the Director expected of us in the area of communist - Negro relations is a subject of very deep concern to us in the Domestic Intelligence Division. We are disturbed by this and ought to be. I want him

to know that we will do everything that is humanly possible to develop all facts nationwide relative to the communist penetration and influence over Negro leaders and their organizations.

RECOMMENDATIONS:

(1) That the Director reconsider giving approval for sending the enclosed SAC Letter to the field.

V. O.H. bk

(2) In order that other agencies and prominent government officials will be aware of the determined efforts of the Communist Party to exploit the racial situation, if the Director approves we will prepare a concise document setting forth clearly those attempts to penetrate, influence, and control the Negro movement. By setting these facts forth, succinctly and clearly, the reader cannot help but be impressed with the seriousness of the communist activities.

O.H. fb

EXHIBIT 12
(Classified)

EXHIBIT 13

10/17/63
FILE

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MR. TOLSON:

The attached analysis of Communism and the Negro Movement is highly explosive. It can be regarded as a personal attack on Martin Luther King. There is no doubt it will have a heavy impact on the Attorney General and anyone else to whom we disseminate it. It is labeled TOP SECRET. However, even such a high classification seems to be no bar today to a leak, and should this leak out it will add fuel to a matter which may already be in the cards as a political issue during the forthcoming Presidential campaign.

The memorandum makes good reading and is based on information from reliable sources. We may well be charged, however, with expressing opinions and conclusions, particularly with reference to some of the statements about King.

We must do our duty.

This memorandum may startle the Attorney General, particularly in view of his past association with King, and the fact that we are disseminating this outside the Department. He may resent this. Nevertheless, the memorandum is a powerful warning against Communist influence in the Negro movement, and we will be carrying out our responsibility by disseminating it to the people indicated in the attached memorandum.

I am glad the [illegible]

A. H. Belmont

AHB:GSU

100-3-116-45

OCT 23 1963

-176-

EXHIBIT 14

DEC 13 1976

, FGF:JFW:vek

Mr. James Earl Ray
Post Office Box 43
Brushy Mountain Penitentiary
Petros, Tennessee 37845

Dear Mr. Ray:

In May of 1976 the Attorney General of the United States created a task force for the purpose of reviewing the FBI's investigation of the assassination of Dr. Martin Luther King, Jr.

The task force is now in the process of winding up its inquiry before submitting a final report to the Attorney General. However, we feel that our inquiry will not be complete unless we give you an opportunity to state your participation, or lack of participation, in the murder of Dr. King.

Accordingly, we hereby request, through your attorney, James H. Lesar, Esquire, your consent to an interview by members of the task force. If you should agree to talk to us, our time schedule requires us to arrange for the interview to take place not later than December 31, 1976.

Please let us know immediately whether you desire to be interviewed.

Sincerely,

Fred G. Folsom
Director
Martin Luther King, Jr., Task Force

cc: James H. Lesar, Esquire

EXHIBIT 15

Brushy Mountain Penitentiary
Petros, Tennessee 37845

Mr. James H. Lesar
Attorney at Law
1231 fourth Street, S.W.
Wash. D.C.

December 20, 1976

re: Ray v. Tenn. cr. Indictment no. 16645;
Shelby county, Tennessee. (1968)

Dear Jim:

In respect to your letter saying that a justice department attorney, Mr. James F. Walker, would like to interview me concerning the above indictment, I agree with your advice opposing the interview. It would appear that this would only be in the interest of the J.D. and their book writing collaborators, e.g., Gerold Frank, George McMillian, et al.
If they had wanted to interview the defendant, under oath, justice had ample opportunity in the 1974 H.C. hearing in Memphis, Tennessee, through their surrogate, W. Henry Haile; and I understand no representative from justice appeared as a witness at the hearing.

At the present I believe the only body I should testify before is a jury.

I understand you to say justice has not read any of the trs. of prior hearings & suits. Therefore I'll include in the cc copy of this letter to justice a copy of a Complaint that speaks to the MLK jr. matter with attached Ex--A, althoe I doubt if justice or their publishing associates will be interested in the Complaint contents.

Sincerely: James e. Ray #65477
P.O. Box--73
Petros, Tenn. 37845.

cc: James F. Walker, Esq. J.D.

James Ray

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JAMES E. RAY,
Plaintiff

vs.

TIME INC.
GEORGE McMILLIAN
W. HENRY HAILE
WILLIAM BRATFORD HUIE
GEROLD FRANK
HON. ROBERT M. McRAE
BRENDA PELLICCIOTTI
Defendants

Civil Action No. C-76-274.

COMPLAINT

I. ALLEGATION OF JURISDICTION:

(a) Jurisdiction of the parties in the hefein subject matter is based upon diversity of citizenship and the amount in recovery.

