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Dr. Martin Luther King, Jr.:
An Analysis of the Performance of
The Department of Justice and the
Federal Bureau of Investigation

INVESTIGATION INTO THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.:

AN ANALYSIS OF THE PERFORMANCE OF THE DEPARTMENT OF JUSTICE AND THE FEDERAL BUREAU OF INVESTIGATION

* * * *

STAFF REPORT
OF THE
SELECT COMMITTEE ON ASSASSINATIONS
U.S. HOUSE OF REPRESENTATIVES
NINETY-FIFTH CONGRESS
SECOND SESSION

NOVEMBER 27, 1978

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I

INTRODUCTION: THE ISSUES AND THE APPROACH

Because of the extensive effort made by the FBI in both the security (COMINFIL) investigations and the COINTELPRO operations carried out against Dr. King and the SCLC during the 1960's, the House Select Committee on Assassinations was faced with the troubling question of whether that same agency was either willing or able to conduct a thorough and far reaching criminal investigation of the assassination itself. Stated otherwise, could the FBI abandon the adversary posture it had assumed toward Dr. King, and carry out an objective and agressive investigation of the person(s) responsible for the murder?

Beyond this overriding issue, the Committee's review of the federal assassination investigation involved a number of additional important inquiries:

1) Did the Justice Department, properly exercise its supervisory authority over the direction and conduct of the investigation?

2) Were all available investigative resources committed to the task of identifying and locating the person(s) responsible for Dr. King's death?

3) What was the nature of the FBI's coordination with, and use of, the facilities and resources of local authorities, including the Memphis Police Department and the Shelby County prosecutors?

4) Was the investigation conducted with due regard for the constitutional rights of citizens? of investigative targets? of the defendant, James Earl Ray?

In order to answer these and other significant issues, the Committee directed staff to undertake, as its first step, a thorough review of pertinent investigative files from both the Department of Justice and the Federal Bureau of Investigation.

Of primary importance were the FBI Headquarters MURKIN File, (the official designation of the FBI's assassination investigation was "MURKIN"); the Memphis FBI Field Office MURKIN File, (Memphis was "office of origin" on the investigation"); and major field office reports from sixteen separate FBI districts, including the key cities of Atlanta, Birmingham, New Orleans, St. Louis, Kansas City, Chicago and Los Angeles. In addition, the Justice Department files on the assassination investigation, a separate Department file on Ray's extradition, and the 1977 Justice Department Task Force Report were also reviewed.

This file review was followed by a series of lengthy, in-person interviews with former officials of both the Justice Department and the FBI who played significant roles, either as supervisors or field agents, in the assassination investigation. The interviews

were supplemented by executive session testimony from Ramsey Clark, former Attorney General of the United States; Cartha DeLoach, former Assistant to the Director of the FBI; and Robert Jensen, former Special Agent-in-Charge of the FBI's Memphis Field Office.

With the exception of J.Edgar Hoover, FBI directer in 1968; Clyde Tolson, Hoover's Associate Director; and Thomas Robinson, United States Attorney in Memphis in 1968, all of whom are deceased, the Committee was able to interview all individuals whose testimony was considered necessary for a thorough examination of the quality of the performance of the FBI and the Justice Department during the assassination investigation.

The results of the Committee's inquiry into the issues described above and other related areas is included in the report which follows.

II

THE COURSE OF THE INVESTIGATION

(A) THE INVESTIGATORS - Memphis Field Office

Memphis, Tennessee, city of Dr. King's assassination, was one of fifty eight cities[1] in the United States in 1968 with an FBI "field" or district" office. The Memphis field office was manned by approximately ninety persons[2] (agents and administrative personnel) working either out of Memphis or a resident agent office elsewhere in the district. Because of the location of the murder, Memphis immediately assumed the responsibilities of "office of origin", a designation which meant that Memphis received a copy of most of the paper work produced by the Bureau and its various field offices during the investigation, and assumed, in addition to its daily investigative chores, reporting and administrative responsibilities. The head of the Memphis office, carrying the title of Special Agent in Charge, (SAC), was ROBERT JENSEN.

SAC Jensen's "case agent" for the FBI's assassination investigation was Special Agent (SA) JOSEPH HESTER. As case agent, Hester assumed immediate responsibility for monitoring all aspects of the investigation, coordinating investigative leads and preparing monthly reports on the progress of the case.

(B) THE INVESTIGATORS - FBI Headquarters

Because of the significance of the investigation, and its national and ultimately international dimensions, the direction of the investigation was shaped in Washington, rather than out of the Memphis field office; consequently, a number of FBI headquarters officials were also closely involved in the investigation.

From the beginning, the MURKIN investigation was classified as a civil rights investigation. RICHARD E. LONG, an Agent Supervisor assigned in 1968 to the Civil Rights Unit of the Civil Rights Section of the General Investigative Division, became the headquarters "case agent" for the MURKIN investigation; Long received this assignment because Memphis fell within his area of geographic responsibility.[3] As case agent, Long received incoming communications from field offices, worked with others in preparing daily memoranda for his superiors within the FBI and separate reports for the Department of Justice, drafted leads to the field, and coordinated inter-field office communications.

Long's immediate supervisor and head of the Civil Rights Unit was EDWARD J. MCDONOUGH. Immediately following King's assassination, McDonough assumed Long's outstanding case load so that the case agent could devote full time to the paperwork of the MURKIN investigation. McDonough also screened all communications on the MURKIN investigation and assisted in preparing the daily summary memos used to keep FBI superiors informed on

progress in the investigation. Neither Long nor McDonough exercised significant independent command authority; McDonough stated in his Committee interview that except on rare occasions, neither he nor Long initiated leads from headquarters without clearing them with Clem McGowan, head of the Civil Rights Section.[4]

WILBUR MARTINDALE, head of the Civil Rights Act of 1964 Unit within the Civil Rights Section, worked closely with McDonough and McGowan in coordinating the MURKIN investigation. While not in the strict chain-of-command,[5] Martindale performed a large part of the daily report writing and recalls meeting on a daily basis with Clem McGowan, head of the Civil Rights Section, and Alex Rosen, Assistant Director in charge of the General Investigative Division,[6] to assess the evidence and direct the field investigation. Martindale also spent several weeks in London following Ray's apprehension as headquarters liaison with Scotland Yard, and was one of four FBI agents who accompanied Ray on his trip to Tennessee following his formal extradition from England.[7]

CLEM MCGOWAN, Chief of the Civil Rights Section of the General Investigative Division, represented the lowest level of significant command authority at headquarters during the MURKIN investigation; leads to the field generally originated from his office, or that of Alex Rosen or Cartha DeLoach.[8] McGowan's office reviewed most incoming airtels and communications initially, and then passed them up to Alex Rosen or down to Ed McDonough and Richard Long depending on their importance. McGowan recalls meeting on a daily basis with the personnel of his section, and almost as frequently with Rosen and DeLoach, to discuss the MURKIN

investigation. He never personally discussed the case with Hoover.[9] McGowan stated that the daily memos prepared within the Civil Rights Section were the primary means used to brief Hoover.[10]

In 1968, the FBI was divided into nine operational divisions, each headed by an Assistant Director.[11] The General Investigative Division, (Division 6), which contained McGowan's Civil Rights Section as one of four separate sections, was the responsibility of Assistant Director ALEX ROSEN. Rosen, who had held this same position since 1942,[12] identified his primary function as keeping Director Hoover informed of the significant case developments.[13] In performing his functions, Rosen reported directly to Cartha DeLoach.[14]

Rosen stated that active daily and hourly coordination of the investigation was initially the responsibility of the Memphis office, followed closely by headquarters. Once evidence was developed on the international scope of Ray's travels, however, Rosen recalls that the burden of coordinating the investigation shifted from Memphis to headquarters.[15]

Rosen's "number one man", JAMES R. MALLEY, kept fully abreast of MURKIN communications relayed to Rosen's office, and had the authority to act independently on matters he felt Rosen had no need to see.[16] Malley did not meet with Hoover on the MURKIN investigation;[17] in-person briefings of the Director were handled by Alex Rosen and/or Cartha DeLoach.

CARTHA DELOACH, one of two "Assistants to the Director" in 1968, is currently the highest living member of the MURKIN

chain of command. In addition to his direct supervisory responsibility for the Bureau's investigative and public relations activities, DeLoach was also responsible for liaison with the Attorney General, Ramsey Clark. During the MURKIN investigation, as at other times, DeLoach answered directly to Clyde Tolson, Associate Director, and to J. Edgar Hoover, Director. In turn, DeLoach dealt primarily with Alex Rosen, and recalls little contact with Malley or McGowan.[18]

(C) INITIAL RESPONSE AND THE IDENTIFICATION OF JAMES EARL RAY.

At 6:00 p.m. on April 4, 1968, Dr. King was struck by a single bullet fired from a high powered rifle while standing on the balcony of the Lorraine Motel in Memphis, Tennessee. Approximately one hour later, at 7:05 p.m., King was pronounced dead by attending physicians at St. Joseph's Hospital, in Memphis. Cause of death was a bullet that passed through the lower right side of Dr. King's jaw before severing the spinal cord at the root of the neck and lodging in the upper back.

Within brief moments after the shot, members of the Memphis Police Department had saturated the crime scene. A call was placed to the FBI field office in Memphis and SAC Jensen was notified of the assassination attempt.[19] Jensen immediately contacted the night duty man in Division Five (Domestic Intelligence);[20] shortly thereafter he was put through to Cartha DeLoach, Assistant to the Director of the FBI with supervisory authority over both the Domestic Intelligence Division and the General Investigative Division. DeLoach in turn notified Hoover.[21]

While the news of the attempt on Dr. King's life moved through the FBI's command structure, Attorney General Clark was first contacted, he believes, by Jim Laue, a Justice Department Community Relations specialist who was with King when he was shot.[22] Steven Pollak, head of the Justice Department's Civil Rights Division, (soon to be responsible for supervising the civil rights investigation), believes he was with Attorney General Clark at the time he first heard of the crime.[23] A short time later, Clark was in telephonic contact with DeLoach and thereafter with Hoover.

A decision was made-apparently almost instinctively - to involve the FBI completely in the investigation of the assassination, and later that evening a written memorandum was sent from Pollak to the Director of the FBI ordering "a full investigation into a possible violation of 18 U.S.C. §241" - the federal statute barring conspiracies to impede or otherwise interfere with the constitutional rights of an individual - in this case Dr. King's.[24]

Back in Memphis, witnesses to the shooting indicated that the shot had come from the rear of a lower-class rooming house located at 422½ South Main Street, Memphis. A bundle of evidence containing, among other things, a 30.06 Remington Game Master rifle, Model 760, with scope; a box of Peters cartridges; binoculars; articles of clothing and various toilet articles, was recovered from the entrance of Canipes Amusement Company at 418 South Main Street. Individuals inside Canipes at the time of the assassination recalled seeing a white male walk quickly away from Canipes immediately after the bundle was dropped; moments later a white Mustang parked just south of Canipes drove rapidly north on Main Street and away from the crime scene.[25]

As the evening passed, the Memphis office initiated a trace of the weapon by serial number, interviewed witnesses, including Bessie Brewer, the landlady at 422½ South Main Street who recalled receiving a $20.00 bill earlier that day in payment for an $8.50/wk room from a white male using the name John Willard. In addition, agents were attempting to locate and

interview Charles Stevens, whom news releases identified as a witness to the assassin. Finally, arrangements were made with the Memphis Police Department to forward all physical evidence to Washington for analysis in FBI labs.[26] Agent Bob Fitzpatrick of the Memphis office left the city on a 12:25 a.m. flight to Washington; the evidence, including the binoculars, the rifle, the bullet taken from King's body, and a $20 bill given to Bessie Brewer, arrived in FBI laboratories as of 5:16 a.m., April 5, 1968, and was immediately subjected to analysis.[27]

While the FBI's Memphis investigation got off the ground, Attorney General Clark decided that an immediate visit to Memphis was in order. Accompanied by Roger Wilkins, Director of the Community Relations Service; Clifford L. Alexander, Jr., Director of the Equal Employment Opportunity Commission; and Cartha DeLoach, Assistant to the Director, FBI, Clark left Anderews Air Force Base on a 6:45 a.m. flight to Memphis the morning of April 5, 1968.[28]

Several reasons have been offered for this visit of high level officials to the scene of the crime. Attorney General Clark has indicated some concern over the explosive racial situation in Memphis following the assassination.[29] He also felt a need to remain immediately apprised of progress in the FBI's investigation in Memphis, thus explaining his decision to bring Cartha DeLoach with him.[30] DeLoach explained his participation in the trip as, in part, "window-dressing", prompted by a desire to have a high level FBI official on the scene. In Memphis members of this visiting group visited with Mayor Loeb[31] and the United States

Attorney, Thomas Robinson, and made stops at the FBI field office, Director Holloman's office in the Memphis Police Department, and the Memphis Airport to observe King's body being placed on a plane for a return trip to Atlanta.[32] Finally, a press conference was held in which Attorney General Clark expressed a belief that the assassin's capture was imminent, and that the available evidence indicated the involvement of only one individual; Clark has explained his remarks in terms of his desire to quell the racial unrest that erupted throughout the nation immediately following King's death.[33]

Many of the early investigative developments resulted from the Bureau's analysis of physical evidence discovered at the scene of the crime. Both the binoculars and the rifle were traced to their respective places of purchase. The binoculars had been bought locally, in the City of Memphis itself.[34] The suspected murder weapon, on the other hand, was traced to the Aeromarine Supply Company in Birmingham, Alabama.[35] Early ballistics tests conducted on the 30.06 rifle and the death slug taken from Dr. King's body during the autopsy revealed that while "the bullet <u>could have</u> been fired from the rifle found near the scene:, the mutilation of the bullet made it impossible to state "that it was actually fired from this one rifle."[36] (emphasis added). Interviews with clerks at Aeromarine established that the rifle had been purchased on March 30th, 1968, by an individual using the name of Harvey Lowmeyer, generally described as a "white male, thirty-six years old, five feet eight inches tall, one hundred fifty - one hundred sixty pounds, black or dark brown hair."[37] Laundry marks found on a pair of undershorts

and an undershirt in the bundle of evidence were traced to a specific machine model, and efforts started throughout the country to locate a particular laundry, and a particular machine.[38] One week after the assassination, the suspect's use of the Home Service Laundry in Los Angeles was established.[39] Finally, by April 9, 1969, a pair of duckbill pliers found in the bundle was traced to the Rompage Hardware Company in Los Angeles.[40]

The FBI's MURKIN investigation was treated from the beginning as a "major case" or "special" investigation. Additional administrative personnel and agents were assigned to Memphis during the intitial stages, including an accountant to maintain nationwide cost figures on the investigation.[41] A twenty-four hour deadline was imposed on all field offices to check out leads, and a tickler system was implemented by headquarters case agent Richard E. Long to monitor compliance during the field investigation.[42] On April 7, 1968, an "All SAC" memo issued from headquarters with instructions similar to those normally issued in special investigations:

> "All investigation must be handled under the personal direction of the SAC. Leads are to be afforded immediate, thorough investigative attention. You must exhaust all possibilities from such leads as any one lead could result in the solution of this most important investigation. SAC will be held personally responsible for any failure to promptly and thoroughly handle investigations in this matter..

Finally, in further recognition of the "special" nature of the MURKIN investigation, the FBI sent an inspector from headquarters to oversee the investigation in the crucial field offices.

Inspector Joseph Sullivan, selected for his past experience in civil rights investigations in the deep South, was sent to Memphis, and remained there for approximately one week before moving to Atlanta to direct the investigation there.[44] While in Memphis and Atlanta, Sullivan took over the day-to-day direction of the investigation, leaving the SAC free to attend to other matters in the office.[45] The Committee has been assured that the assignment of Inspector Sullivan to Memphis and Atlanta during the initial stages of the investigation did not indicate a lack of confidence in the field SAC's,[46] but simply was evidence of the importance of the investigation in the eyes of the Bureau.[47]

During the first two days of the investigation, the FBI had discovered two aliases used by the suspected assassin - John Willard (used in renting a room at Bessie Brewer's rooming house on April 4, 1968) and Harvey Lowmeyer, (used during the Birmingham rifle purchase). On April 9th, a third possible alias - Eric S. Galt was added to a growing list. During a routine motel search in the Memphis area, agents discovered that an individual using that name, and driving a Mustang with Alabama license plate "138993", had registered on April 3 and checked out on April 4, 1968.[48] Galt's residence was listed as 2608 Highland Street, Birmingham, Alabama (noteworthy because it was in the same area as the fake residence listed by "Harvey Lowmeyer" during the rifle purchase on March 29 and March 30, 1968).

An investigation of 2608 Highland Street, Birmingham, revealed a rooming house owned by one Peter Cherpes, where Galt had resided

during 1967. Cherpes and other tenants noted similarities between an artist's conception of the assassin and Galt. Further investigation in Birmingham disclosed that Galt had purchased the Mustang in September of the previous year from one William Paisley for a price of $1950. At the time of the car purchase, Galt possessed a safe-deposit box at the Birmingham Trust National Bank, and a comparison of writing samples from safe-deposit box documents and "Lowmeyer"'s rifle purchase receipt revealed "similarities". Galt's name was added to the list of individuals sought for interview by the Bureau,[49] and a directive issued to all continental offices to search records at the local offices of the Selective Service, telephone company, motor vehicle departments, financial institutions, credit bureaus and other "logical sources" for information under the new alias. In addition, information on the Mustang was entered into the NCIC[51] (National Crime Information Center) system, insuring that inquiries concerning the vehicle would be directed to the FBI.

On April 11, 1968, the Mustang was located in Atlanta, abandoned in the parking lot of the Capital Homes Apartment Building at the intersection of Memorial Drive and Connally Street. The car provided a number of leads. An inspection of mileage figures revealed that it had been driven approximately 19,000 miles since Galt purchased it from William Paisley in September of 1967. A Mexican tourist sticker indicated that the car had entered Mexico, at Nuevo Laredo, on 10/7/67.[52] The car had been serviced twice in California, once in Hollywood, and on 2/13/68, in Los Angeles. In the trunk, agents located clothing

and bedding, floor mats, a hunting knife and tools, and a piece of cardboard with two names and the address of "1535 North Serrano" written thereon.[53] Shortly after the car's discovery, laboratory tests proved that fibers found on a blanket in the bundle of evidence in Memphis and on a sheet from the vehicle trunk were identical; the FBI concluded that "Galt's automobile (was) involved in the murder."[54]

Additional evidence on Eric S. Galt, the primary suspect, continued to accumulate. By April 13, 1968, nine days after the assassination, Galt's movements throughout the country had become clearer. Correspondence with the Locksmithing Institute, Little Falls, New Jersey showed Galt in Montreal, Canada on July 31, 1968. Field investigation in Birmingham disclosed Galt's attendance of classes of the Continental Dance Studio between September 12 and October 3, 1967, and a search of post office records in that city revealed his purchase of a significant amount of camera equipment in October of 1967; letters written to the Superior Bulk Film Company, Chicago, carried return addresses of Hotel Rio, Puerto Vallarta, Mexico and 1535 North Serrano, Los Angeles. A second Los Angeles address for Galt - the St. Francis Hotel on Hollywood Boulevard - was established for the period of January 21, 1968 to March 17, 1968.

Particulary important for purposes of the upcoming prosecution case against Galt was a Los Angeles postal change of address card executed and mailed by Galt on March 17, 1968, which gave a new

address of "General Delivery, Atlanta, Georgia", the city of King's home and SCLC headquarters. Galt's actual Atlanta address - 113 14th Street, N.E., was discovered on a change of address implemented by the Locksmithing Institute, Little Falls, New Jersey on March 30, 1968. Agents were placed in the "hippie" rooming house at that address in an undercover capacity, hoping to catch Galt if he returned to his prior residence.[55]

While agents awaited Galt's return to Atlanta, others interviewed two of the suspect's chief acquaintances in California: Charles Stein, an unemployed, self-described "song-writer", and Marie Martin, a cocktail waitress at the Sultan Room Lounge on Hollywood Boulevard. Stein recalled meeting Galt on December 14, 1967; the following day, December 15th, Galt prevailed upon Charles Stein, his sister Rita Stein, and Marie Martin to sign a petition in support of Governor George Wallace's presidential campaign. Immediately thereafter Galt and Stein drove to New Orleans to pick up Stein's niece and nephew. Stein recalled Galt mentioning a meeting with individuals associated with an engineering or contracting firm;[56] he met Galt once in New Orleans on December 18, 1967, the day after their arrival. The next day they returned to Los Angeles, again driving non-stop. While in New Orleans, Galt stayed at the Provincial Motel; however, investigation at the motel revealed no long distance calls, and local telephone call records had been destroyed prior to the agent's arrival.