Plaintiff, acting pro se, is a citizen of the State of Tennessee under "operation of Law" in the subject matter; defendant TIME Inc. (here-in-after, TIME) is a citizen of the State of New York; defendant George McMillian (here-in-after, McMillian) is a citizen of the State of Massachusetts; defendant W. Henry Haile (here-in-after, Haile) is a citizen of the State of Tennessee; defendant William Bratford Huie (here-in-after, Huie) is a citizen of the State of Alabama; defendant Gerold Frank (here-in-after, Frank) is a citizen of the State of New York; defendant Hon. Robert M. McRae (here-in-after, Judge McRae) is a citizen of the State of Tennessee; defendant Brenda Pellicciotti (here-in-after, Pellicciotti) is a citizen of the State of Tennessee. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

(b) Jurisdiction founded in the existence of a federal question and the amount in controversy:

The action arises under the fifth, sixth, and fourteenth, amendments to the United States constitution; U.S.C. Title 28 § 1331 (a), as here-in-after more fully appears. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

(c) Jurisdiction founded on the existance of a question arising under particular statute:

The action arises under Act 42 U.S.C.A. § 1983; U.S.C. Title 28 § 1343 (4). As here-in-after more fully appears.

THIS IS AN ACTION IN LIBEL & CIVIL RIGHTS VIOLATIONS.

GENERAL BACKGROUND:

On April 4th 1968, Rev. Martin Luther King jr., was shot . d killed in, Memphis Tennessee; in May 1968 the plaintiff was indicted by the Shelby county grand jury (cr. indictment no. 16645) for said shooting; on March 10th 1969 plaintiff, allegedly through coercion by his attorney, Percy Foreman & the prosecution, entered a guilty plea to said cr. indictment; on February 2nd 1974 the U.S. 6th circuit court of appeals ordered an evidentiary hearing into the circumstances of said plea, Ray v. Rose 491 F2d 285 (C.A.6, 1974; on February 27th 1975 after hearing said evidentiary proceedings the U.S. District court for the W.D. of Tennessee, Hon. Robert M. McRae, presiding ruled against plaintiff, Ray v. Rose, C-74-166; on May 10th 1976 the U.S. 6th circuit court of appeals upheld Judge McRae's ruling in said evidentiary hearing. Ray v. Rose, C-75-1795.

Plaintiff, JAMES E. RAY, sues
Defendants, TIME INC.; GEORGE McMILLIAN; W. HENRY HAILE; WILLIAM BRATFORD HUIE; GEROLD FRANK; ROBERT M. McRAE; BRENDA PELLICCIOTTI, and alleges:

2. That while awaiting trial in the aforementioned cr. indictment the plaintiff copied down from recollection information he had gained in his 1967 associations, associations which lead to plaintiff being charged under said indictment.

3. That a brief summary of said recollections and their subsequent disposition by plaintiff are as follows:

(a) during one period of plaintiff's confinement in 1968 he wrote down on a money receipt issued forth from the Sheriff's office of the Shelby county, Tennessee, jail information which plaintiff believed had a direct bearing on said cr. indictment. See, Ex--A.

(b) the information consisted of telephone numbers & one name & address; all numbers were written down backwards, including the address.

(c) the two telephone numbers were listed next to the word "Sister", the first being listed in, New Orleans, Louisiana; the second being in, Baton Rouge, Louisiana.

(d) the address is listed under the name, Vera C. Staples.

(e) the telephone number listed under the Baton Rouge address was furnished to plaintiff's attorney, Percy Foreman, who was representing plaintiff in said cr. indictment.

(f) the address was not investigated until plaintiff was incarcerated upon pleaing to said indictment; a compendium of the post trial investigation would indicate: the information cited above was given to a St. Louis, Missouri, labor leader, and informed it pertained to the MLK jr. case, who apparently in turn furnished said information to a Nashville, Tennessee, ex-Attorney to investigate; said Attorney had sources in the State of Louisiana investigate the matter and thereafter said Attorney reported the Baton Rouge listed number resident was under the influence of the Teamsters union; and the New Orleans listed number resident was among other things an agent of a mideast organization disturbed because of Dr. King's reported forthcoming, before his death, public support of the Palestine Arab cause. (References to the address if any was unclear.)

(g) the plaintiff had come by said name & address shortly before crossing the border in November 1967 from Tijuana, Mexico, into the United States; the name was Randolph Erwin Rosen, 1180 N.W. River Drive, Miami, Florida; other reference was made to a LEAA; a check through the Miami directory in 1970 ig dicted no Rosen listed with the above first & second name; in 1973-74 a Chicago, Illinois, reporter was quired as to the name of a Rosen who was an official in the "rogressive Labor Party, the reporter later responded said Rosen, or Rosens, activities were mainly in the New York, New York, area; shortly thereafter said reporter was substantiated by material plaintiff received indirectly from the Hon. Richard Ichord a congressman from

Missouri; thereafter an Attorney in Oklahoma City, Oklahoma, was furnished the Rosen name and asked if he could find any information re the subject in, New Orleans, and informed the subject might have a cr. record; the Attorney reported back that the subject's last name most likely was, Rosebson, and that he had a cr. conviction in New Orleans, Louisiana, federal court for a narcotics violation; thereafter a Tennessee licensed Attorney procured the tr. of said conviction; subsequently another check was made through the, Miami, telephone directory which did list a "Randy Rosendon" but with an address discrepency.

4. That plaintiff intended the above information for exclusive use, after a through investigation, in a jury trial under said cr. indictment--rather than for commercializing in the communications industry--and in consequence withheld parts thereof from plaintiff's cr. Attorneys, who were enmeshed with defendant (novelist) William Bratford Huie in commercial publishing ventures: 1st) Attorney Arthur Hanes sr., who immediately upon entering the suit contracted with defendant, Huie and 2nd) Attorney Percy Foreman, who while not entering into literary contracts with Mr. Huie until January 1969, two months after Foreman's entering the suit, Mr. Foreman did not question plaintiff about said information or other aspects of the cr. indictment--because of his (Foreman's) admitted trial preparation methods--until February 1969.

5. That in February 1969, after Percy Foreman had entered into literary contracts with defendant, Huie, plaintiff furnished Attorney Foreman with the above mentioned, Baton Rouge, phone number and asked him to investigate in connection with the MLK jr. homicide. Shortly thereafter Mr. Foreman replied in effect that if there were to be any telephone numbers refered to in court he (Foreman) would furnish them through contacts in interstate gambling--Mr. Foreman mentioned a, Mr. Meyer Lansky, as his source.

6. That subsequently, after the prosecution and Percy Foreman had maneuvered plaintiff into entering a plea to said indictment, the plaintiff on March 11th 1969 was checked into the Tennessee State penitentiary--Nashville Branch--and therein all plaintiff's personal property including the paper herein attached as EX-A, and including incoming legal & personal letters mailed to said prison, were confiscated from plaintiff. Two or three days later after discussing briefly with State corrections commissioner, Harry Avery, the letters including EX-A were returned to plaintiff by said,

Commissioner, Harry Avery. (except for a thin line circling some writings the property seemed in order.

7. That prior to Plaintiff's transfer to the aforementioned penitentiary, Commissioner Avery, the late Governor of Tennessee, Hon. Buford Ellington, and Governor Ellington's administrative assistant, Mr. William L. Barry, had decided and committed to writing (see, Avery testimony in, Ray vs. Russell, U.S. Dis. Ct. M.D. Tn. Civ. Action no. 5590, 1970)Plaintiff's treatment upon entering said penitentiary,ie, arbitrary lodging of Plaintiff in solitary confinement immediately upon his entering prison.

8. That thereafter on (March 13, 1969) when plaintiff commenced petitioning the trial court for a new trial under said indictment, Commissioner Avery attempted to persuade Plaintiff against seeking a trial under said indictment and after failing that informed Plaintiff that he would never be releasted from solitary confinement while he (Avery) was corrections commissioner.

9. That in the succeeding years until the present Plaintiff has been arbitrarily locked in solitary confinement/segregation for approximately five years, during which time their has been several suicides by prisoners because of the harshment of the confinement including two (2) who burned themselves to-death. See, EX--B.

10. That after the aforementioned plea by Plaintiff the trial Judge, Hon. Preston Battle, departed from Memphis, Tennessee, for a vacation and while on said vacation the then Governor of Tennessee, Hon. Buford Ellington, upon learning of Plaintiff's effort to receive a jury trial under said indictment, dispatched State officials to located Judge Battle to offer him the next Appellate Judgship vacancy if the Judge would deny Plaintiff a trial under the petition refered to in paragraph-8 above.

11. That on or about March 12th 1969 in the prison segregation building Plaintiff was confronted through a ruse by special agent, Robert Jensen of the Memphis, Tennessee, federal bureau of investagation office. The thrust of Mr. Jensen's conversation was seeking cooperation of Plaintiff im furthereing the FBI investigation of said cr. indictment. When Plaintiff refused the cooperation offer Mr. Jensen upon departing said Plaintiff could expect Plaintiff Brothers (John & Jerry Ray) to join him in prison, or words to that effect, thereafter:

(a) plaintiff's brother, Jerry Ray, was intimidated to the extent that he had to resign his job in the Chicago, Illinois, area; subsequently after forcing him from his job the FBI attempted to frame him for numerous crimes.

(b) plaintiff's other brother, John Ray, was arrested by police while driving his car in the St. Louis, Missouri, area and subsequently charged by the FBI for aiding and abetting a bank robbery. Tried and convicted with a defendant whom the government alleged actually robbed said bank, John was given 18 years and the alleged robber 10 years; upon appeal the alleged robber's conviction was reversed by the 8th U.S. circuit court of appeals because the fruits of an illegaly search & seizure was used against him; however, the 8th circuit ruled that the fruits of the illegal search was not ground for reversing John Ray's case because the alleged evidence (stolen money) was not taken from him; upon re-trial the alleged robber was acquited; subsequently another defendant in the robbery was charged and entered a plea for three (3) years which was later reduced to eighteen months by the government.

12. That in June 1969 Plaintiff filed a civil action in the United States District court for the M.D. of Tennessee seeking to void contracts between plaintiff, the aforementioned Percy Foreman, and defendant, Huie. In attempting to have said civil action (Complaint) dismissed, thus necessitating the refiling by Plaintiff in the W.D. of Tennessee, the defendants Atterney the late, John J. Hooker sr., of the Davidson county Tennessee bar, illegally procured Plaintiff's entire prison record, including domicle information, from the aforementioned corrections commissioner, Harry Avery, and was thus able to have said Complaint dismissed in the M.D. of Tennessee and refiled in the W.D. (civil action no. C-69-199) before Judge McRae, because of said domicle information.