Using statements of Stein and Marie Martin, as well as those of other witnesses, the FBI began to document aspects of the suspect's personality. Martin reported that he was constantly at the

Sultan Room, took a bartending course, drank vodka and sometimes beer, didn't smoke, and was solemn and emotionless. She also remembered Galt recounting an incident when he drove his Mustang through a Black neighborhood and was hit by tomatoes thrown by the local residents. Charles Stein recalled neat dressing habits, a soft-spoken manner and a penchant for country western music.[57]

In addition, in California agents located a Los Angeles bartending school attended by Galt and discovered two items of interest: first, the FBI obtained its first photo of the illusive Eric Galt, taken at the time of his graduation; Galt's eyes were closed in the picture. Second, Thomas Lau, president of the Bartending School, told agents that on March 2, 1968, Galt turned down an offer of employment, explaining that he would be leaving town in two weeks to visit his brother.[58] Meanwhile, records were discovered at the Piedmont Laundry in Atlanta indicating visits by Galt on April 1, 1968, following "Lowmeyer's" purchase of the rifle in Birmingham, and on April 5, 1968, the day after the assassination.[59]

On April 17th, in order to secure an arrest warrant and additional publicity in the fugitive search, a federal complaint was filed with the United States Commissioner in Birmingham, Mildred F. Sprague, charging Eric S. Galt "and an individual alleged to be his brother" with conspiracy to interfere with constitutional rights of Martin Luther King, Jr.[60] A "fugitive press release" was issued with the complaint,[61] and widespread distribution of the

information and accompanying photo through the media was encouraged.[62]

While the Department of Justice and the FBI solicited the assistance of the public through their press release, a fingerprint project was in progress at Bureau headquarters which led, on April 19, 1968, to the largest break in the case - the identification of James Earl Ray as the illusive suspect. Almost immediately after the assassination, the Bureau obtained unidentified latent prints of value from the rifle, binoculars, bear cans and a Memphis newspaper - the Commercial Appeal - items found in the bundle of evidence thought to have been dropped by the assassin shortly after the murder. As the evidence accumulated, additional latents were obtained, including one on a map of Mexico discovered in the Atlanta rooming house by Galt shortly before the assassination. Comparisons revealed that at least three prints, found on the Mexico map, the rifle, and the binoculars, were identical, and apparently came from the left thumb; the print was identified as "an ulner loop with twelve ridge counts."[63]

After unsuccessfully comparing this and other prints with known prints of "approximately 400 suspects," the single fingerprint file and "all outstanding FBI identification orders,"[64] a systematic search of fingerprint records of fugitives was initiated. Approximately 1900 fugitives were identified with "ulnar loops of 10-4 ridge counts in the left thumb."[65] Fifteen days after the assassination, a manual comparison of the smaller group with the isolated laten produced a positive match with the prints of James Earl Ray, a fugitive from Missouri State Prison.[66]

(D) IDENTIFICATION TO ARREST

It is clear from a review of the investigatory files that the identification of James Earl Ray terminated a major phase of the Bureau's investigation. Inspector Joseph Sullivan, the Headquarters representative assigned to coordinate activities in the Memphis and Atlanta field offices during the early stages of the investigation, was taken off the case and sent to Detroit, Michigan to work on the racial informant program in that office. In recommending this move, Assistant Director Rosen, stated:

> "In view of current developments, there does not appear to be any need for Inspector Joe Sullivan to be in Atlanta, Georgia, or Memphis, Tennessee. We are now engaged in a fugitive investigation and all offices will have to focus their full attention to any leads which might develop as a result of our inquiries."[67]

Simultaneously, Memphis was directed to phase out the fifteen agents and three stenographic clerks they had received on the heels of the assassination.[68]

A new press release was issued, with directions to all field offices to insure "repeated and widespread distribution."[69] For only the second time in Bureau history, approval was given to make Ray a "special addition" to the "Ten Most Wanted List". Finally, short appeals for public assistance in the fugitive investigation were drafted and approved for use on the April 21st and April 28th installments of "The FBI" on television,[71] and within a week after the identification, various institutions and officials had offered a total of $100,000.00 for information leading to the apprehension and conviction of Ray.[72]

With James Earl Ray, a fugitive from Missouri State Prison, now at the center of the investigation, the Bureau initiated efforts directed both at the family and at inmate and criminal associates of the suspect. Jerry Ray, the youngest of the three brothers, was interviewed in Chicago on the day of Ray's identification, denied knowledge of and participation in the assassination, supplied handwriting samples, photos and major case prints and stated that he had not seen his brother outside of prison since 1952.[73] Three days later, John Larry Ray, the middle brother, who had been located in St. Louis, stated that he had seen his fugitive brother twice in the last twenty years, and most recently three years back, and then expressed surprise to the interviewing agents that so much effort was being expended in attempting to locate James, since all he had done was "kill a nigger".[74]

Interviews with Ray's inmate associates produced volumnious and often contradictory information on a variety of topics, including the suspect's racial attitudes, the manner of his April 23, 1978 escape from Missouri State Prison, his involvement in the trafficking and use of drugs while in prison, assassination plots relating to King, and information on the suspect's present whereabouts. On several occasions, and quite predictably, agents attempting these interviews met with antagonism or outright refusals to cooperate in the investigation.

In addition to the information relating to narcotics, the escape, and the suspect's racial attitudes, some inmates also told of a prisoner association known as "Cooley's Organization" alleged

to have been active in the "protection" business during the period of Ray's incarceration at MSP. After receiving one allegation that Ray was a member of the organization,[75] and another that Ray said in 1963 that Cooley or his organization would pay $10,000 to have King killed,[76] a directive issued from headquarters to the Kansas City Field Office to "press every effort possible to determine any information whatsoever concerning the Cooley organization."[77] Extensive field interviews were conducted. However, no substantial evidence was developed of the group's involvement in the assassination or of a concrete link between Ray and the organization.[78]

Throughout the country, additional details on Ray's 1967-68 travels were developed.

Prostitutes, bartenders, and cigarette girls in Puerto Vallarta, Mexico told of the suspect's interest in marijuana and of a possible "racial incident" between Ray and some Black customers at the Casa Susana in Puerto Vallarta.[79]

Interviews with Dale Rodriguez, Lorraine Calloway and Mariane DeGrasse established the likelihood of a second visit by Ray to New Orleans in March of 1968, after leaving Los Angeles.[80] Meanwhile, further efforts were made to determine who Ray telephoned during his first drive to New Orleans with Charles Stein in December of 1967.[81]

Nevertheless, while the picture of Ray's pre-assassination life-style became clearer, important issues remained a mystery. With the passage of time, FBI files reflect increasing emphasis

on establishing Ray's source of funding during both the pre-assassination travels and the post-assassination flight. "ALL-SAC" directives were issued to contact local narcotic investigative agencies to follow-up on evidence of Ray's interest in marijuana in Mexico, and amphetamines in Missouri State Prison.[82] On April 23, 1968, all office were instructed to consider Ray a suspect in the unsolved bank robberies, burglaries and armed robberies.[83] And on April 29, 1968, an "ALL-SAC" memo issued directing field offices to contact local law enforcement agencies maintaining latent fingerprint records "for (the) purpose of possibly establishing Ray's past whereabouts and source of funds."[84]

As the leads came up dry, additional approaches to the funding issues appeared: "Ray's prison financial accounts at Missouri State Prison were reviewed. On May 6, 1968, Atlanta, Birmingham and Memphis were told to check local safety deposit box records for April 4, 1968, to determine whether Ray had withdrawn valuables before fleeing.[86] On May 14, 1968, following up on the April 23, 1968 instructions, Washington directed all offices to display Ray's photograph to "appropriate witnesses in unsolved bank robberies and bank burglaries and to consider requesting the assassistance of local police in displaying the picture to witnesses in unsolved robberies.[87] A week later, field offices in Atlanta, Birmingham, Los Angeles, Memphis and New Orleans were told to investigate withdrawals from local banks exceeding $10,000, during April of 1968, to investigate the "possibility" that Ray was a hired assassin and received a timely pay-off.[88] Finally, the Springfield Field Office began

a thorough re-investigation of the July 13, 1967 robbery of the Bank of Alton in Alton, Illinois. The lead was considered promising because Ray was in the area at the right time and his description approximated that of the two unidentified suspects. Ultimately, however, the investigation bore no fruit.[89]

Above and beyond these questions, however, was the overriding problem of Ray's apprehension itself. Three days after the positive print identification, a directive was sent to all offices re-emphasizing the 24-hour lead deadline, and directing contact with all criminal, racial and security informants to determine whether any possessed information on James Earl Ray.[90]

In addition, record checks and interviews were performed at local banks, telephone companies credit agencies, police departments, car rental agencies, motor vehicle departments, dancing schools, low and middle class hotels, laundries, libraries, motels, utility companies, selective service bureaus, and appropriate unions.[91]

Beyond these general investigative efforts, specific "Ray-oriented" leads also appeared. On April 24, 1968, acting on Ray's use of Garner's low-class roominghouse and other similar establishments, Washington directed all offices to "conduct appropriate investigations of all hippie roominghouses and similar establishments to obtain any information concerning Ray.[92] And on April 25th, a check by Ford Motor Company of over 1,500,000 warranty cards on work done since August 30, 1969 produced negative results with respect to Ray's Mustang.[93]

Despite these impressive nationwide efforts, however, it is clear that the FBI felt the prospect for breaking the fugitive investigation lay with Ray's family. On April 20, 1968, St. Louis was directed to obtain all telephone calls from the phones of John Larry Ray, Carol Ann Pepper (Ray's sister) and any phone located in the Grapevine Tavern in St. Louis (Leased by John Larry Ray and licensed to to Carol Pepper).[94] This was followed up two days later by instructions sent to the four field offices responsible for areas inhabited by key members of the Ray family:

> "Full coverage is to be afforded relatives of subject residing in your respective territories. This will include a spot surveillance of these persons as well as a determination of their associates and individuals making frequent contact with them. You should also obtain all long distance telephone calls from their residences for period April 23, 1967 to the present time. You should make this a continuing project until otherwise advised by the Bureau...You should insure that each relative is adequately covered to possibly assist in the subject's location and apprehension." [95]

While the Bureau approached Ray's relatives directly in numerous field interviews in an effort to secure information on the whereabouts of the fugitive, additional, indirect approaches of the family were also considered. On May 7, the St. Louis office informed the Director of discussions with the local United States Attorney, in which the latter had agreed to "cooperate fully" in prosecuting Carol Pepper, Ray's sister, for false responses in an official liquor license questionnaire, "in the event pressure of this nature needed."[96] And on May 13, 1968, an official request was sent to the

office of the Attorney General seeking authorization to install microphone and technical surveillance on the residence of John Larry Ray. The purpose of the requested surveillance as phrased in the May 13 memo, was to "assist in the early apprehension of the subject."[97] The request was not approved, and was withdrawn on June 11, 1968, immediately following Ray's apprehension in London.[98]

Efforts to secure precise information on Ray's location from the family did not bear immediate fruit. Nevertheless, in a May 9th interview with John Larry Ray in St. Louis,[99] Ray's brother reported that Ray had mentioned an intention to leave the country if he escaped; Ray had also indicated, on one occasion, admiration for Ian Smith, head of the Rhodesian government. On May 10, 1968, based on this interview and other independent evidence of Ray's interest in African countries[100] headquarters initiated a United States Passport review in the Washington Field Office,[101] focusing initially on the 2,100,000 applications that had been filed since April of 1967, the month of Ray's escape from Missouri State Prison. Thirty-six agents were assigned to the task; (they had completed a review of 700,000 applications by the time of Ray's apprehension in London exactly one month later.)

Simultaneous with the initiation of the U.S. Passport project, wanted fliers were sent to the American consulate in Rhodesia for distribution there, and Washington instructed the FBI legat in Ottawa to implement a similar review project of Canadian passports with the assistance of the Royal Canadian Mounted Police.[102] A check on flights between Montreal and Rhodesia

was also ordered,[103] and ten days later, on May 21, 1967, arrangements had been made with the State Department to provide information on Ray to the 290 U.S. diplomatic establishments throughout the world.[104]

In addition to these efforts on the international scene, additional, often major domestic efforts were made in the fugitive investigation. On May 14, membership lists of the John Birch Society were checked for any ascertainable leads;[105] (Ray had left a John Birch Society pamphlet at Garner's in Atlanta). On May 21, 1968, all domestic offices began a review of drivers license applications for the months of April and May, 1968, for all white males between the ages of 30 to 55 years.[106] On May 22, 1968 headquarters, willing to attempt every possible device, considered placing an ad for "self-hypnosis" in publications normally read by Ray "in an effort to surface subject",[107] and sent a directive to various field offices to identify magazines habitually read by Ray.[108] And on May 28, 1968, in anticipation of an extensive project, the Director authorized a request to the Department of Health, Education and Welfare to check all new social security card applications (received in 1968 at rate of 110,000/wk.) for a lead to Ray's whereabouts. Despite these efforts, however, the FBI's fugitive investigation in May produced discouraging results. As the days passed, the illusive suspect was proving an embarrassment to the Bureau.

Then, on June 1, 1968, a break occurred in Canada when the RCMP passport review project turned up a possible match of Ray

in the Canadian passport of one "George Ramon Sneyd". RCMP officials determined from the Kennedy Travel Bureau in Toronto that "Sneyd" had purchased a Toronto-London-Toronto airlines ticket with a scheduled departure of May 6 and return on May 21, 1968. Meanwhile the FBI ascertained through print comparisons that Ray and "Sneyd" were, in fact, the same person,[109] and the trail was once again hot.

A check with airline authorities revealed that Ray, instead of using the return portion of his airlines ticket, had exchanged it in London and continued on to Lisbon, Portugal.[110] FBI headquarters sent Unit Chief Wilbur Martindale to Europe to follow the latest lead; Martindale stopped off in London to meet with the FBI Legat from Paris; the two then continued on to Lisbon.

Unknown to the FBI, however, Ray had returned to London on May 17, 1968, after a ten-day stay in Portugal. Approximately three weeks after his return to England, and on the same day that Martindale arrived in Lisbon, Ray was arrested at the London International Airport. The time in London was 11:15 a.m., on June 8, 1968, somewhat more than two months after the assassination of Dr. King.

(E) ARREST TO GUILTY PLEA

A quick review of basic cost information on the MURKIN investigation reveals that the FBI's nationwide field investigation wound down dramatically during the month of June, 1968. For example, the overall mileage driven by FBI agents through May 31, 1968

was placed at 448,775. The mileage figure for June was 24,430, and for the next four months - July through October - 4,322 miles Similarly, the overall cost of the MURKIN investigation through May 31, 1968 was $1,117,870.00. Expenditures for June ran to $135,375.00, and for the next four months combined, $34,390.00.[111]

Arrangements began immediately to bring Ray back to the United States. Attorney General Clark asked Fred Vinson, Jr., the Assistant Attorney General for the Criminal Division, to coordinate the extradition proceedings in London, and in Memphis and Birmingham, Department of Justice attorneys completed affidavits of key witnesses for possible use in the English proceedings. At the same time, Vinson's counterpart in the Civil Rights Division, Assistant Attorney General Stephen Pollak, was told by the Attorney General to work fulltime on the King case,[114] while at the FBI, agents were selected to return with Ray to the United States[115] and the London Legat began to monitor progress in Ray's various extradition hearings.

In terms of the on-going investigation, FBI files reflect one area of lingering concern: the funding of Ray's travels. On June 20, 1968, the question of funding was raised in a discussion between Attorney General Clark and Director Hoover, and in a memo later written to summarize the meeting, Hoover wrote:

> "I stated that in Ray's case, we have not found a single angle that would indicate a conspiracy. I said the only significant thing is the money he had and what he spent freely in paying bills and I thought that could have been obtained from a bank robbery. The Attorney General said that if we could show he robbed the Bank of Alton, it would be helpful. I said we are working on that because he was paying his bills with $50 bills up to his arrest. I said on the other hand he stayed at flop

houses and never stayed at a first-class hotel but at the same time spent, I thought, $1200 or more in buying guns and the car, which I thought was $1500, and then he took dancing lessons, bartender lessons, and lessons in picking locks ..." [116]

In search of a solution to the funding problem, investigation of Ray's involvement in the Alton Bank robbery continued in the Springfield Office.[117] Meanwhile, the Kansas City Field Office was instructed to contact the warden at Missouri State Prison for new information on the "Cooley Organization" - a lead "which may assist in tracing subject's source of funds".[118] Finally, on June 24, 1968, Hoover authorized the Liaison Section to coordinate with the State Department in an attempt to ascertain the existence of a Swiss bank account in Ray's name.[119] Despite these efforts, a specific answer to Ray's manner of funding alluded the FBI.

Also apparent, following Ray's apprehension, was some effort to investigate the possibility of conspiracy in the assassination. On June 11, 1968, AAG Pollak asked Assistant Director Rosen, "whether the FBI was running out all allegations relative to possible conspiracy", and was assured that "so far (the FBI had) not been able to establish that there was any conspiracy, (but remained) constantly alert to this possibility."[120] On June 13, Ray's contact with "a fat man" in Canada was resolved as an innocent occurence.[121] On June 18, 1968, FBI headquarters, apparently in response to a second directive from the Department of Justice to continue to follow out leads pertaining to a possible federal violation",[122] (i.e. conspiracy), ordered a "specialized recheck" in Birmingham and Memphis of clients at the New Rebel Motel and the Birmingham motels during what was designated as the

relevant conspiratorial period (3/29/68 and 4/3/68) in search of possible Ray associates.

While a thorough analysis of the Bureau's conspiracy investigation will be included in a later portion of this report, it can be noted here that the Bureau's finding that Ray acted alone remained, throughout the investigation, constant and unshaken. On July 23, 1968, the FBI sent a memo to the Justice Department recommending dismissal of the conspiracy complaint that had been filed three months earlier in Birmingham "in view of the fact that this offense was not cited in the order of extradition."[123] Fred Vinson, AAG of the Criminal Division, concurred withthe FBI's recommendation on July 29, 1968;[124] however, AAG Stephen Pollak, (whose Civil Rights Division was responsible for the conspiracy prosecution), instructed the FBI one day later that "it would not be appropriate to dismiss the complaint at this time. The conspiracy investigation is still underway."[125] Thus, it was not until December 2, 1971 that the conspiracy complaint in Birmingham was ultimately dismissed.[126]

In Memphis, the Tennessee State murder case against Ray proceeded slowly to trial. On July 19th, Ray returned from London and was released by the FBI into the custody of local authorities in Shelby County, Tennessee. Sometime before, but after Ray's apprehension, Memphis FBI Case Agent Joe Hester's "prosecutive summary report" had been distributed to Phil Canale, District Attorney General, for his use during the prosecution. This was the first major release of FBI investigative files to

the local prosecutors since the assassination. Ten additional investigative reports from key field offices were sent to Memphis on August 6, 1978.[127]

As is indicated from the cost data cited earlier, the FBI's investigation had by this time been dramatically reduced; however, some additional steps were being taken. On August 27th, a request was made by the FBI to the Justice Department to consider a search warrant or grand jury subpoena to obtain the written notes of author William Bradford Huie. After lengthy consideration, the Department decided on November 27, 1968 not to undertake this approach.[128] While the files contain no explanation for this decision, it is noted that this memo is dated after the publication of Huie's second Look magazine article on Ray and the King case;[129] it seems likely, therefore, that the Department did not feel the potential gain would justify risking an adverse legal ruling on the propriety of a search warrant served to an author under contract to a criminal defendant, to obtain the product of his communications with the defendant.

The November 12th trial date was postponed when Ray fired his first attorney, Arthur Hanes, Sr., and hired Percy Foreman. Mr. Hugh Stanton, Sr., Shelby County Public Defender, was assigned to assist Foreman shortly thereafter, and a March 10, 1969 trial date was ultimately set.

In the end, however, the trial never occurred. Rather, Ray pled guilty to the first degree murder of Dr. King and accepted

a sentence of 99 years in the Tennessee State Prison. In an interview with FBI Memphis SAC Jensen, three days later, Ray proved generally uncooperative, and provided no evidence of the involvement of others in the assassination,[130] and while the FBI "MURKIN" File remains open today, to accept incoming leads on the case, nothing has occurred to change the official conclusion reached during the first months of the investigation: Ray killed King and acted alone in the process.

III.

COORDINATION BETWEEN THE DEPARTMENT OF JUSTICE AND THE FEDERAL BUREAU OF INVESTIGATION

Because the Federal Bureau of Investigation was, and remains, only one of several component agencies within the Department of Justice, the conduct of the MURKIN investigation was ultimately the responsibility of the Attorney General of the United States, as head of the Department of Justice, and of the attorneys that the Attorney General assigned to supervise the investigation.

A. THE LAWYERS

By April of 1968, Ramsey Clark had held the office of Attorney General, (either "Acting" or confirmed), for approximately eighteen months; he had spent an additional eighteen months as Deputy Attorney General under Nicholas Katzenbach.