13. That thereafter in civil action no. C-69-199 one of Judge McRae's initial rulings was that said action would be decided by deposition rather than live testimony--subsequently the Judge dismissed the suit on motion of the defendants.

14. That following the United States Sixth circuit court of appeals ruling on February 3rd 1974 ordering an evidentiary hearing into the circumstances of Plaintiff's aforementioned guilty plea under said indictment defendant, Judge McRae, again assumed jurisdiction to conduct said hearing (civil action no.C-74-166) and again ruled that the two principal witnesses, the

P. 6

aforementioned Percy Foreman & defendant Huie, would not have to undergo live testimony, only depositions. The Judge accomplished this legal maneuver by ruling the Plaintiff's subpoena powers were limited to a 100 mile radius of Memphis, Tennessee.

That Judge McRae further prejudicial & arbitrary actions & inactions listed below effectively diminished the Plaintiff's right under the United States Supreme court mandate for a full and equitable evidentiary hearing:

(a) the court ruled in effect P_____ at the solicitation of the State's Attorney, defendant Haile--who had complained to the court that the press was urging the State to ask certain questions of Plaintiff--that General Haile could inquire of Plaintiff's alleged information he (plaintiff) provide said Percy Foreman concerning others persons allegedly culpable under said cr. indictment. Thereafter, althoe Plaintiff did refer to information described above as being given to Mr. Foreman by Plaintiff, and within the confines of the above court ruling, neither defendant, Haile, or, Judge McRae questioned Plaintiff in the matter.

(b) Judge McRae in concert with defendant, Pellicciotti, has consistently--despite petitions from Plaintiff's counsel, James H. Lesar--declined to forward to the U.S. 6th circuit court of appeals relevant & necessary portions of the transcript in said evidentiary hearing: specifically, the definitive portions of said transcript evidencing, Percy Foreman, after invatation, refused to offer live testimony in said evidentiary hearing; and thus through their deleterious inactions in the tr. matter contributed substantially to the 6th circuit decision against Plaintiff therein.

(c) Judge McRae has ignored a petition to take perpetuating testimony, filed after said evidentiary hearing, from defendant, Huie. Mr. Huie being a principal character therein.

15. That prior to said evidentiary hearing, Judge McRae, mislead or attempted to mislead Plaintiff's Tennessee cr. counsel as evidenced by a series of letters Plaintiff received from said Counsel (Mr. Robert I. Livingston) implying that during several encounters with Judge McRae he (Livingston) was lead to believe the court was sympathetic to Plaintiff's case and thus a vigorus presentation by Plaintiff's counsel would not be necessary or desirable.

16. That their have been publicized allegations that, Judge McRae, is more concerned with the political effects of his decisions than the law. See, EX--C.

17. That the clerk of the court defendant, Pellicciotti, wherein said evidentiary hearing was conducted acted in concert with, Judge McRae, in declining to prepare and forward tr. material, described in paragraph 14-b above, to the U.S. sixth circuit thus contributing substantially to the sixth circuit denying Plaintiff relief under said evidentiary hearing.

18. That defendant, Haile, who was the State's chief counsel in the aforementioned evidentiary hearing, but is now in private practice, has libeled Plaintiff by aiding & abetting defendant, McMillian, in McMillian's preparing & authoring the aforementioned artilce for defendant, TIME.

19. That defendant, McMillian, informed Plaintiff's brother, Jerry Ray, of his (McMillian's) relationship with defendant, Haile.

20. That in 1975 defendant, Haile, appeared with defendant, McMillian, at the Tennessee State penitentiary--Nashville Branch--wherein McMillian requested warden, James H. Rose, a personal friend of Haile, to contact Plaintiff and ask if he would consent to an interview by, McMillian. Warden Rose did forward said interview request to Plaintiff which Plaintiff declined and, thereafter, Haile & McMillian viewed the solitary confinement building wherein Plaintiff was housed.

21. That defendant, Haile, while asst. att. gen. for the State of Tennessee several times publicly criticised court decisions unfavorable to him in a manner suggesting he was attempting to intimidate Judges, acts for which he subsequently was dismissed from the A.G.'s office by the Attorney General for the State of Tennessee.

22. That in the January 26, 1976, issue of TIME magazine (EX--D) under the title of "The King Assassination Revisited", defendant, McMillian, authored a malicious article subtitled "I'm gonna kill that nigger King" and alleged said subtitle to be a statement made by Plaintiff. Said article is littered with deliberate fabrications, and while of a hollywoodish character they are delivered with malice intent, begining

"...In 1963 and 1964 Martin Luther King was on TV almost everyday, talking defiantly about how Black people were going to get their rights...Ray watched it all avidly on the cell-block TV at Jeff City. He reacted as if King's remarks were directed at him personally. He boiled when King came on the tube. He began to call him Martin 'Lucifer' King and Martin Luther 'coon'. It got so that the very sight of King would galvanize Ray ". p. 18 said article.

The facts are that their were no TV sets in the cellblocks or, cells, during Plaintiff's entire sojourn in the Missouri State penitentiary at, Jefferson City; and, that defendant McMillian is cognizant of this fact through conversations with Missouri corrections officials whom he has contacted for information numerous times. See, EX--G.

23. That several other deliberate fabrications with malicious intent in said article are:

(a) "Ray and (his fellow convict Raymond) Curtis would set around, often high on speed..." Speed being a form of narcotic. p. 18.

(b) "On April 24, 1967, just one day after Ray escaped from the prison at Jefferson City, he met his Brothers Jack and Jerry in Chicago's Atlantic Hotel..." Allegedly, say's McMillian, discussing the murder of Martin Luther King. p. 18.

(c) that McMillian alleged Plaintiff's Brothers, John & Jerry Ray, had, from conversations with Plaintiff, knowledge before the fact of the MLK Jr. murder. PP. 18 & 23.

24. That the State of Missouri's department of corrections commissioner, Mr. George M. Camp, alleges in effect that defendant McMillian is a fraud in connection with McMillian's aforementioned allegations concerning Plaintiff's conduct while in said Missouri penitentiary. See, EX--E.

25. That the Missouri prisoner defendant McMillian principally relies on to substantiate his allegations, allegations that Plaintiff not only ploted the murder of MLK Jr. but was also a narcotic addict, narcotic peddler, ect. ect., is revealed to be one, Raymond Curtis.
Said, Raymond Curtis, attempted onced to converse with Plaintiff while in said penfitentiary, thereafter he (Curtis) voluntarily "checked into" segregation, after being exposed as a proffessional informer, and thus

was thereafter limited in his prison association to his own type.

26. That shortly after Plaintiff's arest in 1968 to anser for said cr. indictment defendant McMillian stated at a news conference that since he (McMillian) knew Plaintiff was guilty of the indictment charge he (McMillian) would not have to investigate the case. Thus it follows a fortiori that McMillian has relied on the work product of other novelist to substantiate sizeable portions of his allegations in said TIME artecle.

27. That defendant McMillian has posted Plaintiff numerous letters, first threatening, then cajoling, in seeking interviews for use in said article and his alleged forthcoming book re Plaintiff.

28. That defendant TIME magazine has a vested (financial) interest in publishing said artilce by McMillian--thus in promoting McMillian's forthcoming book re Plaintiff-- in that McMillian's publisher, Little Brown, is a subsidary of TIME inc.

29. That defendat TIME deceived their own agent (Richard C. Woodbury) in their Chicago, Illinois, office into thinking TIME would run an objective story re the matter. See, EX--F.

30. That defendant TIME was consciously endeavoring to influence the United States Sixth Circuit court of appeals in, Ray v. Rose, no. 73-1543, which just a few days subsequent to said article heard agguments in the above Ray v. Rose suit to determine whether to order Plaintiff a new trial under said cr. indictment.

31. That TIME inc. has a history of conspiring to subvert the judicial and political processes by publishing, timely, malicious articles prior to judicial decisions or election of public officials.

32. That because defendant, TIME, has made a <u>fresh</u> investigation)p. 17 said article) into the "case"--their initial investigation evidently being perdormed by Time inc. LIFE magazine in 1968--TIME is cognizant that a substantial portion of said article is false & malicious.

33. That substantial portions of said artilce by McMillian were supplied to Mr. McMillian by defendants, Frank & Huie--Defendant, Huie, published a novel re Plaintiff in 1970 titled "He Slew the Dreamer"; defendant,

34. That the false allegations in said article: "that Plaintiff committed a holdup in London, England, and that George C. Wallace would pardon plaintiff, pp. 17 & 23 respectively, were supplied to defendant McMillian by defendant Huie as evidenced by statements made directly to Plaintiff by the above mentioned Percy Foreman (quoating Huie to Plaintiff) along with oral & written declarations by Defendat, Huie. See, [illegible]

35. That defendant Huie in his ongoing media campaign against Plaintiff libeled Plaintiff in a CBS-TV interview hosted by, Dan Rather, on or about January 2, 1976, by falsely alleging in effect that Plaintiff had murdered MLK Jr. and, robbed a loan company in London, England.

36. That the false allegations in reference to Adolph Hitler (p. 23 said article) was supplied to defendant McMillian by Defendant, Frank, as evidenced by statements made directly to plaintiff by Plaintiff's former attorney (who was interviewed extensively by defendant, Frank) Robert Hill, of the Chattanooga Tennessee bar.

37. That defendant Huie has a history, for commercial reasons, of contentiousness with said, Gov. Wallace.

38. That defendant Frank has a history of defending Zionism even when it includes murder, eg, see Frank's novel, publisher in 1963, titled "THE DEED", and if allegations in count 2-f above are substantiated in court proceeding Mr. Frank's intrusion into said cr. indictment as a Government advocate is readily explicable.

39. That an article in the BILALIAN NEWS published March 12, 1976, page 15, penultimate paragraph, reported MLK Jr. was shifting his political alliances.."Dr. King was shifting his political allinaces and civil rights approach. To support this view observers point to Dr. King's views on the Viet Nam war and his growing support of the labor movement. Dr. King was also coming under the influence of the Teaching of the Honorable Master Elijah Muhammad..."