During the administration of the assassination investigation, Clark's two primary assistants were Stephen Pollak and Fred Vinson, Jr., Assistant Attorneys General for the Civil Rights Division and the Criminal Division respectively. Because federal investigatory and prosecutorial jurisdiction was premised on a possible violation of 18 U.S.C. § 241 (Conspiracy to interfere with the constitutional rights of another)[131], Pollak's Civil Rights Division was formally responsible for the conduct of the investigation, and for

any federal prosecutions that might develop. From the beginning, however, Clark decided to deviate somewhat from the customary Justice Department practice of maintaining responsibility for an investigation exclusively within the confines of the appropriate division; instead he chose to involve the Criminal Division equally in the investigation, feeling that they had a better working relationship with the F.B.I.[132] Thus, it soon developed that both Pollak and his counterpart Fred Vinson, Jr. of the Criminal Division were reporting on the King investigation directly to Clark; moreover, it is Vinson's recollection that both he and Pollak were kept equally informed on this case and shared the burden of responsibility for its progress.[133]

Outside of Washington, the Department of Justice is represented by local United States Attorneys; one for each federal district in the country. Normally, the actual prosecution of a federal criminal case will be the responsibility of the local office, subject only to the supervision of the appropriate division of the Department; in 1968, however, this was not the practice in the area of civil rights prosecutions. Because of political considerations, together with the need to maintain working relations with local law enforcement agencies, the resident United States Attorney often found it awkward to bring cases against the local authorities under the various federal civil rights statutes. Thus by 1968, federal civil rights investigations and prosecutions had, with very few

exceptions, become the responsibility of the Civil Rights Division in Washington; the local United States Attorney remained on the sidelines, uninvolved in the prosecution except perhaps to provide information on local courtroom practices, or to assist during the voir dire of the jury panel.[134]

In the King investigation, this practice did not change. While the FBI's investigation was carried out by offices throughout the country, local U.S. Attorneys in important cities such as Atlanta, Memphis, New Orleans, Los Angeles, Chicago, and St. Louis were excluded from the information flow and therefore from the decision-making process.

B. THE INFORMATION FLOW AND THE ROLE OF THE ATTORNEYS

The ability of the Justice Department to provide meaningful input into the daily course of the FBI's investigation depended primarily on their ability to remain fully informed concerning developments in the case. Ultimately, however, the amount and quality of investigative information transmitted to the Justice Department depended almost exclusively on the Bureau's willingness to provide the data.

During his executive session testimony, Ramsey Clark recalled that he "caused a quite different relationship between the Office of the Attorney General and the Bureau in this (King) assassination...I became personally and

directly involved in the investigation, and received information directly about it in a way and to an extent that exceeded all others during my term as Attorney General."[135] Prior to Ray's arrest, Clark's information came in the form of frequent briefings, either telephonically or in person, from Assistant to the Director Cartha DeLoach, as well as from written Bureau memoranda.[136] It is Mr. Clark's recollection that AAG Vinson and Pollak backed him up on examining the documents that came through.[137] Despite Mr. Clark's efforts, however, it is clear that the written information received by the Attorney General and, in many ways more importantly, by the rest of the Justice Department, was often both superficial and untimely.

During the course of the FBI's MURKIN investigation, the paperwork produced in Washington and the field was voluminous. The various forms of reporting included airtels and teletypes to, from, and among field offices; internal field office and headquarters memoranda; interview reports; and the more formal letterhead memoranda. In addition, major field offices produced monthly reports summarzing the previous 30 days of investigation which were in turn transmitted to Memphis, the "office of origin", as well as Washington. Finally, a "prosecutive summary" report was prepared by SA Hester, case agent in the Memphis Field Office, shortly after Ray's arrest.

Information transmitted to the Department of Justice always arrived from, or at least with the approval of, FBI headquarters in Washington. Moreover, it was transmitted, almost without exception, in sanitized and digested form. During the first days of the investigation following Dr. King's assassination, FBI memoranda to the Department contained only the most basic and fundamental facts;[138] some, such as the April 11, 1968 FBI memorandum to the Department quoted below, contained no facts at all, but were merely assurances that an investigation was being pursued.

> "The investigation of the murder of Martin Luther King, Jr., on April 4, 1968, has assumed gigantic proportions.
>
> All Field Divisions of the FBI are participating in an around-the-clock operation designed to identify and apprehend the person or persons responsible for the killing.
>
> Suspects are being developed and processed on a daily basis as additional information is developed. Every aspect of the investigation is being vigorously pursued and the complete facilities of this Bureau will remain fully committed until this matter has been fully resolved."[139]

The superficial nature of these initial memoranda was acknowledged during HSCA interviews with FBI agents who worked in Washington during the MURKIN investigation; the situation was explained in terms of the need to take security precautions,[140] or to prevent leaks concerning an on-going fugitive investigation.[141] Moreover, it was the clearly-stated opinion of these FBI headquarters personnel that the Bureau had sole responsibility for the on-going efforts to identify and to

locate the assassin,[142] and would have resented any efforts by Justice Department personnel to get more deeply involved in the daily investigative process.[143]

It is important to note that early involvement by Department of Justice attorneys in criminal investigations was not common throughout the Department in 1968;[144] thus, none of the Justice Department officials interviewed by HSCA staff expressed any dissatisfaction with the nature of information received from the FBI. Assistant Attorney General Vinson of the Criminal Division expressed his confidence in the ability of the FBI to determine what, if any, information should be distributed to the Department,[145] and AAG Pollak characterized the information received as "more than normal", and consistent with the traditional FBI practice to send "digested" material to the Department.[146]

In addition to the daily memoranda described above, the Department of Justice also received, starting on May 2, 1968, field office summary reports submitted by the major offices: Memphis, Birmingham, Los Angeles, and Atlanta.[147] These reports were also distributed to the office of the Birmingham United States Attorney, in light of the fact that a federal complaint against "Eric S. Galt" was filed in that city on April 17, 1968. These reports were distributed with specific instructions that they were not to be disseminated to any other U.S. Attorney in the country, thus insuring, from an early point, that the local United States Attorney would play no meaningful note in

the investigation.[148] The exclusion of the United States Attorneys was, of course, consistent with normal practice on civil rights investigations.[149] Moreover, Attorney General Clark, when asked about the Bureau's instructions to exclude the local U.S. Attorneys from the information flow, expressed total agreement with the policy:

> "The need for all those U.S. Attorneys to have all the information is not at all clear to me, and you might as well print it in the newspapers...I don't know why it would have enhanced the investigation to have U.S. Attorneys all over the country privy to all the information."[150]

The background role which[151] had been assumed by the Department of Justice during the two months following Dr. King's assassination changed somewhat with Ray's arrest in London. In a meeting in the Attorney General's office the day of the arrest, Clark directed AAG Pollak to put aside other commitments and concentrate exclusively on the King case; Cartha DeLoach was instructed simultaneously to keep Pollak advised of "any communication, airtel, or cablegram that might come in connection with this case."[152] At the same meeting, Clark decided that Vinson would coordinate the prisoner's extradition and return to the United States. Vinson left for London shortly thereafter, and Justice Department attorneys from the Civil Rights Division were sent to Memphis and Birmingham to prepare affidavits for use in the upcoming British legal proceedings.[153]

Despite this flurry of activity, however, the files reflect no discernable change in the depth of involvement

of the Justice Department in the investigatory process itself. AG Clark's request that Pollak immediately receive all communications concerning the case was, on Hoover's personal instructions, ignored.[154] As an interim measure, Pollak received a more detailed daily memorandum. However, even this practice stopped on June 19, after only seven memos had been sent.[155] Finally, as was noted earlier, both Pollak and Clark indicated a general interest, following the assassination, in the extent to which the FBI was exploring the possibility of conspiracy.[156] Beyond these general inquiries, however, the course and direction of the investigation remained exclusively in the hands of the FBI, with results conveyed to the Justice Department -- after the fact -- either in the form of monthly field office reports, or in LHMs concerning the resolution of specific areas of inquiry. Active and contemporaneous participation by Justice Department attorneys, for example through the use of a grand jury, the identification of possible witnesses, the use of immunity grants, and the consideration of electronic surveillance, (lawful after June 19, 1968), was non-exixtent. While further analysis of the grand jury and other investigative tools available to the Justice Department will be included in a later portion of this report, it would be appropriate at this point to include the following excerpt of Mr. Clark's executive session testimony:

Q. Specifically referring to the people in the Department of Justice, Mr. Vinson and Mr. Pollak, how did you perceive their relative roles in this investigation?

A. Well, I guess I didn't see them as having any real role in the investigation. I saw them as backing me up on examining the documents that came through, on thinking about what could and should be done. They were given some special assignments. Fred Vinson went over to London to represent the U.S. when the arrest was made over there. But I don't recall thinking that they were or should be involved in the actual investigation.[157]

C. PERSONAL RELATIONS BETWEEN THE DEPARTMENT AND THE BUREAU

Much has been written of the independence of the FBI under Director Hoover, and the inability of the Department of Justice, and specific Attorneys General, to control, or even be familiar with, the scope and nature of the Bureau's operations. The FBI's COINTELPRO against Dr. King is one example. The "MURKIN" investigation, at least to the extent that it reflects the agency's arrogance and independence, is another.

Throughout the Committee's analysis of the FBI's assassination investigation, evidence was disclosed -- both in the files during the extensive interviews with FBI and DOJ personnel which followed-- instances reflecting a poor and often counterproductive relationship between the investigators of the Bureau and the lawyers at the Justice Department. Examples range from the inevitable (and normally healthy) policy disagreements which may be expected during any lengthy and dynamic criminal investigation, to situations of mutual distrust between members of the two organizations that seriously undermined the possibility of a productive working relationship.

Perhaps the most significant source of friction between the two organizations, beyond the Bureau's apparent inbred fear of departmental intrusion into and control of their activities, was the poor relationship that existed between Attorney General Clark and the FBI Director J. Edgar Hoover. Much of the friction

stemmed from basic philosophical differences, characterized by Mr. Clark as "diametrically opposing views of the role of law in a free society." For example, Clark's opposition to the death penalty and general support of the Warren Court "defendant-oriented" decisions,[158] were strictly at odds with Hoover's more conservative, "law and order" beliefs. In the same vein, Clark and Hoover differed fundamentally over the use of electronic surveillance in FBI investigations and the AG's unwillingness to authorize requests was a constant bone of contention.[159] Finally, and probably of equal overall significance, there was a significant difference in age and experience between the two men. DeLoach, Assistant to the Director in 1968, recalls that while Hoover had great respect from Tom C. Clark, (Ramsey Clark's father and a former Attorney General under President Truman before becoming a Supreme Court Justice), he was disturbed by the idea of having to deal with his son some twenty years later.[160] As was so often the case, Hoover's views quickly became those of the FBI rank and file; in interviews with members of the FBI headquarters chain-of-command, it was readily apparent that the director's basic philosophical disagreements with, and lack of respect for, Attorney General Clark, became more or less universally-held opinions within the agency.[161]

With this situation as a background, this report now turned to specific instances of difficulty that arose in the DOJ/FBI relationship during the MURKIN investigation:

1) On April 17th, a federal complaint was filed in Birmingham, Alabama charging Eric S. Galt with conspiracy to interfere with the civil rights of Dr. King, (18 U.S.C. § 241). Because the assassination and a large portion of the initial investigative activity occurred in Memphis, that city would seem the obvious initial choice for a conspiracy complaint relating to the crime; however, in a memo from Rosen to DeLoach recommending Birmingham, rather than Memphis, as the location for filing, the supporting argument for this choice focused on security considerations and included the statement that "we cannot rely on the U.S. Attorney at Memphis. If we tried to file there, we would immediately lose control of the situation and the complaint would become public knowledge."[162] Thus the complaint was filed in Birmingham, city of the rifle purchase.

While Attorney General Clark apparently authorized the filing itself on April 16, 1968, there is no indication in FBI files that the selction of a filing location was discussed either with the AG or with members of the Civil Rights Division in Washington until after the fact. In fact, the memorandum itself clearly envisions informing AG Clark of the selection of Birmingham and of the "circumstances" surrounding that decision, only after the filing had occurred.[163]

FBI Headquarters personnel have assured this Committee first that normal procedure required the Justice Department to authorize the complaint and the location of its filing,

and second that proper procedure was followed in this case.[164] Nevertheless, in interviews with Mr. Clark, Mr. Pollak, and Mr. Pollak's Deputy Assistant Attorney General, Mr. D. Robert Owen, none had any specific recollection of discussing the Birmingham filing, and Mr. Pollak had a "dim recollection"[165] of being surprised when the decision to file in Birmingham was announced, a reaction which would be consistent with the apparent Bureau plans reflected in the April 17, 1968 memo--to inform the AG of the select after the filing in Birmingham.

2) Throughout the period prior to Ray's arrest, FBI files reflect Hoover's irritation over Attorney General Clark's comments to the press concerning the progress of the Bureau's investigation. In response to a report that Clark promised a progress report "soon" on the FBI search for the assassin, Hoover noted: "We are not going to make any progress reports. Our sole objective is to apprehend the assassin not to give blow by blow accounts just to appease a selfish press and get cheap headlines."[166] After reading a copy of a April 28, 1968 news article quoting Clark as indicating that there was "no significant evidence that the assassination .... 'goes beyond the single actor'", Hoover penned the following notes: "I do wish the AG would stop talking about this case until it is solved.";[167] and on a copy of an article written two weeks later citing Clark's "optimism" over Ray's imminent capture, Hoover noted: "Still talking!".[168]

Hoover's overall dissatisfaction over Clark's public statements is found in his reaction to a April 24, 1968 Washington Post article, written by Robert Evans and Robert Novak and reporting Hoover's "deep-seated unhappiness" with the AG, "aggravated by

Clark's misleading public optimism about a quick solution to the murder of the Rev. Martin Luther King." Hoover's terse note scribbled on a copy of the article: "Well written."[169]

3) On June 8, 1968, the day of Ray's arrest in London, relations between the Department and the Bureau appear to have reached their nadir, at least in terms of the MURKIN investigation. FBI files reflect a series of telephone calls and meetings between Attorney General Clark, Cartha DeLoach, and other officials from both Justice and the FBI. Based on a review of FBI files detailing the incidents, the encounters can fairly be characterized as hostile and riddled with mutual distrust. Attorney General Clark's decision to send AAG Vinson to London to coordinate extradition proceedings was immediately resented, and Clark was advised that "this was completely unnecessary if the representative would be going for the purpose of attempting to look into FBI activities;"[170] London Legal Attache Minnich[171] was then instructed that "while he should confer with Assistant Attorney General Vinson, he should not be 'bossed around' by Vinson or allow Vinson to upset any delicate relations that we have with law enforcement authorities in England."[172]

In addition to the Bureau's resentment of Vinson's role, June 8th, 1968 marked a major breach in the relations of Mr. Clark and Cartha DeLoach, (until that time Clark's primary liaison with the Bureau on the King investigation). FBI

memos reflect the Attorney General's displeasure over the Bureau's failure to keep him fully informed on the recent developments in the case, a disagreement which ultimately caused DeLoach to hang up on Clark during a telephone conversation. Summoned to a meeting in Clark's office immediately after the telephone incident, DeLoach writes that he brought Assistant Director Rosen "as a witness" -- a clear reflection of the erosion of any trust which might have existed between the two men. When interviewed concerning the June 8th difficulties, Mr. Clark and Mr. DeLoach differ in their recollection of the overriding cause of the confrontation.[173] Both confirm its occurence, however, and Mr. Clark recalls directing Hoover to replace DeLoach immediately with another agent for liaison purposes; the former Attorney General recalls no further contact with DeLoach on the King investigation.[174]

4) Not surprisingly, evidence of a poor Justice Department/ FBI relationship continued to appear after the June 8th, 1968 incidents. As was indicated previously, the Attorney General's request of that day that his Assistant Attorney General for Civil Rights, Stephen Pollak, receive all communications (i.e. teletypes, airtels, cablegrams, etc.)

relating to the case was ignored four days later on the personal direction of Hoover.[175] In addition, internal FBI memos reflect criticism of the Department of Justice for making direct contact with FBI field offices, (and thereby failing to remain in the proper channels of communication),[176] and for issuing conflicting instructions to the FBI on the question of dismissing the Birmingham conspiracy complaint against Galt. The latter instance is referred to in one memorandum as a "typical example in the Department of the left hand not knowing what the right hand is doing."[177]

The Committee has reviewed these incidents in some detail not because the issues raised are of inherent importance, but rather because they, and other incidents not described herein, are one indication of the nature of the overall relationship which existed between the Justice Department and the FBI in 1968. It is of more than passing significance, for example, that relations between Mr. Clark and Mr. DeLoach were so strained as to require a curtailment of the latter's liaison functions. It is perhaps equally significant that FBI headquarters personnel often viewed the Department as both unnecessarily intrusive and internally mismanaged. These and other incidents are helpful in gaining an overall understanding of the quality of the King investigation, and the respective roles played therein by the Bureau and the Department.

IV

COORDINATION BETWEEN THE BUREAU AND OTHERS

During the course of its assassination investigation, the FBI made contact with, or was contacted by, countless individuals, organizations, and state, federal and local authorities throughout the United States and abroad. Often the contacts were simply routine stops in a widespread fugitive investigation; on other occasions, specific leads were being pursued. In addition, random citizen inquiries were received almost daily, the White House expected regular briefings, and the media was constantly seeing information, either through direct requests or investigative reporters.

The Bureau's relationship with these outside individuals and organizations during the MURKIN investigation reflected a variety of elements. On the one hand, the FBI took great satisfaction in their successes -past and present - and relished their reputation as the country's leading investigative agency. Laudatory remarks from public officials were filed and circulated,[178] and cooperative authors were assisted in preparing articles expected to comment favorably on various aspects of the King investigation.[179]

On the other hand, however, FBI files reflected a constant fear of potentially compromising situations which could tarnish the Bureau's public image, a fear which resulted at times in a type of "we-they", or seige mentality. The outside world was divided into

friends and foes: reporters were either for the bureau (and thereby members of a "special correspondent list") or against, often becoming themselves the targets of FBI investigative efforts. A curious conflict arose in situations where a person possessed potentially valuable information, but at the same time carried a "questionable", or anti-Bureau,reputation that was perceived as a threat to the agency's public image. Through an analysis of these "outside" contacts, (which were normally not unique to the Bureau's MURKIN investigation), a clearer picture of the strengths and weaknesses of the agency itself may be gained.

(A) LOCAL LAW ENFORCEMENT AGENCIES

The term "one-way" street is often used to characterize the FBI's relationship with local authorities during official investigations. the import of the phrase is that while the Bureau's willing to receive, and often solicits information from local authorities during an on-going investigation, it traditionally has refused to release anything in return. Two explanations for this conduct have been offered. First it reflects a legitimate concern for security, expecially in fugitive investigations, which dictates that information be released only on a "need-to-know" basis. Second, the practice manifests the FBI"s strong sense of professional rivalry, resulting during important criminal investigations in a desire not to assist local police departments, investigative reporters[180] or any other interested parties.

During the assassination investigation, the FBI received editorial criticism concerning the "lone role" it had assumed

vis a vis major metropolitan police departments.[181] In fact, the Bureau did not totally exclude local authorities from the case. Their assistance was solicited on a number of matters, including comparison of Ray's description of those of suspects in local offenses,[182] use of local latent fingerprint files,[183] display of Ray's photos to witnesses in unsolved crimes[184] and use of local police department investigative files and photographs.[185]

Nevertheless, the contacts with local police departments were made at arms length, and at no time do the files reflect consideration of the potential for employing a "task force" approach that might been beneficial in areas peculiarly within the expertise of local authorities. The situation was one in which gains were weighed against potential losses. To the extent that the FBI chose to conceal the nature of its investigation even from local police departments, it insured that no leak would result that could compromise its fugitive investigation. At the same time, however, the "one-way streets" established by the FBI throughout the country precluded the possibility of a close knit working relationship with local authorities on matters peculiarly within their expertise.

(B) ASSISTANCE IN THE TENNESSEE MURDER PROSECUTION

Perhaps the best example of the caution with which the FBI approached local authorities is found in its relationship with the Shelby County officials responsible for investigating and prosecuting James Earl Ray. Federal jurisdiction to investigate

Dr. King's assassination was premised on the possible existence of a conspiracy to violate, or interfere with, his civil rights. (18 U.S.C. § 241). Simultaneously, local authorities in Tennessee were proceeding with a murder investigation carried out by the Memphis Police Department and scheduled for prosecution by the office of Mr. Phil Canale, District Attorney General for Shelby County, Tennessee. Because of the limited geographical jurisdiction of the Memphis authorities, and the relative simplicity of their facilities, the FBI's nationwide investigatory aparatus and sophisticated scientific laboratories were of enormous potential value to Shelby County authorities. It is, therefore not surprising that relations between the two offices were harmonious.

Within hours of the assassination, Inspector Zachery, Chief of the Homicide Bureau at the Memphis Police Department, released all available physical evidence to the FBI for analysis in Washington. The evidence remained in the custody of the FBI, either in Washington or Memphis, for almost exactly one month,[186] and was used during much of this time for comparison purposes to further the FBI's on-going, fugitive investigation.

However, despite the apparent harmony in relations between federal and Tennessee authorities, and the initial cooperation of the Memphis Police Department in supplying the FBI with all physical evidence, it is nevertheless apparent that the FBI approached its relationship with this local police department with pronounced caution. When the FBI's Memphis Field Office was approached by local authorities on April 18, 1968 with a request for assistance during Canale's upcoming grand jury proceedings to indict Eric Galt for

murder, FBI headquarters, concerned perhaps over leaks in the fugitive investigation, informed its field office to limit information released to the local police department and prosecutors to that which had already appeared in a public press release. Two weeks later, SAC Jensen received Bureau authorization to testify in the local grand jury proceedings; however he also received detailed instructions limiting the permissible areas of testimony to various laboratory tests used to limit evidence to the fugitive and to identify James Earl Ray.