40. That Plaintiff filed a libel suit in the United States Dis. Ct. for the W.D. of Tennessee titled, Ray v. Frank, Civil Action no. C-73-126, against herein defendant, Frank, in 1973, and had process served upon him through his publisher, Doubleday company. Mr. Frank was subsequently

relaived by the Court as a defendant in said suit by falsely alleging (See, EX—6. p. 1) a process deficiency; Mr Frank's in effect falsely alleged that he & Doubleday Company's affiliation was formal & transitory.

41. That the record will confirm that not one of the Plaintiff's accusers in the communication industry have ever offered live testimony in a court of law but on the contrary, they have utilized numerous ruses to avoid process and the subpoena while the record will evidence Plaintiff has not only given live testimony (in the aforementioned evidentiary hearing) but prior to the plea in said cr. indictment was in contention with his cr. counsel in their insistence—in collusion with defendant, Huie--that plaintiff not be a defense witness therein.

Moreover, nothing of substance indicates that the legal system-influencial publishing companies combine are not acting in concert to assure that their shall never be a (jury) trial for Plaintiff, criminal or civil, that's related to said indictment...apparently because it would not be a "show trial",i.e., the Government could not sustain it's heretofore media case.

And it would appear that a cr. defendant without the economic or political influence to effectively contest the above situation is not only subject to the denial of due process but can also expect his family members to be jailed and framed for criminal offences while the same publishing industries, eg, defendant, TIME, complain self-righteously about some distant country's corections or legal system.

Further, it seem's that, by chance, the same media-political combine that coalesced in the Watergate investigation-prosecution and demanded full disclosure are out of the same sack as those who prosecuted plaintiff under said cr. indictment and who are now opposed to disclosures.

IN SUMMARY: the above mentioned Percy Foreman has heretofore, since he & the Government maneuvered Plaintiff into said indictment plea, been giving a running commentary in the media on how he (Foreman) accomplished the feat. Now he has published analogously the epilogue to the feat in the STAR magazine wherein he pronounces:

"...with the publicity, appellate courts are reluctant to reverse because it would bring down a heap of criticism from the public who are not familiar with the rule and regulation of law...to find a Judge or a group of Judges with ebought courage would on experience, be unexpected". See, EX--N.

42. That the defendants, TIME inc., George McMillian, W. Henry Haile, William Bratford Huie, and Gerold Frank are guilty of the violation as follows:

(a) of libeling plaintiff in said TIME article with malicios intent.

43. That the defendants, TIME inc., George McMillian, W. Henry Haile, are guilty of the violation as follows:

(a) of acting in collusion, by the nature of said article and it's publishing date, to influence the U.S. 6th circuit court of appeals in, Ray v. Rose, No. 73-1543, adversely to herein Plaintiff, thus obstructing justice and violating plaintiff's civil rights.

44. That defendant, McMillian, is in addition guilty of the violation as follows:

(a) of receving & publishing malicious mareria from defendants, Huie & Frank, with a reckless disregard for the truth or falsity of said material thus compounding McMillian's libel.

45. That defendant, Huie, is in addition guilty of the violation as follows:

(a) of libeling with malicious intent by falsely charging on a CBS-TV special dated January 2, 1976, and hosted by Dan Rather, that Plaintiff had in effect murdered, Rev. Martin Luther King Jr., and, robbed a loan company in, London, England.

46. That defendant, Haile, is guilty of the additional violations as follows:

(a) of violating Plaintiff's civil rights with malicious intent by aiding & abetting defendant, McMillian, in his (MCmillian's) publishing said article, through furnishing McMillian information from the files of the Tennessee Attorney General's office while he (Haile) was asst. Att. Gen.

(b) of having direct knowledge resulting from his tenure in the Tennessee A.G. office and his association with the aforementioned, Percy Foreman & William L. Barry, of the truthfulness of allegation made in count-3 herein above, thus violating Plaintiff's civil rights.

47. That defendants, Judge McRae & Brenda Pellicciotti, are guilty of the civil rights violation as follows:

(a) of deliberately withholding relevant portions of Plaintiff's transcript from an appellate court, refered to in count-14 b above, and thus contributed substantially to that court--U.S. 6th circuit court of appeals--sustaining Judge McRae's earlier ruling therein against Plaintiff.

48. That defendant, Judge McRae, is in addition guilty of the civil right's violation as follows:

(a) of refusing to act on a motion to take perpetuating testimony from defendant, Huie, in the aforementioned evidentiary hearing, refered to in count-14 c above.

49. That the Plaintiff is entitled to exemplary damages because defendants, excluding Judge McRae & Pellicciotti, should be taught that the culpability of defendants in cr. indictments were intended under the United States constitution to be decided in courts of law rather than through fraudulent misrepresentations in the commercial communications industry; and the other two defendants that legal requirements precede political considerations or biasness against a particular litigant.

50. That as a result of the defendants actions cited herein the Plaintiff has not only been ligeled in a maligant fashion but thoes who have the responsibility of upholding litigants constitutional rights have by their collusive acts indirectly contributed to and encouraged the libel.

WHEREFORE, Plaintiff demands judgment from defendants, excluding Judge McRae, punitive damages of Five hundred thousand dollars respectively.