After the May 7th grand jury proceedings, no additional information was released to the Shelby county authorities, on a formal basis, until after Ray's arrest over a month later; then, after the case was solved and the fugitive located, a copy of the "prosecution summary report"[187] prepared by the Memphis Field Office was released to the local authorities in preparing for trial.

Ultimately, prosecutors in Memphis had access to most of the investigative files in the case.[188] Nevertheless, the limited distribution that had occurred during the on-going investigation remains an excellent example of the extent to which the FBI guards the substance of its on-going cases.

V

PROTECTING THE BUREAU'S IMAGE

As was noted prevously, FBI files reflect a constant preoccupation with situations which threatened to "embarass" the Bureau, or otherwise jeopardize the agency's public image. This tendency is perhaps nowhere more apparent that in the FBI's reluctance, even during an on-going and challenging criminal investigation, to pursue leads which might associate the Bureau with "anti-FBI" or otherwise controversial individuals. Some examples follow:

(A) KENT COURTNEY

Shortly after Ray's guilty plea in Memphis, Tennessee on March 10, 1968, Kent Courtney, a New Orleans conservative spokesman and editor of the Conservative Journal, was contacted by Jerry Ray, brother of the convicted assassin. Jerry Ray asked Courtney to meet with him in New Orleans to discuss a new attorney to handle his brother's appeal; Jerry also told Courtney that a conspiracy existed, and that James did not act alone.[189]

Courtney immediately contacted the local office of the FBI, seeking "advise as to whether he should meet with Ray or not".[190] He was told to refer his inquiries to Phil Canale, the State prosecutor. Informed of these events, FBI headquarters checked their indices, found information indicating Courtney had opposed the nomination of Abe Fortas to the Supreme Court and was "a rabble rouser and hate monger", and concluded - consistent with the action already taken by its field office - that "the Bureau should in no way, either by implication or direct action, be associated with

this individual." New Orleans was accordingly instructed "not (to) have any contact with Courtney".[191]

Instuctions were sent to Memphis to conduct a field interview with Jerry Ray. Nevertheless, because of Courtney's character, as reflected in the Bureau's files, the possibility of exploring Jerry Ray's claimed knowledge of the existence of a conspiracy through the publisher, or with his cooperation, was foreclosed. This was, of course, at a time when the FBI's conspiracy investigation was still open.[192]

The FBI's investigation of members of Ray's family will be explored in greater detail later in this report; however, it should be noted here that the Bureau was unsuccessful in its attempt to interview Jerry Ray on this new information; on the advise of J. B. Stoner, his brother's attorney, Jerry Ray refused to talk.[193]

(B) LOUIS LOMAX

A situation similar in many regards to that of Courtney developed much earlier in the investigation in the Bureau's relationship with investigative reporter Louis Lomax.

Lomax was an investigative reporter operating out of Los Angeles and writing for the North American News Alliance at the time of the assassination. Within weeks after the assassination, Lomax developed a relationship with Charles Stein, Jr., Ray's driving partner during a mysterious, trip to New Orleans in December 1967,[194] and began writing stories containing references to Ray's receipt of a pay-off from a New Orleans industrialist and other intriguing conspiracy possibilities.

Lomax and Stein also drove to Houston, Texas in an effort to recreate the first portion of the New Orleans trip, and to locate a telephone booth used by Ray.

FBI files reflect a substantial and time-consuming effort by Bureau field offices to monitor Lomax's investigative activities, and to keep abreast of the results of his efforts, through interviews with Charles Stein, Stein's California relatives, and confidential Bureau sources in a variety of locations including a Houston radio station,[195] The Houston Chronicle,[196] the Pacific Telephone Company,[197] the Sultan Room in Los Angeles,[198] and the Rabbit's Foot Lounge in Los Angeles.[199] In addition, extensive memos were written by headquarters personnel. Two such memos, authored on April 30th[200] and May 7th,[201] analyzed Lomax' news articles and defended the product of the Bureau's official investigation against Lomax's criticism. A third, remarkable memo written on May 2, 1968, (and including as an attachment Lomax's rap sheet), deals with Lomax himself and his past, anti-Bureau activites, and concludes that Lomax is "no good, ... has repeatedly proven his antagonism toward the FBI, ... (and is using) his articles regarding the King case as a vehicle to get back in 'big time' television".[202] These memos, written by FBI headquarters personnel during the busiest weeks of the MURKIN investigation, are revealing examples of the Bureau's preoccupation with its image and its enemies. In addition, the files reflect, from the beginning, a conscious decision to avoid contact with Lomax,[203] with no apparent consideration given to a field interview, or a grand jury subpoena, to obtain information he claimed to have developed on the King investigation.

(C) JIM GARRISON

Underlying the Lomax memos discussed above is a clear concern that a private investigative reporter would break the case before the nation's largest and most famous investigative agency. This fear was also visible in the Bureau's relationship with Jim Garrison, New Orleans District Attorney and critic of the Bureau's "lone assassin" theory in the Kennedy assassination, during the MURKIN investigation.

On April 12, 1968, headquarters received notice that "a representative of the District attorney, New Orelans, Louisiana" had requested an interview with Walter Bailey, owner of the Lorraine Motel in Memphis, Tennessee. No reason for the interview request was given, and it was noted that "based on the information available, it is not known whether District Attorney Garrison is making an attempt to tie the killing of King in with his investigation into the assassination of President Kennedy or whether some ulterior motive exists".[204] Nevertheless, two days following the indication of interest by Garrison's office, Alex Rosen, Assistant Director of the General Investigative Divison, contacted the New Orleans FBI field office telephonically, instructing the agents to be "most circumspect in its investigation in view of the interest of DA Garrison in this case," and directing that there be "no wholesale showing of photographs in New Orleans."[205] Three days later, in one example of compliance with these instructions, a decision was made, with the approval of Clem McGowan, head of the Civil Rights Section, not to interview one Orlena Miller in the MURKIN case "as Miller was a very close friend of Jim Garrison's."[206]

Another, more prolonged example of the Bureau's reluctance to pursue leads associated in any manner with Garrison appears in May, 1968 in a series of communications between Washington and Denver, Oklahoma City, Little Rock, Arkansas and Los Angeles, concerning the appropriate manner to pursue a lead on Ray's location involving one Edgar Eugene Bradley. Bradley, who was then involved in fighting extradition to New Orleans in connection with Garrison's Kennedy assassination prosecution, was alleged to have been in recent contact with Ray in Tulsa, Oklahoma. On May 28, 1968, after several earlier memos pertaining the matter,[207] headquarters directed Los Angeles not to interview Bardley. Reasons given included the mental condition of the original source of the Bradley lead and Bradley's involvement in the "extradition matter by New Orleans District Attorney James Garrison." Rather, despite the pressing fugitive investigation, the less direct and more time-consuming investigative approach of accounting for Bradley's whereabouts on date he is alleged to have talked to the source was chosen. Two days later, Bradley learned of the Bureau's field investigation into his past whereabouts and contacted the Los Angeles FBI office, offering his assistance. This in turn prompted a thorough analysis by Los Angeles of the potential embarassment to the Bureau threatened by different investigative approaches,[208] and a request on June 7, 1968, for headquarters authority to accept Bradley's offer of assistance; the request was withdrawn three days later after Ray had been arrested in London.

In retrospect, this Committee is in possession of no information that would indicate that curtailment of the MURKIN investigation

to avoid association with Garrison jeopardized the ultimate results of the investigation; however, it is also noted that the perspective of hindsight was unavailable to agents during the investigation itself.

(D) IN SEARCH OF FAVORABLE PRESS

Just as the FBI avoided individuals who posed a threat to their public image, so they courted members of the press and authors who could be counted on to provide favorable coverage of the Bureau's activities. Files were maintained on the writings and editorial positions of correspondents and newspapers, and letters of appreciation under Hoover's signature were sent to acknowledge specific favorable articles.[209] In addition, press officials with whom the Bureau maintained particularly cordial relations were placed on a "Special Correspondent List".

Also exemplified during the MURKIN investigation was the FBI's practice of assisting friendly authors in preparing articles or books covering the FBI investigation. One article scheduled for the August, 1968 edition of Reader's Digest, which described the FBI's successful fugitive investigation in highly flattering terms, was submitted to the Bureau's Crime Records Division[210] for "review and any changes (the FBI) desired made" prior to publication. The manuscript was reviewed in its entirety, and small changes, including the insertion of two additional references to the participation of Director Hoover and Associate Director Tolson, were made.

The day following Ray's guilty plea, Assistant to the Director Cartha DeLoach proposed a second "cooperative effort", with a "friendly, capable author", to produce a "carefully written, factual book" on the investigation. DeLoach noted that "while it will not dispel or put down future rumors, it would certainly help to have a book of this nature on college and high school library shelves so that the future would be protected."[211] In response to an inquiry by Associate Director Clyde Tolson, DeLoach suggested either the Reader's Digest or Author Gerold Frank, noting "Frank is already working on a book on the Ray case and has asked the Bureau's cooperation in the preparation of the book on a number of occasions." DeLoach added, "we have nothing derogatory on him in our files, and our relationship with him has been excellent."[212]

On March 12, 1969, Hoover approved DeLoach's two-part recommendation. Nevertheless, one week later, in response to a second memorandum directed to Thomas Bishop, Assistant Director of the Crime Records Division, by a member of his division, and recommending "cooperation with The Reader's Digest and (author) Jim Bishop on his book, Hoover apparently reverses his position, noting "I think we should wait and see what move Ray makes to re-open his case."[213]

In an interview with HSCA staff, Assistant Director Bishop stated that the Bureau ultimately did not cooperate with any author on the King case, offering as a reason Hoover's concern that the resulting publicity would jeopardize the government's ability to uphold Ray's conviction on appeal.[214] In addition, no further

evidence of active cooperation with any author was found in FBI files. On the other hand, it is also clear that portions of Frank's 1971 book, An American Death, bear striking similarities to the FBI reports covering the same subject matter. It seems quite likely, therefore, that the author had access to FBI documents through some source prior to the preparation of his book. Frank refused to disclose his sources during an interview with HSCA staff.[215]

VI

INVESTIGATIVE METHODOLOGY

A variety of investigative techniques were available to the Department of Justice and its investigative arm -- the Federal Bureau of Investigation -- during the assassination investigation. Some, such as field interviews, record checks, informant coverage, laboratory analysis of physical evidence, and undercover surveillance -- all capable of being implemented by the FBI and its agents acting on their own -- were used extensively during the investigation.

To this extent, the investigation presents an excellent case study in traditional FBI police work. Other investigative methods, specifically those which would have required active coordination with, and participation of, Department of Justice attorneys, such as search warrants, electronic surveillance, immunity grants and the grand jury, are conspicuously absent. In the following pages, an attempt will be made to understand this situation, and to determine whether it reflects a deficiency in the investigation.

(A) GRAND JURY

In 1968, the early involvement of Department of Justice attorneys in the FBI's criminal investigations was comparatively rare.[216] Traditional roles of the two bodies were clearly defined, with the Bureau responsible for the "investigation" of the case and the attorneys, once presented with a complete investigative package, responsible for the prosecution. In part, this practice

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reflected FBI resistance in any departmental efforts to oversee or intrude upon the investigative process. In part, it reflected the reluctance of attorneys to become involved in work outside of the court room.

Perhaps the best example generally of cooperation between attorneys and agents in the investigative process is in the use of a grand jury. Reluctant or adverse witnesses are summoned before a group of lay jurors and, in a confidential proceedings, asked to provide evidence on a specified matter. Grand jury subpoenas can be issued for records, as well as for testimony, and witnesses refusing to answer questions on Fifth Amendment grounds can be compelled to testify through the employment of a grant of immunity. The grand jury has been particularly effective historically in official corruption, organized crime and major criminal conspiracy cases... crimes in which the evidence, either because of the reluctance and fear of the witnesses, or the inherent secrecy of the criminal act, are difficult to crack through ordinary field interviews, laboratory analysis and a search for the crucial eye witness.

A review of the FBI and Justice Department files reflects only one instance prior to Ray's plea in which the Bureau and the Department considered, as an investigative alternative, empanelling a federal grand jury to secure the testimony of a witness.[217] In late August, 1968, William Bradford Huie, an author who wrote both magazine articles and a book, (He Slew the Dreamer), centered around the assassination, interviewed Harvey and Clara Klingeman, former employers of James Earl Ray, while doing research for his writings. During the interview, Huie indicated that he had

entered into a contract with James Earl Ray and Arthur Hanes, Sr., Ray's attorney, to fund the defense through his writing. Huie showed the Klingemans pieces of paper with Ray's handwriting on it, and gave the Klingeman's details of a vague conspiracy to kill King in which Ray was only an unwitting dupe.[218] On August 24th, the FBI began internal consideration of means to secure Huie's evidence, including "seizure" of the author's notes, (through use of a search warrant or a grand jury subpoena), or the taking of Huie's testimony in a grand jury. Three days later the matter was raised with D. Robert Owen, Deputy Assistant Attorney General of the Civil Rights Division,[219] and federal prosecutors initiated what turned out to be a lengthy and ultimately inconclusive consideration of the Bureau's alternative proposals.

Meanwhile, the Birmingham Field Office was contacted, apparently coincidentally, by Huie himself, and received a rather extraordinary offer from the author. Huie stated that he was in "constant contact" with Ray through the defendant's attorney, although he had been denied personal access to the prisoner by the trial judge, Preston Battle. The author offered to turn over to the FBI on a confidential basis all information received from the defendant both in the past and in the future, (including "names of cities, states, places, maps and individuals contacted by Ray, as well as activities from the date of his escape from prison to his apprehension in England"), if he could be given "current, non-publicized photographs of Ray of character type" and was afforded personal access to the prisoner. Huie then requested that the interview be kept confidential.[220]

FBI officials conveyed this new information to the Justice Department on September 10, 1968, along with a request for permission to inform Mr. Phil M. Canale, Jr., State Attorney General, of Huie's evidence, and a request that the Department "give consideration to the urgency of making a determination as to the course of action it desires to follow in this matter", in light of the upcoming November 12, 1968 trial date in Memphis.[221/] The Birmingham Field Office was advised not to bargain with Huie, and to keep headquarters informed of any further approaches by the author.

Within the Department's Civil Rights Divison, which was ultimately responsible for any federal conspiracy prosecution, and therefore most keenly interested in the evidence possibly in Huie's possession, a lengthy memorandum of law was drawn up exploring practical and legal problems inherent in the use of the search warrant or the grand jury subpoena. Despite the Bureau's request that the Department also consider taking oral testimony from Huie before a grand jury, the memo reflects no consideration of this alternative. Clearly - and justifiably - concerned over possible damage to the state and potential federal prosecutions that would result from an invalid search warrant,[222/] Pollak ultimately recommended cautious use of a search warrant "under tight, specifically defined procedures" including requesting Huie's unconditioned cooperation prior to use of the warrant. Pollak's memorandum was transmitted to the Attorney General,[223/] and the FBI was asked to postpone any disclosure of information to the local prosecutors until a decision was reached by the Department.[224/]

On October 4, 1968, five weeks after the matter was first submitted to the Department, the Bureau sent another memorandum to AAG Pollak, reminding him that Canale had not yet been informed of Huie's evidence and asking for a decision concerning the possible employment of the search warrant or grand jury subpoena. No response of any type was given, however, until November 7, 1968, when, after circulation of Huie's first Look Magazine article, the Department asked the Bureau to investigate certain leads suggested by the article.[225] The same procedure was followed a week later,[226] following release of Huie's second, Look magazine article.[227]

Then, on November 27, 1968, three months to the day after the intital FBI request, a short memo is sent to the FBI:

> This responds to an inquiry from your Bureau. We have no present plans to obtain a search warrant or issue a subpoena in order to obtain the notes and letters in the possession of William Bradford Huie, allegedly received by him from James Earl Ray through Attorney Arthur Hanes.[228]

No mention was made of the possibility of securing Mr. Huie's oral testimony before a grand jury, and no steps were taken by federal prosecutors then, or at any later time, to secure that testimony.[229] In February, 1969, prior to Ray's plea, Huie was called before a local grand jury in Shelby County conducted by District Attorney General Canale to secure testimony concerning a variety of matters, including the possibility of co-conspirators in the Tennessee murder case.

Beyond this one instance, the FBI never formally proposed the use of a grand jury during their assassination investigation.

Different explanations for this situation were given by various members of the FBI's headquarters staff, during their interviews with HSCA staff. Alex Rosen, Assistant Director of the General Investigative Division, noted that the Bureau traditionally resorted to the grand jury only after all other investigative methods had failed. Since active leads existed until Ray's arrest, the grand jury was unnecessary. In addition, Rosen raised the possibility that an active field investigation and a simultaneous grand jury investigation could wind up on different tangents, and expressed some concern over the premature publicity of confidential information which might result from involvement of a local U.S. Attorney in a grand jury proceedings.[230/]

Additional reasons given by FBI headquarters personnel for the absence of a grand jury investigation included a general feeling that people were cooperating during field interviews, neither withholding information, nor giving false information;[231/] the Bureau's customary practice of not bringing the prosecutor into the case until the matter was ripe for indictment;[232/] a concern about the tenuous jurisdiction supporting the FBI's investigation;[233/] a skepticism about the value of this investigative approach, considering the probability that a prospective target would either perjure himself or assert the Fifth Amendment;[234/] a fear over loss of control of the investigation that would result from the participation of Department attorneys;[235/] and a feeling that the FBI's field investigation had solved the case, making a grand jury unnecessary.[236/]

Department of Justice officials interviewed by the Committee were, in many cases, no more impressed with the potential value of the grand jury in the assassination investigation than were their FBI counterparts. Assistant Attorney Gernal Vinson of the Criminal Division noted that the grand jury is, comparatively, an inefficient and laborious means of investigation, and stated that every effort should be made to run out the "leg investigation" before resorting to this approach.[237/] Steven Pollak, Assistant Attorney General of the Civil Rights Division, stated that the grand jury was not used in investigations where individuals were cooperating, and described the use of grand jury in civil rights investigations as "relatively rare". To the best of Mr. Pollak's recollection, the use of a grand jury in the assassination investigation never became an issue.

Attorney General Clark similarly had no recollection of consideration of a grand jury in the investigation;[238/] in addition, he was emphatic in his belief that it could not have furthered the investigation!

> "A grand jury would have no conceivable utility in the investigation of this case and one in Birmingham, (referring to the federal complaint filed on April 17, 1968 in Birmingham, charging Eric S. Galt with conspiracy to interfere with Dr. King's civil rights..) It would be hard put to add to out ability to solve the matter."[239/]

In part, Mr. Clark's skepticism concerning the productivity of a grand jury investigation is explained by a strong philosophical and practical opposition to the use of a grant of immunity to compel the testimony of witnesses asserting their privilege against self-incrimination under the Fifth Amendment:

> "I have, you know, very strong feelings that the Fifth Amendment relates fundamentally to the integrity of the individual. I think that--this would nowadays offend some people but this is what Christ was talking about when Pilate asked him whether he was the king of the Jews, and he said "Thou sayest it." I am not going to bend by knee. You can't compel me. I am a human being; I have my rights....I think it is coersive, it is distortive, the abuses that you see under it far exceed the benefits that you derive from it, but finally, in a society devoted to freedom and dignity, it is not the way to determine facts." 240/

Using his own words, Mr. Clark saw the grand jury generally speaking "as a shield, not a sword", 241/ in existence solely to protect the individual from unwarranted charges of criminal conduct, and not as a means of supplementing the criminal investigative process.

Against this background, and considering the general tension that existed between the FBI and the Department, the desire of the Bureau to control the investigation, and the general concern for security during Ray's fugitive period, it is perhaps not surprising to observe the absence of consideration of grand jury work reflected by the files during the first crucial months of the assassination investigation. Numerous situations arose, however, in which it could well have been of use. These included instances of uncooperative witnesses, such as Charles Stein in Los Angeles, who refused to provide the Bureau with the names of several of Ray's associates he and investigative reporter Louis Lomax claimed to have located during their private investigation; 242/ several of Ray's inmate associates, 243/ all potentially capable of providing information on the mysterious "Cooley Organization" at Missouri State Prison; or the individual considered by the FBI as

the "most likely suspect" in a search for the person responsible for the transmission of a false C.B. Broadcast in Memphis thirty minutes after King's assassination, and who denied making the broadcast in his FBI interview.[244]

Similarly, a grand jury might have been used to some advantage in tracing the possible involvement of Ray's brothers, John and Jerry Ray;[245] or in resolving blatant conflicts of testimony between the source of a conspiratorial allegation, and the parties implicated by that allegation;[246] or in the investigation of leads pertaining to members of hate-type organizations, such as the National States Rights Party, The White Knights of the Ku Klux Klan or the Minutemen, individuals who could normally not be relied upon to be totally candid or cooperative in interviews with agents of the FBI.

(B.) ELECTRONIC SURVEILLANCE

At the time of Dr. King's assassination, the FBI was required to submit all proposed "non-consensual" electronic surveillance - either by "wiretap", (i.e. electrical connection attached to telephone wires) or "bug", (a concealed listening device used to pick up conversations in the immediate vincinity), to the Attorney General for his approval prior to installation. "Consensual" electronic surveillance, (for example through a transmitter worn on the body of an undercover agent during a conversation with the suspect) although clearly legal under decided case law, was monitored by the Justice Department and approved, prior to use, by the appropriate Assistant Attorney General.[247/] Because of these authorization procedures, electronic surveillance was another tool requiring coordination between Justice Department attorneys and FBI investigators during the investigative process.

After assuming the position of Acting Attorney General in 1966, Ramsey Clark devoted much of his time to procedures for monitoring and minimizing the FBI's use of electronic surveillance. A quarterly reporting system was established requiring the FBI to submit to the Attorney General a "list of all taps installed, all taps taken off, all taps pending at the begining of the period and in place at the end of the period."[248/] In addition, Mr. Clark made it clear in personal discussions with Mr. Hoover that he "did not approve of wiretapping except in the national security area,"[249/] and that their use would be limited "very severely" even in that area.[250/]

The Committee's file review reflects only very limited consideration, and no actual use, of non-consensual electronic surveillance, (i.e. wiretap or bug), during the FBI's assassination

of activity resulted in large part from Mr. Clark's known opposition to non-consensual electronic surveillance as an investigative tool except in the area of national security. In addition, it also undoubtedly reflected the limits placed on the use of electronic surveillance by the Supreme Court in the decisions of Berger v. State of New York, 388 U.S. 41 (1967), and Katz v. United States, 389 U.S. 347 (1967).

Despite those obstacles, on May 9th, 1968 the FBI, clearly concerned about their inability to locate the illusive Mr. Ray, initiated internal consideration of "technical" surveillance (i.e. wiretap) and "microphone" surveillance (i.e. bug) against John Larry Ray, Carol Pepper (Ray's sister) and the Grapevine Tavern, a business jointly owned and operated by the two relatives.[251] Apparently trying to fit the request into Attorney General Clark's "national security" preference, the justification used on the May 13, 1968 authorization request transmitted to the Justice Department reads as follows:

> "These installations could assist in the early apprehension of the subject, which could possibly be instrumental in reducing the stresses and tension placed on our national security subsequent to the death of Martin Luther King, Jr. (Emphasis added)[252]

There are several, significant aspects to this electronic surveillance request. First, while Dr. King's assassination triggered immediate, nationwide rioting in April of 1968, it is clear that these disturbances had widely subsided by the second week in May the time period of the FBI's request for electronic surveillance; thus, it seems fair to characterize the "national security" justification as insubstantial.

In addition, however, it is clear that the requested electronic surveillance, if installed, would almost certainly have been judged illegal under 1968 constitutional standards. The purpose, stated explicitely in FBI memoranda discussing the proposal, was to surveil the family in hopes of catching the fugitive, and not to gather evidence of the commission of a crime by Carol Pepper or John Larry Ray. Moreover, as to Carol Pepper at least, there was no significatnt evidence in FBI files to indicate her involvement in any criminal activity - even harboring. Absent a clear threat to national security, or probable cause as to the commission of a crime that might have justified an effort to secure a judicial warrant, no basis existed for the implementation of this surveillance. Moreover, it is clear that the FBI recognized their difficulties, for in an internal memorandum analyzing the legality of the proposed surveillance, the conclusion was reached that the proposed installation "is unconstitutional as to the Peppers" and that "they have at least a theoretical cause of action for damages against those who have installed the devices by trespass."[253/] The willingness of the FBI to proceed with this investigative approach in the face of their own recognition of its unconstitutional nature, reflects an absence of concern for the rights of the surveillance targets.

Finally, the FBI's proposal is a clear indication either of the Bureau's failure to seriously consider the possibility of conspiratorial involvement by members of Ray's family, or of its

reckless disregard for the damage that this investigative approach could have done to any later prosecution of Ray's brothers. Assuming, as the Bureau apparently did, the illegality of the proposed electronic surveillance, any evidence of conspiracy intercepted by the tap would have been inadmissible against individuals with standing to contest that illegality; in addition, the installation of an illegal tap or bug would have raised significant "taint" problems, and seriously jeopardized the ability to use any subsequently developed evidence in a later conspiracy prosecution.[254/]

The problems that could have been created by the FBI's proposal never materialized. While Attorney General Clark has no recollection of receiving or acting on the request, it seems clear from the files, and from various interviews, that the proposal, although sent, was neither authorized nor implemented.[255/] Harold F. Dobson, MURKIN case agent in the St. Louis Field Office, (responsible for the areas of proposed electronic surveillance), authorized no electronic surveillance in the MURKIN investigation, and stated specifically that there were no surreptitious entries into the Ray family residences or the Grapevine;[256/] in addition, a review of the St. Louis Field Office files, and of the Headquarters MURKIN files, produces no evidence of the implementation of the proposed electronic surveillance. In a June 11th, 1968 memorandum to Attorney General Clark,[257/] Director Hoover withdrew the May 13th request for electronic surveillance in light of Ray's apprehension in London.

Earlier in this section, it was noted that 1967 Supreme Court decisions severely limited the use of electronic surveillance in criminal investigations. This situation changed on June 19, 1968 with the passage of Title III of the Omnibus Crime Control and Safe Streets Acts of 1968, an act that permitted the use of court-authorized electronic surveillance by law enforcement officers in the investigation of certain enumerated crimes, including murder. Despite the potential for imaginitive investigative efforts offered by the act, FBI files reflect no further attempts to implement electronic surveillance as part of the assassination investigation.

VII

JAMES EARL RAY - THE ULTIMATE SOURCE OF INFORMATION

The evidence against James Earl Ray at the time of his arrest on June 8, 1968 constituted a strong, albeit circumstantial case. A confession would have strengthened the government's position; however, it was certainly not essential to the prosecution.

On the other hand, information which Ray might possess on the separate question of conspiracy would have been, (and remains), potentially invaluable. It is therefore important to determine both the adequacy, and the legality, of the steps taken by the Department of Justice and the FBI in pursuing this source of information.

(A.) POST-ARREST INTERVIEW

At the time of his arrest, Ray was placed in the custody of Scotland Yard, and was unavailable for interview until after his arraignment on June 10, 1968.[258] A formal FBI request to interview Ray was lodged with the "British Attorney General", who decided as of June 24, 1968 that the request would not be conveyed to the "Governer of Prisons" until after Ray's extradition.[259] Wilbur Martindale, a Unit Chief in the Civil Rights section who was in London at this point because of his knowledge of the case and his potential value in interviewing Ray, was sent back to the United States[260] and the Bureau, along with the Department of Justice, began to consider

the feasibility of interviewing Ray during his trip back from London to the United States.[261]

On July 11, 1968, the possibility of such an interview diminished somewhat when Arthur Hanes, Sr. wrote Attorney General Clark requesting that his client "not be interviewed, or interrogated by any member of the Justice Department, unless done in (his) presence;" in addition, Hanes asked that he be able to accompany his client on the trip to the United States "if extradited".[262] Concerned that the presence of an attorney during transportation of a witness would provide a "bad precedent,"[263] in addition to posing other potential problems, Attorney General Clark and Director Hoover decided to deny Hanes' request to accompany his client,[264] and on the following date Assistant Attorney General Vinson, who had been appointed by Clark to oversee the London extradition proceedings, formally "recommended" to the Director that "no effort be made to interrogate Ray on his return trip to the United States." The recommendation was based on Vinson's "grave doubts" that the prosecution could demonstrate a knowing and intelligent waiver of Miranda rights by Ray - regardless of the actual facts - considering Hanes' earlier request and the "added factor that, on his trip back, Ray will be in restraining devices on a military aircraft."[265] Vinson did note, however, that "this does not mean that statements volunteered by Ray may not be used under some circumstances."[266] Following up on this possibility, Wilbur Martindale was assigned as one of four FBI agents who would accompany Ray on the return trip. Ray did not speak, eat or drink, during the flight home, however,

and was even reluctant to take aspirin provided by an accompanying military physician after he complained of not feeling well.[267] Thus, no inculpatory or otherwise valuable information was received from Ray during the trip.

(B.) THE FBI AND RAY PRIOR TO THE GUILTY PLEA: ATTORNEY/CLIENT PRIVILEGE PROBLEMS

Efforts to interview Ray ceased with his return to Tennessee, and it was not until after the guilty plea in March of 1969 that renewed consideration was given to a direct approach of the defendant.[268] Nevertheless, FBI files reflect, almost from the moment of Ray's arrival, an insatiable curiosity concerning the prisoner's activities, vistors, thoughts and communications. At times, the curiosity was harmless. At times, however, it reflected a disregard for the prisoner's attorney/client relationship and for his right to privacy during the preparation of his defense.

Prior to his return to the United States, Ray retained Arthur Hanes, Sr. to represent him in the Tennessee murder trial. Hanes was Ray's primary attorney until November 10th, 1968, when Ray fired him and brought in Percy Foreman.

On September 18th, 1968, Hanes filed a motion before trial Judge Preston Battle seeking to modify various aspects of his client's conditions of confinement. During the evidentiary hearing held on September 30th, 1968 to determine the facts underlying the motion, testimony was taken on various subjects, including the methods used to monitor Ray's mail; Captain Billie J. Smith of the Shelby County Sheriff's Department stated that

Ray's general mail was read and censored, but then assured the Court that written material passing between Ray and his attorney was perused for security purposes only, and was not read to determine the contents.[269] Following the hearing, Judge Battle memorialized this procedure in the form of a judicial order, and in a teletype sent from the FBI's Memphis Field Office to Washington, the essence of the court's ruling was conveyed as follows:

> Judge Battle ruled that written notes exchanged between Ray and his attorney are privileged. However, the Shelby County Sheriff or his designated agent has the authority to peruse these notes to determine if there is any attempt to breach security of the jail. These notes should not be perused for the purpose of ascertaining the full contents of the message. (Emphasis added).[270]

Despite this indication of clear understanding of Judge Battle's order, however, the need of the Memphis FBI Office to monitior Ray's activities apparently proved overpowering. Within the month following the order, no less then three letters from Ray to his attorney, Arthur Hanes, were intercepted at the prison, zeroxed, passed to the FBI's Memphis Field Office and transmitted to FBI Headquarters in Washington.[271] In addition, on one occasion, the covering memorandum sent to Washington directed the reader's attention to particularly interesting parts of the letter:

> "Of significance, Ray in his letter to Hanes requests that Mr. Huie not go to any of the addresses in Miami until after the trial. In this connection, Ray also states 'that part of the story just covers a few days anyhow and is not too important.'"[272]

Robert Jensen, SAC of the Memphis Office, conceded in interviews and executive session testimony that his signature or initials were on memos transmitting two of the three memos,[273] and speculated, (although he could not recall definitely), that the source of the letters was the Shelby County Sheriff.[274] Jensen felt that the letters were "volunteered" to him, rather than being solicited by the Bureau;[275] he had no recollections of informing the state prosecutor or defense counsel of his receipt of the letters,[276] did not consider the possibility that receipt of privileged information might taint the prosecution,[277] and explained the situation as follows:

> "Where the U.S. Government or the FBI or the Justice Department has an interest in a matter and I am volunteered information relative the matter, I am afraid that I would accept it, and I think this is what happened in this case."[278]

This was not, it should be noted, the only example of mail interception found in the FBI files, which also contained correspondence between Ray and J.B. Stoner,[279] Trial Judge Preston Battle,[280] Jerry Ray,[281] William Bradford Huie,[282] and Mrs. Carol Pepper.[283] Moreover, it was not the only time in which the conduct of the Memphis Office intruded upon the privacy of the defense camp. On August 6, 1968, a Memphis FBI informant received information from a defense investigator, Renfro Hays, concerning Hanes' planned defense strategy. In conveying the information to Washington, Memphis added the following caveat: "Above for Bureau's information only and is not being disseminated to local

authorities lest we be accused of interferring with client dash attorney relationship".[284] And on August 26, 1968, after receiving copies of a map drawn by Ray of his Missouri State Prison escape and of questions sent to Ray by author William Bradford Huie, the Memphis Field Office noted that "since there is some question that this information may be privileged, it is not being disseminated and will not be put in a report."[285]

However, in view of the inherent confidentiality of communications between a defendant and his attorney, a privilege which was not created, but only reinforced, by Judge Battle's order of September 30, 1968, the knowing involvement of FBI's Memphis Office in the receipt and transmission of Ray's letters to Hanes stands out as both illegal and potentially injurious to subsequent prosecutions.

On October 31st, one month after Judge Battle's order, FBI Headquarters, using a carefully-worded directive initialed by Clyde Tolson, Cartha Deloach, Alex Rosen and others, instructed the Memphis Office as follows:

> In view of the above order of W. Preston Battle, (referring to Sept. 30, 1968 order), you should not accept any written communication from the Sheriff regarding correspondence between Ray and other individuals. If it is not in violation of the court order you may accept information from the Sheriff if he volunteers this information and it is on an oral basis only.[286]

With the receipt of this directive the Bureau's practice of receiving zeroxed copies of Ray's correspondence apparently ceased. There is no evidence in files reviewed by the Committee that knowledge of the operation, or of information found in the intercepted mail, spread beyond the Memphis Field Office and FBI Headquarters in Washington.[287]

(C.) POST - GUILTY PLEA INTERVIEW: MIRANDA PROBLEMS

Immediately following Ray's guilty plea on March 10, 1969, at the initiative of Assistant Attorney General Jerris Leonard of the Civil Rights Division, (who had replaced Stephen Pollak with the change in presidential administrations in January of 1969), consideration of various approaches to Ray began. Alternatives considered included an immediate interview, an interview at some later date, and testimony under oath before a federal grand jury.[288] The action was being taken in light of President Nixon's reported plan "to take the position in a future press conference that the Federal Government was continuing to give intensive interest to the possibility of the existence of a conspiracy."[289]

An immediate decision was made, following a discussion between Leonard, Rosen and Martindale, to clear an interview of Ray with the appropriate people.[290] and by March 12th, the Memphis Field Office had contacted Canale, Ray's attorney-of-record Percy Foreman,[291] and Harry Avery, Commisioner of the Tennessee Department of Corrections. Foreman, after an informative discussion with the Houston FBI Office concerning his relationship with his client and various statements Ray had made about the case, approved the interview of his client in his absence.[292] Neither Canale nor Avery interposed any objections.

The interview itself was conducted by Robert Jensen, SAC of the Memphis Office. Authority for the FBI to conduct the interview on their own was given by D. Robert Owen,[293] Deputy Assistant Attorney General of the Civil Rights Division, and in a recent interview with Committee staff Owen recalled no consideration of the possibility of having a Department attorney present during the interview. Director Hoover gave specific instructions that results of the interview be given first to him prior to dissemination to the Department.[294]

Jensen's interview with Ray lasted fifty minutes, and covered a variety of topics - including Ray's dissatisfaction with his attorneys, his plans to reopen his case, Charles Stephens, Charles Stein, "the FBI" (a T.V. show), fingerprints on the rifle and Inspector Butler of Scotland Yard. Ray provided no evidence supporting the possibility of a conspiracy.[295]

Ray was not accompanied by an attorney during the interview; nor was he informed specifically of his right to have a lawyer present; his right to terminate the interview at will; his right to remain silent; or the government's ability to use his statements against him at a later date, (i.e. Miranda rights). In an interview with Committee staff, SAC Jensen confirmed that he did not advise Ray formally of his Miranda rights, explaining that surrounding circumstances, including Ray's extensive criminal record, indicated that he was aware of his rights without formal notification. Moreover, Jensen stated that the interview was not a hostile one, that he had called the guard to terminate the interview when Ray stated he wished to leave, and that he changed the subject matter of the interview when Ray refused to continue along a specific line.[296] Accepting, for the moment, the accuracy of Mr. Jensen's recollections, the fact remains that this interview of Ray was the first offical effort to gain information on the possibility of conspiracy from the self-confessed triggerman. The ability to use any statements Ray may have given, in a subsequent trial of the prisoner on conspiracy charges, would depend on being able to survive a motion to suppress the statements that would automatically be filed by any defense counsel, certainly not a foregone conclusion in light of the failure of this experienced FBI agent to observe routine interview procedures through the administration of Miranda rights prior to questioning.

A second effort was made to interview Ray the following day and Ray refused. With the interview approach comparatively unproductive, consideration turned to the possiblity of compelling Ray's testimony before a grand jury. Assistant Attorney General Leonard recalls extensive consideration of this possibility within his Division, and feels that his proposal met fairly stiff internal opposition;[297] he does not recall whether any of this opposition emanated from the FBI, and is not certain which specific attorneys objected to this course. Neither former Attorney General John Mitchell[298] nor D. Robert Owen, Leonard's Deputy Assistant Attorney General,[299] recalls active consideration of the grand jury alternative immediately following Ray's plea.

(D.) OFFICIAL APPROACHES OF JAMES EARL RAY IN 1970 AND 1976

In September of 1970, Assistant Attorney General Leonard asked Mr. K. William O'Connor, Chief of the Criminal Section of the Civil Rights Division, to "review the file" on the assassination case, and bring him up to date.[300] Shortly thereafter, a meeting was held between O'Conner and Bernard Fensterwald, Ray's attorney, and Ray was offered an opportunity to appear voluntarily before a federal grand jury to provide whatever evidence he possessed on the conspiracy issue. Fensterwald recalls at least the "intimation" that the Department would make efforts to get the sentence against Ray reversed and to secure a new identity for him through the witness protection program,[301] if his client cooperated and provided useful information. O'Connor does not recall the specifics of the offer he conveyed, but is

certain Fensterwald received the impression that the Department would attempt to better Ray's situation if he provided valuable information.[302] Ray rejected the offer, explaining to Fensterwald that he did not believe he could say enough to satisfy the Department and stating that in testifying he would be signing his death warrant.

After Ray's decision not to cooperate in 1970, no further efforts were made either by the F.B.I. or the Department of Justice to talk to Ray until 1976, when the Department, as part of an internal review of the FBI's MURKIN investigation and Security and COINTELPRO operations against King, attempted to conduct an interview. Ray refused to meet with members of the review force.[303]

VIII

THE CONSPIRACY INVESTIGATION

(A) THE FINDINGS

The ultimate conclusion of the federal assassination investigation performed by the Justice Department and the Federal Bureau of Investigation was that James Earl Ray, acting alone, killed Martin Luther King, Jr. Moreover, during the extensive interviews conducted by the Committee on the subject of the MURKIN investigation, no dissent from this conclusion has been voiced.

Director Hoover's views on the issue of conspiracy are clearly stated in a memorandum which he wrote on June 20, 1968 summarizing a discussion with Attorney General Clark. At one point during this conversation, Hoover told the Attorney General that "in Ray's case, we have not found a single angle that would indicate a conspiracy." Later in the discussion, he added his personal opinion that "he (Ray) acted entirely alone", but then assured the Attorney General that "we are not closing our minds that others might be associated with him and we have to run down every lead".[304]

In a recent interview with Committee staff, Attorney General Clark indicated his agreement with these investigative findings, and added that the Bureau was probably more inclined to view the assassination in conspiratorial terms than he was.[305] It was Mr. Clark's instinctive feeling that Dr. King's death resulted from the act of an eccentric racist loner, and that Ray's reference to a "brother" during the rifle exchange in Birmingham the week before the assassination - the remark which was to provide the factual basis for a

federal conspiracy complaint filed in that city approximately two weeks after the assassination - was merely an excuse created by the assassin on the spur of the moment, rather than sound evidence of conspiracy.

Additional evidence of the Department's agreement with the results of the FBI's investigation is found in a August 20, 1968 memorandum from AAG Fred Vinson, Jr. of the Criminal Division, to the Deputy Chief of the Organized Crime and Racketeering Section,[306] in which he writes that:

> "while we weren't prepared to announce publicly that we had proved a negative, I was personally satisfied that a thorough job had been done of running out all leads with respect to any connection Ray might have with any sort of conspiracy and that we had come up with nothing. I told him that, to the contrary, our information indicated that Ray was a loner, a shy, reticent person who didn't even have many acquantances, and that we were pretty well satisfied that he had no independent source of finances."

Moreover, the opinions of Mr. Clark, Mr. Vinson and Mr. Hoover described above represent the consensus of opinion of those FBI supervisory personnel and Justice Department officials who participated in the assassination investigation and who were interviewed on the subject by the staff of the Committee.

(B). THE INVESTIGATION

It would not be correct to conclude, based on the ultimate finding of "no conspiracy" reached by the investigators, and the lawyers who supervised the original investigation, that a conspiracy investigation was not conducted. In fact, FBI investigative files reflect, almost from the moment of the assassination, a conciousness within the Bureau of the possibility of conspiracy surrounding the crime. During the first two weeks of the investigation, the primary

focus was clearly directed toward ascertaining the true identity of the individual who dropped the bundle of evidence and the 30.06 rifle while fleeing the crime scene. However, even during this initial period, directives from Washington were phrased in terms of identifying the "person or persons responsible for the assassination of Martin Luther King, Jr.," [307] (emphasis added), and it is apparent that investigators were, even at this early date, sensitive to circumstances which suggested the possibility of conspiracy.