James E. Ray
Station--A
Nashville, Tennessee.
Plaintiff James E. Ray

W. [illegible] Jones, DATE: 12.12.1967

[illegible] MAIN AVE. MEMPHIS TENNESSEE

Received of Sheriff William N. Morris, Jr. the sum of $10.00. Said monies being sent by mail to James Earl Ray, with aliases, from CARL PARKER who resides at 1065 BELLEVUE MAPLEWOOD, MO. 63143

The above sum was received in the form of SISTER. No. 7573-4534129

cash, (check) money order. (Circle appropriate)

VERA C. STAPLES
[illegible] N.W. RIVER DR.
MIA. FLA.

ROSEN LEE
Hanes, Hanes, Attorneys

BY: [signature]

James Earl Ray, County Jail

JERRY RAY - 710 ANN AVE.
ST. LOUIS, MISSOURI, 63104

JIM RAY 1982

EXHIBIT 16

State of Tennessee }
SHELBY COUNTY } ss.

I, J. A. BLACKWELL, Clerk of the Criminal Courts of said County, do hereby certify that the foregoing (5) FIVE Pages contain a full, true and perfect copy of the PETITION FOR WAIVER OF TRIAL AND REQUEST FOR ACCEPTANCE OF PLEA OF GUILTY AND ORDER AUTHORIZING WAIVER OF TRIAL AND ACCEPTING PLEA OF GUILTY AND VOIR DIRE OF DEFENDANT ON WAIVER AND ORDER - OF JAMES EARL RAY - DOCKET NUMBER B-16645 as the same appears of record now on file in my office.

In Testimony Whereof I have hereunto set my hand and affixed the seal of said Court, at office, in the City of Memphis, this 16 day of AUG. 1976

/s/ J.A.BLACKWELL Clerk

By [signature] D. C.

State of Tennessee }
SHELBY COUNTY }

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENN.
Memphis, Tenn AUG. 16,1976 19

I, WILLIAM H. WILLIAMS, sole and presiding Judge of the Criminal Court of said County Division 3, certify that J. A. BLACKWELL, who gave the foregoing certificate, is now, and was at the time of signing the same, Clerk of said Court, and that said Court is a Court of Record, and that his attestation is in due form, and his official acts, as such, are entitled to full faith and credit.

Witness my hand, this 16 day of AUG. 1976

[signature] Judge.

State of Tennessee }
SHELBY COUNTY }

I, J. A. BLACKWELL, Clerk of the Criminal Courts of said County, certify that HON. WILLIAM H. WILLIAMS, whose genuine official signature appears to the above and hereto annexed Certificate, is and was at the time of signing the same, sole and presiding Judge of the Criminal Court Division 3, in and for the County and State aforesaid, duly commissioned and qualified, and that all his official acts, as such, are entiled to full faith and credit.

In Testimony Whereof I have hereunto set my hand and affixed the seal of said Court, at office, in the City of Memphis, this 16 day of AUG. 1976

/s/ J.A.BLACKWELL Clerk.

By [signature] D. C.

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE
DIVISION III

STATE OF TENNESSEE

VS. NO. 16645

JAMES EARL RAY
DEFENDANT

PETITION FOR WAIVER OF TRIAL AND REQUEST FOR
ACCEPTANCE OF PLEA OF GUILTY

That my true full name is JAMES EARL RAY and I assert that all proceedings against me should be had in the name which I hereby declare to be my true name.

My attorney in the cause is PERCY FOREMAN, who was selected and retained by me,/who was appointed by the Court ~~xkxxxrequest~~, to represent me in this cause. and Hugh Stanton, Sr., Public Defender,

I have received a copy of the indictment before being called upon to plead, and I have read and discussed it with my attorney, and believe and feel that I understand the accusation made against me in this case and in each case listed herein. I hereby waive the formal reading of the indictment.

I have told my attorney the facts and surrounding circumstances as known to me concerning the matters mentioned in the indictments, and believe and feel that my attorney is fully informed as to all such matters. My attorney has informed me at to the nature and cause of each accusation against me, and as to any and all possible defenses I might have in this cause.

My attorney has advised me as to the punishment provided by law for the offenses charged and embraced in the indictment against me. My attorney has further advised that punishment which the law provides for the crime with which I am charged in the indictment is as follows:

death by electrocution or confinement in the State Penitentiary for life or for some period of time over twenty (20) years

and if accepted by the Court and Jury my sentence on a plea of guilty will be:

confinement in the State Penitentiary for ninety-nine years (99).

It has been fully explained to me and I understand that I may, if I so choose, plead "Not Guilty" to any offense charged against me, and that if I choose to plead "Not Guilty" the Constitution guarantees and this Court will provide me the right to a speedy and public trial by jury; the right to see and hear all witnesses against me; the right to use the power and process of the Court to compell the production of any evidence, including the attendance of any witness, in my favor; and the right to have the assistance of counsel in my defense at all stages of the proceedings.

In the exercise of my own free will and choice and without any threats or pressure of any kind or promises of gain or favor from any source whatsoever, and being fully aware of the action I am taking, I do hereby in open Court request the Court to accept my plea of guilty to the charges outlined herein. I hereby waive any right I may or could have to a Motion for a New Trial, and/or an appeal.