Perhaps the best example of the FBI's general awareness of, and willingness to consider, a conspiracy angle in the assassination investigation is found in an "All-Sac" Teletype issued on April 26, 1968, three weeks after Dr. King's assassination. [308] Two days earlier, headquarters had completed a review of the main Bureau file on Martin Luther King, (ironically created during the security investigation of the civil rights leader), and had identified and documented approximately fifty prior threats on Dr. King's life. [309] These threats were set out in investigative leads and transmitted to the appropriate field office for resolution. Accompanying the leads, in the April 26th teletype noted above, were the following instructions:

> "The main file on King has been reviewed at the Bureau and leads are being sent out concerning persons involved in prior threats against King. These leads as well as leads concerning any other suspects developed from any source must be given immediate and thorough handling on a top priority basis. Process has been obtained against James Earl Ray and extensive investigation is continuing to locate Ray and to establish motive of crime. You have been and will be furnished information relating to other possible conspirators. These must all be thoroughly resolved no matter how remote. (emphasis added) [310]

The truest indication of the FBI's overall sensitivity to the conspiracy possibility, however, comes after Ray's arrest on June 8th.

While cost data indicates a significant overall reduction in Bureau expenditures at approximately the time of Ray's arrest, FBI files still reflect a limited number of additional, conspiracy-oriented investigative leads. The major, post-arrest focus, an attempt to determine the source of Ray's funds through an intensive re-investigation of the July, 1967 Alton Bank robbery, certainly stemmed almost entirely from the Bureau's awareness that Ray's extensive expenditures during fourteen months of freedom strongly suggested the possibility of association with as-yet-unidentified individuals.

In addition to the funding concern, files reflect efforts over the months following Ray's arrest to (1) identify possible criminal associates through a recheck of the New Rebel Motel in Memphis, and of motels, hotels and rooming houses in Birmingham for the time period of the rifle purchase,[311] (2) to investigate the possiblity that a Louisiana State Policeman was, in fact, the mysterious "Raoul";[312] (3) and to interview Ray himself on the issue of conspiracy. Thus, while officials in both the Justice Department and the FBI were rapidly reaching a unanimous "no-conspiracy" conclusion, this did not prevent at least a limited amount of conspiracy-oriented field investigation even following Ray's arrest.

Despite these efforts, however, the Committee's review of both the evidence within the FBI files indicating specific conspiratorial possibilities, and of the investigative techniques employed by the Bureau and the Department of Justice in resolving these leads, has not disclosed a basis for confidence in the official conclusion that responsibility for Dr. King's death does not extend beyond the triggerman. In fact, the Committee's review has revealed serious defects in both the focus, and the method, of the overall conspiracy

investigation.

First, conspiracy leads were, at times, resolved solely through establishing a potential co-conspirator's alibi during the period of March 29, 1968 to April 4, 1968 designated as the "pertinent period" for purposes of the assassination investigation.[343] The inadequacy of this method is demonstrated by the FBI's own investigation, which had, almost immediately, produced substantial evidence that Ray's plan to kill Dr. King began to take form while he was still a resident of California, i.e. prior to March 17, 1968. Moreover, the general notion that a conspiracy suspect can be eliminated by establishing his absence from the scenes of the crime and of one major overt act (the rifle purchase), reflects a simplistic view of the law of conspiracy. In 1968, as now, a conspiracy prosecution required only an agreement and one subsequent overt act by <u>any</u> of the parties in furtherance of that agreement. Proximity to the scene of the crime, while clearly a relevant and significant investigative concern, was not, in a conspiracy investigation, the ultimate issue.

Second, FBI files reflect only limited efforts, independent of a specific lead, to investigate the possible involvement of those hate-type organizations, (such as the White Knight of the Ku Klux Klan or the Minutemen) which had demonstrated both a propensity for violence, and a clear antagonism toward Dr. King. A general canvassing of "all racial, criminal and security informants" occured at various stages during the investigation.[344] Beyond this general directive, however, the Bureau's investigation of possible hate-group involvement was both limited and unimaginative.

For example, even after the Bureau had received evidence of a possible link between the United Klans of America and Ray in the form of Ray's immediate selection of Arthur Hanes, Sr., (an attorney

who had done extensive legal work for the Klan), and in later informant information indicating the possibility that the United Klans of America might become involved in the funding of Ray's defense,[315] no concerted effort was made to pursue the conspiratorial implications of this information. Additional steps which might have been considered include a check of Bureau hate-group indices against Ray's known and potential associates, and the compulsion of sworn testimony of appropriate Klan officials through the use of a grand jury subpoena and the judicious use of immuity grants.

Third, FBI and Department of Justice files reflect almost total reliance on the field interview as a means of resolving issues clearly relevant to the overall conspiracy investigation. At no time was a grand jury utilized to supplement the FBI's field investigation of the numerous conspiracy allegations, despite situations where it would clearly have been appropriate. The circumstances surrounding Ray's escape from Missouri State Prison, for example considered by some to be the first step in an elaborate, year-long conspiracy to assassinate Dr. King, was never investigated through the grand jury. Similarly, a possible association between Ray and a Missouri State Prison inmate association named the "Cooley Organization" was left essentially unresolved after extensive field interviews with MSP inmates and former inmate-associates of Ray confirmed the existence of the group, but "(failed) to ascertain information concerning its principles or membership or the extent of its network",[316] the use of a grand jury to explore this issue - a logical step following the unsuccessful interview process - was apparently never considered.

Additional examples of conspiratorial allegations or issues appropriate for grand jury treatment included the false C.B. broadcast

in Memphis ½ hour after the assassination, seen by some as an effort to divert police attention from the flight of the true assassin;[317] and allegations received by one John McFerren that the owners of a Memphis produce company had been involved in directing and funding the assassination.[318] In both situations, however, the Bureau and the Justice Department were satisfied to resolve the issues solely through field investigation.

Of far greater potential significance than any of the defects noted to this point, however, was the almost inexplicable failure of the FBI and the Justice Department to focus a concerted effort on Ray's family, and specifically his brothers, during the conspiracy investigation. Absent any extrinsic evidence, family members of the suspected triggerman deserved at least some investigative attention. Given the significant amount of direct and circumstantial evidence received by the FBI during the months following the assassination that strongly suggested a great deal more contact among the three brothers than any was willing to admit - the failure to pursue this area more aggressively constitutes a serious defect in the overall investigative effort.

The single most signficant piece of evidence raising the possibility of participation by a brother in the assassination came during early interviews by the FBI of clerks at the Aeromarine Supply Company, in Birmingham. During such an interview, Donald Wood told agents that Ray, while exchanging rifles on March 30, 1968, five days before the assassination, explained that he had decided to return the initial rifle, and replace it with a more powerful weapon, after a conversation with his brother.[319] This state-

ment was, of course, later used as the factual basis for a federal conspiracy complaint charging Ray, (then known as Eric Galt) and "an individual whom he alleged to be his brother" with a violation of 18 U.S.C. §241.[320] In addition to this incident, however, the FBI received additional evidence which over the weeks and months to follow created an ever stronger possibility of family knowledge of, and involvement in, circumstances surrounding the assassination of Dr. King. Examples follow:

On August 4th, 1967, Ray told a female acquaintance in Canada that he had been in Grey Rocks (a resort north of Montreal) for about one week and that he would be leaving within the next few days to meet his brother in Montreal.[321] Three weeks later, Ray told the same acquaintance that he was currently working with a brother in real estate, and that he had no problem with money and could always get some.[322]

In December of 1967, immediately before his departure on an abrupt and never adequately explained trip to New Orleans, Ray told Dr. Freeman, a psychologist, that his brother had found a job for him in the Merchant Marine based in that city.[323] In early January of 1968, shortly after his return from this trip, Ray made a $364 payment for dance lessons and told a Los Angeles dance instructor that he had recently met his brother in Louisiana.[324]

On March 2, 1968, fifteen days before his departure from California and approximately one month before the assassination, Ray stated during a discussion at graduation ceremonies at a Los Angeles bartending school that he would be visiting his brother in Birmingham about two weeks.[325]

On March 9, 1968, Ray turned down an offer of employment from the president of the same bartending school, explaining that

he was leaving town within two weeks to visit his brother.[326] Approximately three weeks later, of course, Ray mentioned a conversation with his brother while exchanging his rifle at the Aeromaine Supply Company in Birmingham.

In and of itself, the coincidence of numerous references by Ray to a brother during the time period surrounding three important pre-assassination transactions - the New Orleans trip; Ray's departure from California to take up residence in Atlanta, Dr. King's home town; and the Birmingham rifle purchase - presented a strong basis for directing a major investigative effort toward the family. Moreover, this was not the extent of the evidence available to the Bureau and the Justice Department.

In his first interview with FBI agents, John Larry Ray, a younger brother, exhibited strong signs or racism when he belittled the crime with which Ray was charged, ("all he has done is 'kill a nigger'"),[327] and stated that there would be no interest in Ray if King had been white.[328] Moreover, the strong likelihood of John Larry Ray's involvement in Ray's escape from Missouri State Prison had been established by the end of April when a review of prison records indicated a visit to the prison by the brother on April 22, 1967, the day before the escape.[329]

Similar indications of racism were manifested by Ray's second brother, Jerry Ray, particularly in his close association with J.B. Stoner, head of the virulently anti-Black National States Rights Party, following Ray's London arrest. In addition, information received by the FBI around the time of Ray's arrest reflected statements by Jerry that his brother was to receive at least $100,000 for killing Martin Luther King, and that the purchase of the Mustang and use of the safe deposit box in Birmingham were

linked to a conspiracy.[330]

Moreover, it was clear almost from the beginning of the Bureau's investigation of Ray that both brothers were lying to the interviewing agents concerning contact with James Earl during the recent past. John Ray's claim during his initial interview that he hadn't seen his brother in three years was undermined by MSP records indicating his visit to the prison the day before Ray's 1967 escape. And Jerry's similar denial of contact with his brother was contradicted by information received by the Bureau shortly before Ray's arrest,[331] as well as by admissions of James himself to author William Bradford Huie, that he had given a red Plymouth automobile to Jerry in Chicago in late August of 1967, and had called Jerry while enroute to New Orleans in December of 1967.[332]

In addition to undermining Jerry's official denials of contact with James during the pre-assassination period, Ray's story to Huie also provided a final, major piece of evidence in the growing case against the brothers. In two Look magazine articles published in November of 1968, four months before the guilty plea, large portions of Ray's story to William Bradford Huie, including the first detailed version of his early association with "Raoul", appeared for the public to examine. Following the plea, the entire "Raoul" story, from the first meeting in Canada to the alleged gun-running operation in Memphis on the day of King's assassination, was published in Huie's book, He Slew the Dreamer.[333] A comparison of the "brother allusions" by Ray in Canada, California and Birmingham, with Ray's own Raoul story revealed remarkable coincidences.

For example, Ray's known reference to a planned meeting with a brother in Montreal coincided with his alleged meetings with Raoul in that city; Ray's known references to a brother both be-

fore and after the December New Orleans trip coincided with his claim that he met Raoul in New Orleans to receive money and discuss future criminal activities. And Ray's known references to his brother immediately prior to his move to Atlanta, and during the rifle purchase, coincided with his claimed receipt of instructions from Raoul to come east and to purchase a display weapon for the gun-running negotiations.

Thus, within a relatively short period after Dr. King's assassination the FBI had collected evidence of numerous references by Ray to a brother during crucial moments in his pre-assassination activities, of strong signs of racism in both John and Jerry Ray, of probable involvement by John in the Missouri State Prison escape, of claimed knowledge by Jerry of an assassination conspiracy and a prospective $100,000 pay-off, and of striking coincidences between Ray's own story of Raoul, and the independent evidence of association with his "brother". Clearly this evidence warranted a major and concerted effort by both the FBI and the Civil Rights Division of the Justice Department to determine both the extent and the nature of Ray's actual pre-assassination contact with his brothers. In fact, however, no such concerted effort was made.

This is not meant to indicate that the Bureau ignored the family, or the brothers, during their investigation. As has been indicated previously, an intense effort was made to secure assistance and information from the various family members during the pre-arrest fugitive investigation,[334] and during this period the brothers were interviewed on numerous occasions concerning knowledge of the suspect's location. In fact, at one point the Bureau's preoccupation with the fugitive investigation became so great that a recommendation was made for the use of patently illegal elec-

tronic surveillance on John Larry Ray and Carol Pepper in an effort to locate the subject.[335] Had such a tactic been implemented, any subsequent conspiracy case against family members could have been seriously jeopardized. Nevertheless, with the exception of comparisons of the fingerprints and palm prints of the two brothers with unidentified latents in the case;[336] an effort to verify Jerry Ray's alibi for April 4, 1968;[337] and the posing of some questions during the above-noted field interviews arguably connected to a conspiracy investigation; investigative files reflect no significant efforts to determine the extent of their criminal involvement with James.

No effort was made, for example, to determine whether the 1967-68 travels of either brother coincided with those of Ray's companion, Raoul. Such an effort might have included motel and airline canvasses under Ray brother aliases and employment verification for appropriate periods.

Similarly, no effort was made, other than through direct questioning of the brothers, themselves, to establish the alibis of either Jerry or John during the time of the rifle purchase, and John's alibi went unchecked even for the day of Dr. King's assassination. Ironically, the Bureau covered this ground routinely with other conspiracy suspects.

Further, Jerry Ray's statements concerning a conspiracy in June of 1968, and again in March of 1969 during a discussion with Kent Courtney, a "conservative spokesman" in New Orleans, were never adequately pursued. Despite a strong indication by Jerry in the latter situation that he would discuss the "conspiracy" with Courtney during a meeting on March 20, 1969,[338] and Courtney's apparent willingness to cooperate with the Bureau,[339] no

consideration was given to the use of consensual electronic surveillance to record Jerry's discussion with Courtney. Rather, a decision was made - based on Courtney's suspect reputation and a fear of Bureau embarrassment - to pursue a field interview with Jerry Ray instead.[340] When Jerry was ultimately located, however,[341] he refused the interview, and thereafter, Bureau efforts ceased.

Finally, the files reveal no efforts to investigate the brothers through interviews with their associates. Given the criminal nature of many of John's associates, this might well have required the use of a grand jury, and immunity grants, investigative tools which might have been useful in the additional areas of John's probable involvement in the MSP escape, and his possible participation in the Alton Bank robbery in July of 1967. Some of this grand jury and immunity work could have been accomplished, it is noted, without violating a Justice Department policy against compelling testimony of a family member, or facing the issue of immunity with either of the brothers. As at all other times during the investigation, however, the grand jury and immunity approach was never utilized.

IX.

HOOVER, COINTELPRO AND THE ASSASSINATION INVESTIGATION

Not suprisingly, the adversary relationship which had existed for so long between the FBI and Martin Luther King, Jr. did not terminate with the assassination of the civil rights leader. To cite only one example...FBI files reflect Bureau plans in March of 1969 to brief Congressmen in an effort to defeat the proposed creation of a national holiday in recognition of Dr. King's birthday. The cointerintelligence operation was approved by Hoover, who noted at the same time that it must be handled "very cautiously".[342]

Despite this continued animosity, however, the general feeling of the Justice Department and FBI officials interviewed on the subject was that Hoover's hatred of King, and the Bureau's extended involvement in security investigations and COINTELPRO activities against the man and his organization, had the ironic effect, (although perhaps predictable, in light of the Bureau's noted preoccupation with public image), of increasing the intensity of the investigative effort after the assassination. The following is an excerpt of testimony given by Ramsey Clark:

Q. Mr. Clark, given the dislike which Mr. Hoover felt toward Dr. King and communicated to you in lunches and other occasions, and given the ...FBI...electronic surveillance and taps in the early '60's, and the continued interest in Dr. King in the form of requests to you for additional electronic surveillance as recently as April the 2nd, only two days prior to this assassination, did it ever occur to you that the FBI...would not be in a position to objectively carry out the responsibilities of the investigation itself?

A. I don't believe it did...I had the strongest, clearest conviction that the FBI would do everything in its power to investigate this case quickly, effectively and successfully, and it wasn't just logic. It was, I mean, my total being told me that the thing Mr. Hoover really loved most, the Bureau, was on the line here, and that if they couldn't produce here where many would suspect their concern, that their failure would do more damage to them in the minds of the people than any other case they had worked on. 343/

Similar sentiments were expressed by FBI unit Chief Wilbur Martindale, 344/ AAG Vinson of the Criminal Division, 345/ and AAG Pollak of the Civil Rights Division. 346/

In an attempt to determine how great the potential problem was, the Committee, early in its investigation, identified FBI personnel who were involved in some significant manner in either the pre-assassination COINTELPRO and security investigations against Dr. King, or the post-assassination MURKIN investigation. Not surprisingly, a comparision of the two lists revealed some overlap in personnel both at Headquarters and in the field. Beneath Hoover and Tolson, Assistant to the Direct Cartha Deloach had overall supervisory responsiblity for the operations of both the Domestic Intelligence Division (Security and COINTELPRO cases) and the General Investigative Division (MURKIN investigation), and was therefore equally involved in

both. In the field, the most significant overlap was in Atlanta, where Alan Sentinella, "case agent" for the King Security case (5/21/65 - 6/5/68), and the SCLC Security case (4/26/66 - 3/12/71), was also assigned initially as case agent for the MURKIN investigation in that city.

In light of Sentinella's assignment, it is clear that no official effort was made either by the Bureau, or the Department of Justice, to formally preclude the involvement in the assassination investigation of agents with backgrounds in the King Security or COINTELPRO operations. (The absence of such an effort was also confirmed in HSCA interviews). Sentinella's assignment as Atlanta MURKIN case agent lasted only for the month of April, however; thereafter, the responsibilities of the position were assumed by S/A Robert Perry. Moreover, during much of the period prior to Ray's positive identification on April 19, 1968, the operations in Atlanta's office were directed by an Inspector from Washingtion - Joseph Sullivan - an agent with extensive experience in major civil rights cases. In addition, Sentinella's temporary assignment as "case agent" - while central because of its function in coordinating, monitoring and reporting on the investigations; did not carry command responsibilities. Thus, while the evidence shows the use of an agent with an extensive background in King COINTELPRO and Security work as case agent in Atlanta's MURKIN investion there is no additional evidence that the field office

investigation was curtailed or restricted as a result of the assignment.

When questioned concerning this general situation, Attorney General Clark recalled no concern about a widespread or debilitating prejudice against King within the ranks of the FBI that would have effected the day-to-day investigation:

> "I guess I assumed that the agents who were doing any work that related to Dr. King were just acting in the ordinary course of their employment...My sense of the distortion, if there was one or was to be one, was that it came from the top, which was often the case because Mr. Hoover had been so dominant so long, and that the prejudice in individual agents would have been less than the prejudice of the Director toward Dr. King, but that once they saw, as I believed, him making this his first priority investigativewise, they would, too.[347]

At headquarters the effect that Hoover's hatred for King had on his personal involvement in the investigation is difficult to gauge from files alone. Nevertheless, certain patterns are clear. Hoover received information on the progress of the case primarily through daily internal FBI memos and briefings with Rosen, DeLoach and Tolson. His scribbled comments on various investigative memoranda indicate closest attention to those details of the investigation that reflected on the conduct of his agents[348] or a image of the Bureau.[349] A deep-seated distrust of the press, and his displeasure with agents who broke the "no comment" rule, also appear on numerous occasions:

> April 18, 1968: "I want 'no comment' strictly adhered to. We have plenty to still do in this case and no time to engage in chatter with the irresponsible press which is already printing alot of 'hog-wash'.[350] (emphasis in original)

April 27, 1968: "Tell Jensen to stop talking." (emphasis in original) 351/

April 29, 1968: " We must adhere to 'no comment'. The avid press will be concocting all kinds of wild stories and if we start answering them we are 'sunk'. The press release is all we have to say at this time." 352/

May 4, 1968: " I must insist that we stop giving off the cuff comments re Ray case." (emphasis in original) 353/

On at least one occasion, Hoover rejected an investigative proposal, apparently because the source of the information to be pursued had, in 1947, called Hoover an "SOB" 354/ Nevertheless, as a general rule, the files reflect neither positive additions 355/ nor restrictions by Hoover on the scope of the investigation. He maintained, apparently, relatively close contact with investigative developments, (Assistant Director Alex Rosen described his primary function in the assassination investigation as keeping the Director informed) 356/, and clearly developed his own personal theory on the evidence of the case, specifically that Ray was a "racist and detested Negroes and Martin Luther King" 357/, but that he was not a fanatic in the sense of Sirhan Sirhan. Moreover, while Hoover believed that "Ray acted entirely along," he assured Ramsey Clark on June 20, 1968 that "we are not closing our minds that others might be associated with him and we have to run down ever lead." 358/ These assurances were then passed on to his chief lieutenants in the MURKIN investigations in the form of a written memorandum to Tolson, DeLoach and Rosen, among others.

Thus, while there were serious problems with the FBI's assassination investigation both in its failure to pursue significant conspiracy possibilities and in a disregard for the constitutional rights of both citizens and the defendant, James Earl Ray, there is no current evidence that these specific deficiencies, or any others were directly or indirectly caused by the Bureau's well-documented hatred for Dr. King and his movement.

FOOTNOTES

1. FBI Functional Organizational Chart, HSCA Document Number 200072.

2. HSCA Interview with Robert Jensen, June 20, 1978, HSCA Document Number 190108.

3. HSCA Interview with Clem McGowan, June 13, 1978, p.2, HSCA Document Number 220469.

4. HSCA Interview with Ed McDonough, June 14, 1978, p.2, HSCA Document Number 220368.

5. The Civil Rights Act of 1964 Unit concentrated primarily on complaints of discrimination in housing, education and employment; the Civil Rights Unit on the other hand, investigated alleged violations of 18 U.S.C. §241 (conspiracy to interfere with constitutional rights of an individual - the statute used as a basis for the FBI's investigation of Dr. King's assassination) as well as election law violations and involuntary servitude and white slavery cases.

6. HSCA Interview with Wilbur Martindale, June 15, 1978, p.2 HSCA Document Number 220471.

7. IBID. at p. 5.

8. See note 3; See e.g., HSCA Interview with James R. Malley, June 14, 1978, p.2, HSCA Document Number 220470.

9. IBID.

10. IBID.

11. See note 1.

12. HSCA Interview with Alex Rosen, June 28, 1978, p.1, HSCA Document Number 210237.

13. IBID. at p.2.

14. IBID. at p. 1.

15. IBID. at p. 2, Mr. Rosen's current recollection is somewhat inconsistent with the substance of FBI investigations files, which reflect substantial Headquarters involvement in the investigation from the beginning.

16. HSCA Interview with James R. Malley, June 14, 1978, p.2 , HSCA Document Number 220470.

17. IBID at p. 2.

18. HSCA Interview with Cartha DeLoach, June 26, 1978, p.1, HSCA Document Number 230174.

19. HSCA Executive Session Testimony of Robert Jensen, July 12, 1978, p. 14.

20. IBID. at pp. 14-15.

21. See, note 18 at p. 2.

22. HSCA Interview with Ramsey Clark, June 21, 1978, p.2, HSCA Document Number 220473.

23. HSCA Interview with Stephen Pollak, June 29, 1978, p.2, HSCA Document Number 250279.

24. DOJ Memorandum from Pollak to Director, FBI; April 4, 1968; FBI Headquarters MURKIN file, serial 44-38861-109.

25. Teletype, Director to ALLSACS, April 7, 1968. FBI Headquarters MURKIN file, Serial 44-38861-153.

26. See, e.g., FBI Letterhead Memorandum, April 5, 1968, Captioned "Murder Martin Luther King, Jr." HSCA Document Number 220330.

27. Memo, McGowan to Rosen, April 4, 1968, FBI Headquarters MURKIN file, Serial 44-38861-327.

28. Press release, DOJ, April 5, 1968, FBI Headquarters MURKIN file, Serial 44-38861-1699.

29. See note 22.

30. IBID.

31. See, note 2.

32. See, note 18 at p. 2.

33. See, note 22 at p. 4.

34. Memo, Rosen to DeLoach, April 6, 1968, FBI Headquarters MURKIN file, Serial 44-38861-329.

35. Memo, Rosen to DeLoach, April 5, 1968, FBI Headquarters MURKIN file, Serial 44-38861-177.

36. See, note 34.

37. Teletype, Director to All Continental Offices, April 8, 1968, FBI Headquarters MURKIN files, Serial 44-38861-158.

38. Teletype, Director to All Continental Offices, April 8, 1968, FBI Headquarters MURKIN file, Serial 44-38861-224.

39. Memo, Rosen to DeLoach, April 12, 1968, FBI Headquarters MURKIN File, Serial 44-38861-1113.

40. Memo, Rosen to DeLoach, April 9, 1968, FBI Headquarters MURKIN File, Serial 44-38861-1174.

41. See, note 2 at p.3.

42. HSCA Interview with Richard E. Long, June 2, 1978, p.2, HSCA Document Number 260327.

43. See, note 25.

44. See, note 3 at pp.3-4.

45. IBID. at p.3.

46. See, note 4.

47. IBID at. p.2; see, e.g., note 16.

48. Memo, Rosen to DeLoach, April 10, 1968, FBI Headquarters, MURKIN File, Serial 44-38861-1180.

49. IBID.

50. See, note 37.

51. Teletype, Director to All Continental Offices, April 10, 1968, FBI Headquarters, MURKIN File, Serial 44-38861-191; See, e.g. note 37 for similar record check of the "Willard" name.

52. Memo, Rosen to DeLoach, April 13, 1968, FBI Headquarters MURKIN File, Serial 44-38861-1348.

53. See, note 39.

54. See, note 52.

55. IBID.

56. Memo, Rosen to DeLoach, April 16, 1978, FBI Headquarters MURKIN File, Serial 44-38861-1704.

57. IBID.

58. IBID.

59. Memo, Rosen to DeLoach, April 17, 1968, FBI Headquarters MURKIN File, Serial 44-38861-1706.

60. Memo, Rosen to DeLoach, April 18, 1968, FBI Headquarters MURKIN File, Serial 44-38861-1367.

61. Memo, T.E. Bishop to DeLoach, April 17, 1968, FBI Headquarters MURKIN File, Serial 44-38861-1705.

62. Teletype, Director to ALL SACs, April 18, 1968, FBI Headquarters MURKIN file, Serial 44-38861-1271.

63. Memo, C.L. Trotter to Mohr, September 2, 1969, FBI Headquarters MURKIN file, Serial 44-38861-5818.

64. IBID.

65. IBID.; See, e.g, Memo, Daunt to Bishop, April 19, 1968, FBI Headquarters MURKIN file, Serial 44-38861-2034, (placing the range of ridge counts searched at "9-15" and the number of potential suspects identified at 1740.)

66. While some outside commentators have expressed concern over the amount of time necessary to identify Ray through his prints, the Committee's investigation has revealed no problems in the Bureau's procedures.

67. Memo, Rosen to DeLoach, April 19, 1968, FBI Headquarters MURKIN file, Serial 44-38861-4046.

68. Memo, Rosen to DeLoach, April 19, 1968, FBI Headquarters MURKIN file, Serial 44-38861-1727.

69. See, e.g., Teletype, Director to ALLSACs, April 19, 1968, FBI Headquarters, MURKIN file, Serial 44-38861-1396.

70. Memo, Jones to Bishop, April 19, 1968, FBI Headquarters MURKIN file, Serial 44-38861-1938.

71. Memo, Jones to Bishop, April 25, 1968, FBI Headquarters MURKIN file, Serial 44-38861-2584.

72. See, e.g., Teletype, Director to ALLSACs, April 27, 1968, FBI Miami Field Office, MURKIN file, Serial 44-1854-614.

73. Airtel, SAC Chicago to Director, April 19, 1968, FBI Headquarters MURKIN file, Serial 44-38861-1316.

74. Memo, Rosen to DeLoach, April 23, 1968, FBI Headquarters MURKIN file, Serial 44-38861-2406.

75. Memo, Rosen to DeLoach, May 10, 1968, FBI Headquarters MURKIN file, Serial 44-38861-3362.

76. Memo, Rosen to DeLoach, May 9, 1968, FBI Headquarters MURKIN file, Serial 44-38861-3435.

77. Teletype, Director to SAC, Kansas City, May 13, 1968, FBI Headquarters MURKIN file, Serial 44-38861-3369.

78. See, e.g., Memo, Branigan to Sullivan, June 14, 1968, FBI Headquarters MURKIN file, Serial 44-38861-4682; Airtel, Director to SAC Kansas City, June 20, 1968, FBI Headquarters MURKIN file, Serial 44-38861-4653.

79. See, e.g., Memo, Rosen to DeLoach, April 22, 1968, p.9, FBI Headquarters MURKIN file, Serial 44-38861-1812; Memo, Rosen to DeLoach, April 24, 1968, FBI Headquarters MURKIN file, Serial 44-38861-2148.

80. Memo, Rosen to DeLoach, April 26, 1968, FBI Headquarters MURKIN file, Serial 44-38861-2207.

81. See, e.g., Teletype, Los Angeles to Director, April 25, 1968, FBI Headquarters MURKIN file, Serial 44-38861-2190; Memo, Rosen to DeLoach, April 30, 1968, FBI Headquarters MURKIN file, Serial 44-38861-2598.

82. Memo. Rosen to DeLoach, April 22, 1968, FBI Headquarters MURKIN file, Serial 44-38861-1812.

83. Teletype, Director to all SACs, April 23, 1968, FBI Miami Field Office MURKIN file, Serial 44-1854-206.

84. Teletype, Director to All SACs, April 29, 1968, FBI Headquarters MURKIN file, Serial 44-38861-2443.

85. Memo, Rosen to DeLoach, May 3, 1968, FBI Headquarters MURKIN file, Serial 44-38861-3123.

86. Airtel, Director to SACs Atlanta, Birmingham and Memphis, May 6, 1968, FBI Headquarters MURKIN file, Serial 44-38861-2989.

87. Teletype, Director to All SACs, May 14, 1968, FBI Headquarters MURKIN file, Serial 44-38861-3495.

88. Airtel, Director to SAC's Atlanta, Birmingham, Los Angeles, Memphis, New Orleans, May 21, 1968, FBI Headquarters MURKIN file, Serial 44-38861-3806.

89. Memorandum, Rosen to DeLoach, May 25, 1968, FBI Headquarters MURKIN file, Serial 44-38861-4353; See, e.g., Teletype, Director to SAC Springfield, June 7, 1968, FBI Headquarters MURKIN file, Serial 44-38861-432 (direction to "completely exhaust" every avenue of investigation on Alton, Illinois Bank Robbery; Memo, Rosen to DeLoach, July 29, 1968, FBI Headquarters MURKIN file, Serial 44-38861-5079.

90. Teletype, Director to All SAC's, April 22, 1968, FBI Headquarters MURKIN file, Serial 44-38861-1658.

91. See, e.g., Teletype, Director to All SAC's, April 24, 1968, FBI Miami MURKIN file, Serial 44-1854-273.

92. See, e.g., FBI Headquarters MURKIN file, Serial 44-38861-2344, summarizing investigation of Atlanta Field Office.

93. Teletype, Detroit to Director, April 25, 1968, FBI Headquarters MURKIN File, Serial #44-38861-2350.

94. Teletype, Director to SAC St. Louis, April 30, 1968, FBI Headquarters MURKIN File, Serial 44-38861-249_

95. Teletype, Director to SAC's Chicago, Kansas City, St. Louis, Springfield, May 1, 1968, FBI Headquarters MURKIN file, Serial 44-38861-2622.

96. Teletype, SAC St. Louis to Director, May 7, 1968, FBI Headquarters MURKIN file, Serial 44-38861-3146.

97. Memo, Director, FBI to Attorney General, May 13, 1968, FBI Headquarters MURKIN file, Serial 44-38861-3509.

98. Memo, Director to Attorney General, June 11, 1968, captioned "Electronic Surveillance", FBI Headquarters MURKIN file, Serial 44-38861-non recorded serial.

99. FBI Interview with John Larry Ray, May 9, 1968, by SA Patrick W. Fradley, St. Louis Field Office MURKIN file, Serial 44-775.

100. See, e.g., Memo, Rosen to DeLoach, May 10, 1968, FBI Headquarters MURKIN file, Serial 44-38861-3510.

101. IBID.

102. Correspondence, Director to Ottawa Legat, May 11, 1968, FBI Memphis Field Office MURKIN file, Serial 44-19872-76.

103. IBID.

104. _____, May 21, 1968, FBI Headquarters MURKIN file, Serial 44-38861-383_.

105. Teletype, Director to SAC Boston, May 14, 1968, FBI Headquarters MURKIN file, Serial 44-38861-3514.

106. Correspondence, Director to All SAC's, May 21, 1968, FBI Miami Field Office MURKIN file, Serial 44-1854-604.

107. Memo, Rosen to DeLoach, May 22, 1968, FBI Headquarters MURKIN file, Serial 44-38861-4552.

108. Teletype, Director to SAC's Birmingham, Chicago, Kansas City, Los Angeles, Newark, May 22, 1968, FBI Headquarters Murkin file, Serial 44-38861-3872.

109. Teletype, Director to Memphis, 6/5/68, FBI Headquarters MURKIN File, Serial 44-38861-4262.

110. Airtel, Legat, Paris to Director, June 13, 1968; FBI Headquarters MURKIN File, Serial #44-38861-4725.

111. See, e.g., Memos, Callahan to Mohr, captioned MURKIN-Cost Data, June 4, 1968, July 23, 1968, November 20, 1968, FBI Headquarters MURKIN file, Serials 44-38861-4444, 44-38861-4933, 44-38861-5471.

112. Memo, DeLoach to Tolson, June 8, 1968, FBI Headquarters MURKIN file, Serial 44-38861-4447.

113. Memo, Rosen to McGowan, June 10, 1968, FBI Headquarters, MURKIN file, Serial 44-38861-4379.

114. See, note 112.

115. Transportation of federal prisoners is normally a job which falls within the responsbility of the United States Marshall Service. The use of FBI agents to transport Ray resulted in bad feelings within the USMS, and a feeling that the FBI had infringed on another agency's jurisdiction. See, e.g., memo, DeLoach to Tolson, July 26, 1968, FBI Headquarters MURKIN file, Serial 44-38861-4970.

116. Memo to Tolson, DeLoach, Rosen, Bishop, Sullivan, June 20, 1968 FBI Headquarters MRUKIN file, Serial 44-38861-4660.

117. See, e.g., Memo, Rosen to DeLoach, July 29, 1968, FBI Headquarters MURKIN file, Serial 44-38861-5079.

118. See note 78 - Airtel, Director to SAC, Kansas City, June 20, 1968.

119. Memo, Rosen to DeLoach, June 24, 1968, FBI Headquarters MURKIN file, Serial 44-38861-4779.

120. Memo, Rosen to DeLoach, June 11, 1968, FBI MURKIN file, Serial 44-38861-440__

121. Memo, Director to Pollak, June 13, 1968, FBI Headquarters MURKIN file, Serial 44-38861-4419.

122. Memo, Attorney General to Director, June 18, 1968, FBI Headquarters MURKIN file, Serial 44-38861-4671.

123. Memo, Director to Attorney General, July 23, 1968, FBI Headquarters MURKIN file, Serial 44-38861-5003.

124. Memo, Fred M. Vinson, Jr. to Stephen Pollak, July 29, 1968, FBI Headquarters MURKIN file, Serial 44-38861-5003.

125. Memo, Stephen Pollak to Director, July 30, 1968, FBI Headquarters MURKIN file, Serial 44-38861-5004.

126. Order granting defendant's motion for dismissal of complaint, U.S. District Court, Northern District of Alabama, December 2, 1971.

127. Memo, Rosen to DeLoach, October 1, 1968, FBI Headquarters MURKIN file, Serial 44-38861-5225.

128. Memo, Pollak to Director, November 27, 1968, FBI Headquarters MURKIN file, Serial 44-38861-5462.

129. Article, Look Magazine , November 12, 1968, entitled "I Had Been In Trobule Most Of My Live, In Jail Most Of It"; Article, Look Magazine, November 26, 1968, "I Got Involved Gradually,

And I Didn't Know Anybody Was To Be Murdered."

130. Teletype, Memphis to Director, March 13, 1969, FBI Headquarters MURKIN file, Serial 44-38861-562

131. Complaint filed pursuant to Title 18 § 241 alleged a violation of Dr. King's consitutional right to travel.

132. See, note 22; See, e.g., HSCA Interview with Fred Vinson, Jr., June 30, 1978, p.2, HSCA Document Number 230173.

133. IBID.

134. See, note 23.

135. HSCA Executive Session Testimony of Ramsey Clark, July 19, 1978, p. 64.

136. See, note 22.

137. See, note 135 at p. 66.

138. See, e.g., Letterhead memos FBI to DOJ, April 6, 1968, April 8, 1968, April 9, 1968, FBI Headquarters MURKIN file, Serials 44-38861-329/44-38861-982, 44-38861-224, 44-38861-1174/44-38861 139.

139. Letterhead Memo, FBI to Attorney General and others, April 11, 1968, FBI Headquarters MURKIN file, Serial 44-38861-859; See, e.g., LHM April 12, 1968, FBI Headquarters MURKIN file, 44-38861-538.

140. See, note 6 at p.4.

141. See, note 3, at p. 4.

142. See, note 16 at p.4.

143. See, note 4; see, e.g., note 6 at p. 4.

144. HSCA Interview with Fred Vinson, Jr., June 30, 1978, HSCA Document Number 230173.

145. IBID.

146. See, note 23 at p.3.

147. Memo, Rosen to DeLoach, May 2, 1968, FBI Headquarters MURKIN File, Serial 44-38861-2946; Teletype, Director to SAC's Birmingham and Memphis, May 2, 1968, FBI Headquarters MURKIN file, Serial 44-38861-2851.

148. IBID.

149. See, note 135 at p.76.

150. IBID. at p.74.

151. In response to a question concerning the appropriate role of DOJ attorneys during the pre-arrest investigation, Mr. Clark responded as follows:

> Q. In addition to keeping abreast of the steps in the investigation effort, did you perceive an active role during the actual fugitive investigation following the assassination until the time of Mr. Ray's apprehension on the part of Department of Justice attorneys, or was their responsibility up until that time to receive and digest information from the field in preparation for possible prosecution itself developed?
>
> A. Well, you know, there really wasn't a whole lot we could do as lawyers...

152. See, note 112.

153. Memo, Pollak to Director, June 10, 1968, FBI Headquarters MURKIN File, Serial 44-38861-4505.

154. See, e.g., Memo, Rosen to DeLoach, June 12, 1968, FBI Headquarters MURKIN File, Serial 44-38861-4528.

155. Memo, Pollak to Director, August 16, 1968, FBI Headquarters MURKIN File, Serial 44-38861-5114; See, e.g., Individual memos can be found in FBI Headquarters MURKIN File, Serials 44-38861-4419, 44-38861-4515, 44-38861-4426, 44-38861-450___, 44-38861-4549, 44-38861-4585.

156. See Text, p. 30.

157. See, note 135 at p.66.

158. See, note 22.

159. IBID.

160. See, note 18.

161. See, e.g., note 4; note 8; note 12; HSCA Interview with Thomas Bishop June 20, 1978, p.3, HSCA Document Number 230012.

162. Memo, Rosen to DeLoach, April 17, 1968, FBI Headquarters MURKIN File, Serial 44-38861-1555.

163. IBID. at p. 2. ("Action" Section of Memo, Step 4)

164. See, e.g., note 12 at p. 5; note 6 at p.4; note 16 at p.4.

165. See, note 23.

166. FBI Headquarters MURKIN files, Serial 44-38861-1061.

167. Article, Washington Star, April 28, 1968, p. A16, FBI Headquarters MURKIN file, Serial 44-38861-2633.

168. Article, New York Times, May 13, 1968, p.38, FBI Headquarters MURKIN file, Serial 44-38861-3556.

169. Article, Washington Post, April 24, 1968, p.37, FBI Headquarters MURKIN file, Serial 44-38861-2638.

170. See, note 112 at p. 3 of Addendum

171. A Legal Attache (Legat) is an FBI overseas representative. Legats are attached to the U.S. Embassy and are found in a limited number of major cities throughout the world.

172. See, note 112 at p.5 of Addendum.

173. See, note 22 at p.4; note 18 at pp. 3-4.

174. See, note 22 at p.4.

175. See, Text, p. 45-47.

176. Memo, DeLoach to Tolson, July 2, 1968, FBI Headquarters MURKIN, file serial 44-38861-4761.

177. Memo, Rosen to DeLoach, August 21, 1968, FBI Headquarters MURKIN file, Serial 44-38861-5115.

178. See, e.g., Memo, Director to Attorney General, June 12, 1968, FBI Headquarters MURKIN file, Serial 44-38861-4355.

179. See, Text pp. 60-62 .

180. See, Text pp.56,57 re: FBI's relationship with Louis Lomax, an investigative reporter on the King case.

181. Editorial, Los Angeles Times, April 30, 1968, FBI Headquarters MURKIN file, serial 44-38861-3184.

182. See, e.g., Teletype Memphis to Director, April 22, 1968, FBI Headquarters MURKIN file, Serial 44-38861-1739.

183. See, e.g., Teletype, Director to All SACs, April 29, 1968, FBI Headquarters MURKIN file, Serial 44-38861-2443.

184. See, e.g., Radiogram, Director to All SACs. May 14,1968, FBI Headquarters MURKIN file, Serial 44-38861-3495.

185. See, note 181 - Airtel, SAC Los Angeles to Director.

186. Memo, Jenson to file, May 3, 1968, FBI Memphis MURKIN file, Serial 44-[illegible]87 - Sub -162 B

187. See, e.g., Memo, Rosen to DeLoach, June 18, 1968, FBI Headquarters MURKIN file, Serial 44-38861-4644.

188. Memo, Vinson to Director, August/68, FBI Headquarters MURKIN File, Serial 44-38861-5059.

189. Airtel, SAC New Orleans to Director, March 18, 1969, FBI Headquarters MURKIN file, Serial 44-38861-5661.

190. IBID.

191. Airtel, Director to SAC's New Orleans and Memphis, March 26, 1969, FBI Headquarters MURKIN file, Serial 44-38862-_____.