James Earl Ray
Defendant

Witness:
Percy Foreman
Hugh Stanton Sr.
Hugh Stanton Jr.

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE
DIVISION III

STATE OF TENNESSEE

VS NO. 16645

JAMES EARL RAY

DEFENDANT

ORDER AUTHORIZING WAIVER OF TRIAL AND ACCEPTING PLEA OF GUILTY

This cause came on for hearing before the Honorable W. PRESTON BATTLE, Judge of Division III, of the Criminal Court of Shelby County, Tennessee, on the petition of the defendant, JAMES EARL RAY, for Waiver of trial by jury and request for acceptance of a plea of guilty, said petition being attached hereto and incorporated by reference herein; upon statements made in open Court by the defendant herein; his attorneys of record; the District Attorney General/the Assistant Attorneys General representing the State of Tennessee; and from questioning by the Court of defendant and his counsel in open Court; and

IT APPEARING TO THE COURT after careful consideration that the defendant herein has been fully advised and understands his right to a trial by jury on the merits of the indictment against him, and that the defendant herein does not elect to have a jury determine his guilt or innocence under a plea of Not Guilty; and has waived the formal reading of the indictment, AND:

IT FURTHER APPEARING TO THE COURT that the defendant intelligently and understandingly waives his right to a trial and of his own free will and choice and without any threats or pressure of any kind or promises, other that the recommendation of the State as to punishment; and does desire to enter a plea of guilty and accept the recommendation of the State as to punishment, waives his right to a Motion for a New Trial and/or an appeal.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the petition filed herein be and the same is hereby granted.

Enter this the 10TH day of March, 1969.

W. Preston Battle
JUDGE

JUDGE "James Earl Ray, stand."

JUDGE "Have your lawyers explained all your rights to you and do you understand them?"

DEFENDANT "Yes"

JUDGE "Do you know that you have a right to a trial by jury on the charge of Murder in the First Degree against you, the punishment for Murder in the First Degree ranging from Death by Electrocution to any time over twenty years? The burden of proof is on the State of Tennessee to prove you guilty beyond a reasonable doubt and to a moral certainty and the decision of the Jury must be unanimous both as to guilt and punishment?

In the event of a jury verdict against you, you would have the right to file a Motion for a New Trial addressed to the trial judge? In the event of an adverse ruling against you on your Motion for a New Trial, you would have the right to successive appeals to the Tennessee Court of Criminal Appeals and the Supreme Court of Tennessee and to file a petition for review by the Supreme Court of the United States? Do you understand that you have all these rights?"

DEFENDANT "Yes"

JUDGE "You are entering a plea of Guilty to Murder in the First Degree as charged in the Indictment and are compromising and settling your case on agreed punishment of ninety-nine years in the State Penitentiary. Is this what you want to do?"

DEFENDANT "Yes"

JUDGE "Do you understand that you are waiving, which means "giving up", a formal trial by your Plea of Guilty although the laws of this State require the prosecution to present certain evidence to a jury in all cases of Pleas of Guilty to Murder in the First Degree?

Jas. P. J.

By your plea of guilty you are also waiving your rights to (1) Motion for a New Trial; (2) Successive Appeals to the Tennessee Court of Criminal Appeals and the Supreme Court of Tennessee; (3) Petition for Review by the Supreme Court of the United States.

By your plea of guilty you are also abandoning and waiving your objections and exceptions to all the Motions and Petitions in which the Court has heretofore ruled against you in whole or in part, among them being:

1. Motion to withdraw plea and quash indictment
2. Motion to inspect evidence
3. Motion to remove lights and cameras from jail
4. Motion for private consultation with attorney
5. Petition to authorize defendant to take depositions
6. Motion to permit conference with Huie
7. Motion to permit photographs
8. Motion to designate court reporters
9. Motion to stipulate testimony
10. Suggestion of proper name"

DEFENDANT "Yes"

JUDGE "Has anything besides this sentence of ninety-nine years in the penitentiary been promised to you to get you to plead guilty? Has anything else been promised you by anyone?"

DEFENDANT "No"

JUDGE "Has any pressure of any kind, by anyone in any way been used on you to get you to plead guilty?"

DEFENDANT "No"

JUDGE "Are you pleading guilty to Murder in the First Degree in this case because you killed Dr. Martin Luther King under such circumstances that would make you legally guilty of Murder in the First Degree under the law as explained to you by your lawyers?"

DEFENDANT "Yes"

P. 7

Voir Dire of Defendant on Waiver and Order

JUDGE "Is this Plea of Guilty to Murder in the First Degree with agreed punishment of ninety-nine years in the State Penitentiary, freely, voluntarily and understandingly made and entered by you?"

DEFENDANT "Yes"

JUDGE "Is this Plea of Guilty on your part the free act of your free will, made with your full knowledge and understanding of its meaning and consequences?"

DEFENDANT "Yes"

JUDGE "You may be seated."

Jimmie Ho Percy Foreman

EXHIBIT 17
(Classified)

EXHIBIT 18
(Classified)