192. See, e.g., Final Report section _____ for HSCA Investigation vis à vis, Kent Courtney.

193. See, e.g., Teletype, Memphis to Director, May 23, 1969, FBI St. Louis MURKIN file, Serial _____-1142.

194. See, e.g., Final Report Section _____ for HSCA Investigation of Ray's New Orleans Trip.

195. Teletype, Houston to Director, April 25, 1968, FBI Headquarters MURKIN file, Serial 44-38861-2013.

196. Teletype, Houston to Director, April 26, 1968, FBI Headquarters MURKIN file, Serial 44-38861-2241.

197. See, Note 81 - Teletype, Los Angeles to Director.

198. IBID.

199. IBID.

200. See, note 81 - Memo Rosen to Deloach.

201. Memo, Rosen to DeLoach, May 7, 1968, FBI Headquarters MURKIN file, Serial 44-38861-3145.

202. Memo, Rosen to DeLoach, May 2, 1968, FBI Headquarters MURKIN file, Serial 44-38861-3196.

203. See, e.g., Note 197 at p.10.

204. Memo, Rosen to Deloach, April 12, 1968, FBI Headquarters MURKIN File, Serial #44-38861-850.

205. Memo, ASAC Sylvester to SAC, New Orleans, 4/15/68; FBI New Orleans MURKIN File, 157-10673. When asked about these instructions, Mr. Rosen had no specific recollection of the situation but stated that Garrison's total unrelaibility may partially account for his desire that the New Orleans office disassociate themselves from Garrison's office.

206. Memo, ASAC Sylvester to SAC, New Orleans, April 17, 1968; FBI New Orleans MURKIN File, Serial 157-10673-258. In an interview with HSCA staff, Jim Garrison could not recall Orlena Miller. HSCA Interview with Jim Garrison, December 28, 1977; HSCA Document Number 150160. Efforts by HSCA staff to locate one Orlena Miller in New Orleans with knowledge of the King case were not successful.

207. See., e.g. Teletype Denver to Director, May 23, 1968; FBI Headquarters MURKIN File, Serial # 44-38861-3925. Teletype Oklahoma to Director, May 24, 1968; FBI Headquarters MURKIN File, Serial #44-38861-395 _____. Teletype, Little Rock to Director May 24, 1968; FBI Headquarters MURKIN File, Serial #44-38861-3973. Memo, Rosen to DeLoach, May 27, 1968; FBI HQ MURKIN File Serial #44-38861-4306. Teletype Los Angeles to Director, May 27, 1968; FBI HQ MURKIN File Serial # 44-38861-4067.

208. "Extensive investigation would be required to verify his whereabouts if do not use his assistance. Note that Bradley promptly learned of recent investigation, as mentioned referenced Los Angeles Airtel. Since he has offered full assistance, then should investigation proceed without prior contact with him, he would undoubtedly feel his offer was ignored. Since allegations of New Orleans District Attorney Garrison are uppermost in Bradley's mind, embarrassment to Bureau could follow if he took his own inference that such investigation pertains to Garrison's allegations.

Embarrassment might also arise should Garrison learn of current investigation about Bradley, since Garrison might infer this supports his position in some way.

It is felt that most discreet verification of alibi could be under taken on basis of information received directly from Bradley, since it would allow fewest possible contacts and minimize possible embarrassment. Los Angeles holding investigation in obeyance."

Airtel, SAC, Los Angeles to Director, 6/7/68; FBI HQ, MURKIN File, Serial #44-38861-4366.

209. See, e.g., Letter, Director to Dick Thornburg, 6/14/68; FBI HQ, MURKIN File, Serial 44-38861-4599.

Adverse or hostile treatment of the MURKIN investigation also received Bureau attention, although of a different variety. Offending editors were contacted, normally by the SAC of this local FBI office, and lengthy memos were sent to Washington detailing the specifics of the ensuing conversations. In one memo anticipating such a confrontation, Washington is promised by the local SAC that "the next time I am in personal contact with ranking officials of the Los Angeles Times newspaper, I intend to point out to them in the appropriate manner their blatant disregard for the truth in this matter as well as their exceedingly poor taste in publishing such an editorial." (Airtel, SAC, Los Angeles to

Director, 4/30/68, FBI HQ MURKIN File, Serial #44-38861-3184.)

See, also, Airtel, SAC, Houston to Director, 4/26/68; FBI HQ MURKIN File, Serial 44-38861-3182 (describing lengthy conversation with editor of Houston Chronicle concerning editorial entitled "FBI Loses Some of its Shine." According to the memo, the SAC successfully "straightened out" the offending editor, and received repeated assurance that "(the editor) heed the greatest respect for Mr. Hoover and realized that no other investigative agency could have done such a thorough job of investigating".)

210. The Crime Records Division of the FBI in addition to responsibilities in the areas of crime statistics, Congressional liaison, and citizen correspondence, handled all press and media relations for the FBI.

211. Letter, DeLoach to Tolson, 3/11/69; FBI HQ MURKIN File, Serial 44-38861-5654.

212. IBID.

213. Letter Jones to Bishop, 3/20/69; FBI HQ MURKIN File, Serial 44-38861-5655.

214. HSCA Interview with Thomas R. Bishop, 6/20/78; p.3, HSCA Document Number 230012.

215. HSCA Interview with Gerold Frank, 9/1/77; HSCA Document Number 130100.

216. See , note 144.

217. Use of a grand jury to secure the testimony of James Earl Ray, has been considered by the Department of Justice on at least two occasions to be discussed in a separate section of this report. See, text, pp. 83-87.

218. Teletype, Chicago to Director, August 23, 1968, FBI HQ. MURKIN file, Serial 44-38861-_____.

219. Memo, Director to Pollak, 9/10/68, FBI Headquarters MURKIN file, Serial 44-39961-5158.

220. Airtel, SAC Birmingham to Director, 9/2/68, FBI HQ. MURKIN File, Serial 44-38861-5160.

221. See, note 219.

222. Memo, to Attorney General re: James Earl Ray Possible Evidence of Conspiracy; DOJ King Assassination file, 144-72-662.

223. Memo, Pollak to Director, 9/17/68, FBI HQ. MURKIN File, Serial 44-38861-5174.

224. See, note 129 - Article, Look Magazine, November 12, 1968.

225. Memo, Pollak to Director, November 7, 1968, FBI Headquarters MURKIN File, Serial 44-38861-5382.

226. Memo, Pollak to Director, November 16, 1968, FBI Headquarters MURKIN File, Serial 44-38861-5388.

227. See, note 129 - Article, Look Magazine, November 26, 1968.

228. See, note 128.

229. When interviewed by HSCA Staff, AAG Pollak could not recall why the Department's decision took so long, and agreed that the reason for the ultimate decision not to pursue a warrant was based on an assumption that Huie's articles contained most of the information.

230. See, note 12 at pp.5-6.

231. See, note 16 at pp.4-5.

232. IBID.

233. See, note 3 at p.6.

234. IBID.

235. See, note 6 at p.6.

236. See, note 4 at p.3.

237. See, note 144.

238. See, note 135 at p.78.

239. IBID. at p.78.

240. IBID. at pp.79-80.

241. IBID at p.82.

242. FBI Interview with Charles J. Stein, April 24, 1968 by SA's Gardner and Slicks, dictated on April 30, 1968. Los Angeles file 44-1547.

243. See, e.g., FBI Interview with George Jones (Kansas City May 15, 1968, 302 By SA Howe); Robert Burnie and James Slidkano (Kansas City 6/14/68, 302 by SA Howe).

244. Memo, Rosen to DeLoach, 8/19/68, FBI Headquarters MURKIN file, Serial 44-38861-5097.

245. For further analysis of the investigation concerning Ray's family, See, Text, pp. 94-100 .

246. See, e.g., Memo from Director to Pollak, 4/20/68 and 4/25/68 FBI Headquarters MURKIN file, Serial 44-38861-5631. (concerning the Bureau's resolution of allegations made by one

John McFe[illegible]n concerning Frank C. Li[illegible]to and James W. Latch of Memphis, Tennessee.

247. See, note 135 at p. 85.

248. IBID. at p.26.

249. IBID. at pp. 25-26.

250. IBID at p.85.

251. Memo, Rosen to DeLoach, May 9, 1968, FBI Headquarters MURKIN file, Serial 44-38861-3764, HSCA Document Number 260130.

252. See, note 97.

253. Memo, Casper to Mohr, May 10, 1968, FBI Headquarters MURKIN file, Serial 44-38861-3763.

254. It is unclear whether these problems were considered by A.G. Clark or other attorneys in the Department of Justice. (as is noted in the text which follows, Mr. Clark has no recollection of receiving the electronic surveillance request.) However, it is interesting to note that in approving the proposal, Assistant to the Director DeLoach appended the following note: "It is doubtful that A.G. will approve. These could be of great assistance."

255. Several FBI documents reflect strong dissatisfaction with the amount of time being taken by A.G. Clark to act on pending electronic surveillance requests. See, e.g., Memo, Brennan to Sullivan, June 10, 1968, caption: Electronic Surveillances Awaiting Approval of Attorney General. HSCA Document Number 260130.

256. HSCA Interview with Harold F. Dobson, June 28, 1978, HSCA Document Number 230396.

257. See, note 98.

258. Telegram, Hoover to Phillip Canale, Jr., June 9, 1968, FBI Headquarters MURKIN file, Serial 44-38861-4346.

259. Teletype, Legat, London to Director, June 24, 1968, FBI Memphis MURKIN File, Serial 44-1987-Sub M-11_____.

260. Memo, General Investigative Division, June 24, 1968, FBI Memphis MURKIN File, Serial 44-1987-Sub M-111.

261. Teletype, Memphis to Director, June 26, 1968, FBI Headquarters MURKIN file, Serial 44-38861-4718. (Recommending consideration of interview of Ray prior to his delivery into custody of local authorites in Tennessee.)

262. Letter, Arthur Hanes to Attorney General Clark, 7/11/68, FBI Headquarters MURKIN file, Serial 44-38861-4923.

263. Memo, Hoover to Tolson, DeLoach, Rosen, Bishop, 7/16/68, FBI Headquarters MURKIN File, Serial 44-38861-4853.

264. See, letter, Vinson to Hanes, 7/16/68; FBI Headquarters MURKIN Serial #44-38861-4923.

265. Memo, Vinson to Director, 7/17/68; FBI Headquarters MURKIN File, Serial #44-38861-4923.

266. IBID.

267. See, note 6.

268. See, note 2.

269. Testimony, Captain Billie J. Smith, Evidentiary Hearing on Defense Motion to Modify Conditions of Confinement, 9/30/68, HSCA Document Number 110337.

270. Teletype, Memphis to Director, 9/30/68, FBI Headquarters MURKIN File, Serial 44-38861-5209.

271. See, e.g., Memo, SAC Memphis to Director, October 11, 1968, and attached communications, FBI Headquarters MURKIN file, Serial 44-38861-5235; Memo, SAC, Memphis to Director, 10/14/68 and attached communications, FBI Headquarters MURKIN file, Serial 44-38861-529 ; Airtel, SAC, Memphis to Director, November 24, 1968 and attached communications, FBI Headquarters MURKIN file, Serial 44-38861-5327.

272. See, note 271 - Airtel, SAC, Memphis to Director, 10/24/68.

273. See, note 19.

274. IBID at pp. 50-51.

275. IBID at p. 51.

276. IBID, at p.55.

277. IBID.

278. IBID, at p.54;
Cartha DeLoach had no recollection of any activity in Memphis which might have intruded upon Ray's attorney/client privilege. (HSCA Interview with C. DeLoach, 6/26/78; HSCA Document Number 230174), Alex Rosen, Assistant Director of the General Investigative Division, did not recall seeing either the September 30, 1968 Memphis airtel detailing Battle's order, or the three letters which followed in apparent contravention of the order. He recognized his initials on the 10/31/68 headquarters directive to Memphis, but had no independent recollection of the situation that had triggered the directive. (HSCA Interview with A. Rosen, 6/28/78; HSAC Document Number 210237.)

Finally, neither Attorney General Clark (Executive Session Testimony of Ramsey Clark, 7/19/78 at pp.89-92 HSCA Document

number_____,) nor Shelby County District Attorney Canale knew of any activity constituting an infringement on Ray's attorney/client privilege.

279. Memo, SAC Memphis to Director, 8/14/68, FBI Headquarters MURKIN file, Serial 44-38861-5076. Stoner was subsequently hired by Ray to represent him in certain civil actions; however, a formal attorney/client relationship did not develop until after Ray's plea.

280. See, note 271 - Memo, SAC, Memphis to Director, August 26, 1968, FBI Headquarters MURKIN file, Serial 44-38861-529_.

281. IBID.

282. Airtel, SAC, Memphis to Director, August 26, 1968 FBI Headquarters MURKIN file, Serial 44-38861-5162.

283. IBID.

284. Teletype, Memphis to Director, August 6, 1968, FBI Memphis MURKIN file, Serial 44-1987- Sub N-44

285. See, note 282.

286. Airtel, Director to SAC, Memphis, October 31, 1968, FBI Headquarters MURKIN file, Serial 44-38861-531__.

287. A search of Miami Field Office MURKIN files, for example, shows no lead sent out from Washington or Memphis following Ray's mention of Miami in his letter to Hanes.

288. Memo, Rosen to DeLoach, March 11, 1969, FBI Headquarters MURKIN file, Serial 44-38861-5612.

289. IBID.

290. IBID.

291. Ray was taking steps at this time to replace Foreman with court-appointed attorneys to handle an appeal from his guilty plea. However, none had yet been formally appointed.

292. Airtel, SAC Houston to SAC, Memphis, March 12, 1969, FBI Memphis MURKIN file, Serial 44-1987-Sub-M-447.

293. Memo, Rosen to DeLoach, March 12, 1969, FBI Headquarters MURKIN file, Serial 44-38861-5639.

294. Memo, Rosen to DeLoach, March 13, 1969, FBI Headquarters MURKIN file, Serial 44-38861-5615.

295. See, note 130.

296. HSCA Interview with Robert Jensen, August 8, 1978, HSCA Document Number 260328.

297. HSCA Interview with Jerris Leonard June 30, 1978; HSCA

Document Number 230102. Leonard recalls staff attorneys arguing that an internal DOJ policy precluded taking an uncooperative individaul before a grand jury subsequent to his guilty plea. The Committee has found no other evidence that such a policy existed.

298. HSCA Interview with John MItchell, July 5,1978, HSCA Document Number 230175.

299. HSCA Interview with D. Robert Owen, August 11, 1978, HSCA Document Number 210383.

300. Memo, Jerris Leonard to K. William O'Connor, September 22, 1970, Caption: James Earl Ray.

301. HSCA Interview with Bernard Fensterwald, March 21, 1978, HSCA Document Number 190476. See, e.g., HSCA Interview with Bernard Fensterwald, August 7, 1978, HSCA Document Number 240136.

302. HSCA Interview with William O'Connor, August 6, 1978, HSCA Document Number 270016.

303. Report of the Department of Justice Task Force to review the FBI Martin Luther King, Jr. Security and Assassination Investigations, January 11, 1977, at p.105.

304. Memorandum, Hoover to Tolson, DeLoach, Rosen, Bishop, Sullivan, June 20, 1968; FBI Headquarters MURKIN File, Serial Number 44-38861-4660.

305. HSCA Interview with Ramsey Clark, June 21, 1978, at p.3; MLK Document Number 220473. See, note 22, at p.3.

306. Memorandum, Fred M. Vinson, Jr. to William S. Lynch, August 20, 1968; DOJ Assassination File, #144-72-662.

307. Teletype, Director to All SAC's April 7, 1968; FBI Headquarters MURKIN File, Serial Number 44-38861-153. (See, footnote 47.)

308. Teletype, Director to All SAC's, April 26, 1968; FBI Headquarters MURKIN File, Serial #44-38861-2288.

309. Memo, McGowan to Rosen, April 24, 1968; FBI Headquarters MURKIN File, Serial Number 44-38861-2649.

310. See, footnote 308.

311. Memo, McGowan to Rosen, June 18, 1968; FBI Headquarters MURKIN File, Serial Number 44-38861-4578.

312. See, e.g. Airtel, SAC, Memphis to SAC, New Orleans, 3/5/69; FBI Memphis MURKIN File, Serial Number 44-1987-SubM-423.

313. See, e.g. Teletype, Charlotte to Director, 4/29/68; FBI Headquarters MURKIN File, Serial Number 44-38861-2747.

314. See, e.g. Airtel, Memphis to Albany, 4/6/68 FBI Memphis Field Office MURKIN File, Serial Number 44-[illegible]987-Sub B-16. See also Teletype, Director to All SACs, April 22, 1968; FBI Headquarters MURKIN File, Serial Number 44-38861-1658.

315. Memorandum, Rosen to DeLoach, August 26, 1968; FBI Headquarters MURKIN File, Serial Number 44-38861-5120.

316. Memorandum, Branigan to Sullivan, June 14, 1968; FBI Headquarters MURKIN File, 44-38861-4682.

317. The FBI determined that, the available evidence pointed to one individual. However, he denied his involvement during an FBI interview, and added that there was no way for the FBI or the FCC to determined who sent the transmission, unless an admission were made. Despite his denial, no effort was made to take his testimony under oath before a grand jury See, e.g. FBI Headquarters MURKIN Serial 44-38861-5094.

318. See, e.g. Memo, Director to Attorney General April 20, 1968; FBI Headquarters MURKIN File, Serial Number 44-38861-5631. See also Memo, Director to Attorney General, April 25, 1968; FBI Headquarters MURKIN File Serial Number 44-38861-5631.

319. FBI Interview with Donald F. Wood, April 5, 1968; FBI Birmingham MURKIN File, 44-1740, p.23.

320. Memo, Rosen to DeLoach, April 17, 1968; FBI Headquarters MURKIN File, Serial Number 44-38861-1555.

321. Royal Canadian Mounted Police Interview, 10/15/68; contained in Royal Canadian Mounted Police Report on Canadian assassination investigation, p.4506.

322. IBID.

323. FBI Interview with Dr. Mark O. Freeman, April 19, 1968; FBI Los Angeles MURKIN File, 44-1574 (p.129 of S/A A'Hearn's report.)

324. FBI Interview with Sharon Rhoads, 4/16/68; FBI Los Angeles MURKIN File, 44-1574, (p.117 of S/A A'Hearn's report.)

325. FBI Interview with Richard Gonzales, 4/16/68; Los Angeles MURKIN File, 44-1574.

326. FBI Interview with Thomas Lau, 4/15/68, Los Angeles MURKIN File, Number 44-1574 - (p.131 of S/A Sheet's Report.)

327. Memo, Rosen to DeLoach, 4/23/68, p.731. Headquarters MURKIN File, Serial Number 44-38861-2400.

328. IBID.

329. Missouri State Penitentiary Visitors Log for James Earl Ray. MLK Document Number 240179.

330. Teletype, Newark to Director, Chcia and Memphis, 6/9/68; FBI Headquarters MURKIN File, Serial Number 44-38861-4390.

331. FBI Headquarters MURKIN File, Serial Number 44-38861-4594.

332. W.B. Huie, He Slew the Dreamer at pp. 50-78; Publisher DeLa Certe Press; Copyright 1968.

333. IBID.

334. See text, pp. 25-26 .

335. See text, pp. 72-76 .

336. Airtel, Director to SAC, Memphis, 8/14/68; FBI Headquarters MURKIN File, Serial Number 44-38861-5073.

337. FBI Interview with Mrs. Marguerite Welch, April 24, 1968; FBI Chicago MURKIN File, 44-1114, (p.48 of DuMarie's 5/10/68 report.)

338. Airtel, SAC, New Orleans to Director, FBI, March 18, 1969; FBI Headquarters MURKIN File, Serial Number 44-38861-5661.

339. IBID.

340. Airtel, Director to SACs, New Orleans and Memphis, 3/26/69; FBI Headquarters MURKIN File, Serial number 44-38861-5661.

341. Teletype, Memphis to Director, 5-23-69; St. Louis Field Office File, Serial Number 44-775-1142.

342. Memo, Jones to Bishop, March 18, 1969, FBI Headquarters King Security file, Serial Number 100-106670-3586.

343. See, note 135 at p.63.

344. See, note 6 at p.3.

345. See, note 144.

346. See, note 23.

347. See, note 135 at p.66.

348. See, e.g. Memo, Rosen to DeLoach, 10/24/68, FBI Headquarters MURKIN File, Serial 44-38861-5295. (Reflecting displeasure with SA Bonebrake's alleged breach of court order against comment on case.)

349. See, note 209 - Serials 44-38861-3184, 44-38861-3182.

350. UPI Wire Service Report, April 18, 1968, FBI Headquarters MURKIN File, Serial 44-38861-1950.

351. UPI Wire Service Report, April 27, 1968, FBI Headquarters MURKIN File, Serial 44-38861-2101.

352. UPI Wire Service Report, April 29, 1968, FBI Headquarters MURKIN File, Serial 44-38861-2513.

353. UPI Wire Service Report, May 4, 1968, FBI Headquarters MURKIN File, 44-38861-3199.

354. Memo, Rosen to DeLoach, January 29, 1969, FBI Headquarters MURKIN File, Serial 44-38861-5535.

355. See, note 42, In an HSCA interview with Richard Long, MURKIN case agent at headquarters, Long expressed his recollection that Hoover suggested the search through the fugitive prints which resulted in a positive identification of Ray. However, Hoover is not credited with this decision in either of the FBI memoranda written to describe the successful print identification of Ray. See, e.g. FBI Headquarters MURKIN File, Serials 44-38861-2034, 44-5818.

356. See, note 12.

357. See, note 116.

358. IBID.