

# The Alleged MLK Murder Rifle

## *Is Tennessee Afraid to let Jerry Ray Take Possession of Property Legally His?*

By Mike Vinson

James Earl Ray, the convicted yet disputed assassin of Dr. Martin Luther King Jr., passed away from cirrhosis of the liver at Memorial Hospital in Nashville, Tennessee, on April 23, 1998. Prior to his death, James Earl, in his will, named his younger brother Jerry *executor* of his estate, making Jerry the legal recipient of James Earl's property. Among this property is a Remington .30-06 760 Gamemaster hunting rifle, the weapon the prosecution contends Ray used to gun down King on April 4, 1968, in Memphis, Tennessee.

### **Brief Background**

Minutes after Dr. King was shot, a bundle containing the alleged murder rifle, along with several other items, including a pair of binoculars, was found in the doorway of Canipe's Amusement, next door to the staircase leading up to Bessie Brewer's flophouse, from whence the prosecution claims James Earl shot Dr. King. The Remington .30-06 in question, mounted with a 2X7 Redfield Scope, did have Ray's fingerprints on it. Now, we get down to two basic theories. Each warrants consideration:

1. The prosecution's: Ray, after he shot King from the bathroom of Bessie Brewer's flophouse, quickly wrapped the .30-06 and other items in a green bedspread (the bundle); rushed down the hallway of the flophouse; emerged from the bottom step of the staircase into the daylight of South Main Street; had a distance to walk to get to his 1966 Mustang; realized there was mass hysteria over King getting shot; saw a squad car, siren blaring; felt he would be seen carrying the bundle, identified, and apprehended; panicked and threw down the bundle in the doorway of Canipe's Amusement. (This theory is passionately embraced by author Gerald Posner.)

2. Ray's defense: Martin Luther King was sniped by a gunman other than Ray, using a different .30-06, fired from far away. The alleged murder rifle, with Ray's fingerprints, was a *throw-down* rifle, intended to set up Ray as the

fall guy.

But what about Ray's fingerprints on the alleged murder rifle? A short review of Ray's movements during the days leading up to King's assassination:

As you may well know, Ray claimed he was financed by and followed the instructions of a man named "Raoul," a smuggler he met in Canada in late July-early August 1967, just a few months after he escaped from the Missouri State Penitentiary on April 23, 1967.

The last part of March 1968, Ray and Raoul, having covered a lot of territory in-between, rented a room in Atlanta. Around March 30, 1968, Ray, using the alias Harvey Lowmeyer, purchased the Remington .30-06 rifle at Aeromarine Supply in Birmingham, Alabama. Ray had a 2X7 Redfield Scope mounted on the Remington .30-06. Don Wood, an Aeromarine Supply clerk, identified Ray as the man who purchased the alleged murder rifle.

Ray claimed that on April 3, 1968, per Raoul's instructions, he rendezvoused with Raoul at the New Rebel Hotel in Memphis. In my interview with Ray (March 25, 1998), he told me that he handed the .30-06 Remington rifle over to Raoul that day, April 3, 1968, and never saw it again.

On the afternoon of April 4, 1968, still following Raoul's instructions, Ray met Raoul at Jim's Grill, located below Bessie Brewer's flophouse on South Main Street in Memphis. At this point, Raoul instructed James Earl to rent a room there. Using the alias "John Willard," Ray rented room 5B, located in the north wing of the of the flophouse. Charles Stephens and his common-in-law wife Grace Walden Stephens occupied the room next door, room 6B.

Dr. Martin Luther King was staying at the Lorraine Hotel and Motel. "As the bullet travels," this was approximately 200 feet from the bathroom of Bessie Brewer's flophouse. (The bathroom was commonly shared by all the tenants on the north wing.)

Ray claimed Raoul came up later and had him go buy a pair of binoculars. After Ray fetched the binoculars, Raoul told Ray to leave for a while because he (Raoul) was going to meet with an unnamed third party, and the third party might be uncomfortable with someone unfamiliar (Ray).

At approximately 6 p.m., as he stood in front of room # 306 of the Lorraine Hotel and Motel, Dr. Martin Luther King was struck between the right temple and jaw with a single .30-06 slug. He fell on the balcony, mortally wounded. (Dr. King was pronounced dead later on that evening.)

Just minutes after Dr. King was shot, the mentioned bundle, containing the alleged .30-06 murder rifle, was found in the doorway of Canipe's Amusement.

When Ray returned to the vicinity of Bessie Brewer's flophouse and the Lorraine Hotel and Motel, he observed that the area was flooded with police. Since he was already a fugitive from the law, he took flight. When he turned on the radio, he learned that Dr. King had been shot, and there was an all-points-bulletin for a white male in a white (actually, pale yellow), 1966 Mustang. Ray, recognizing himself from the radio's description, high-tailed it for Atlanta, where he and Raoul had rented a room.

Once in Atlanta, Ray ditched his 1966 Mustang at the Capitol Homes Housing Project, gathered up some items, and made his way into Canada. He holed up in Canada for about a month, obtained a passport in the name of Ramon George Sneyd (misspelled "Sneya," a mistake that would prove instrumental in his arrest), and made his way into London, England the first part of May 1968. While in England, Ray made a couple trips into Portugal, seeking (as he told me in our interview) passage into an English-speaking, African country, where he could start a new life. (Remember: Ray was 40-years-old, and had only served 7 years of a 20 year sentence—had 13 to go—when he escaped from the Missouri State Penitentiary on April

23, 1967. His future in America didn't loom bright.)

On June 8, 1968, at London's Heathrow Airport, as he attempted to board a flight bound for Brussels, Belgium, James Earl Ray was arrested by Scotland Yard for the murder of Dr. Martin Luther King Jr.

He was extradited back to Memphis on July 19, 1968, to face charges in the murder of Dr. King. The extradition of Ray from London to Memphis rested heavily on the word of a so-called eyewitness, a known drunk, Charles Quitman Stephens. (Refer to 1998 January-February issue of *Probe*: "Grace Stephens: a Sacrificial Lamb?")

On March 10, 1969, James Earl Ray, with the famous Percy Foreman as his lead defense counsel, signed a guilty plea in the assassination of Dr. Martin Luther King Jr. He received a 99-year sentence. But consider the conditions under which Ray was jailed from July 1968 until March 1969: bright lights on him 24 hours a day (sleep deprivation); cameras on him 24 hours a day; threat of receiving the electric chair if he took his case to trial; threats of putting his father George—himself, a fugitive—back in prison; threats of arresting his brother Jerry and imprisoning him for the July 1967 Alton bank robbery (even though Jerry was never a suspect).

Until his death on April 23, 1998, James Earl Ray fought unsuccessfully for a trial, a trial that Tennessee law guaranteed was his. The law, Tennessee Code Annotated 17-1-305, in essence, said: The judge who presides over the case has control for 30 days afterwards. If the convictee petitions for a trial and the reviewing judge—the judge who presided over the case—dies or is removed from office because of "insanity," the petitioner is *automatically* granted a new trial. Judge Preston Battle presided over the Ray-King case; thus he had control of it for 30 days afterwards. After signing the guilty plea, March 10, 1969, James Earl Ray, on March 13, 1969, submitted a petition to Judge Battle requesting a trial. Judge Battle, while sitting at his desk, died from a heart attack on March 31, 1969—within the 30 day period—before he could make a ruling on James Earl Ray's petition. Eerily enough, Judge Battle's head was resting on Ray's petition papers when he was found dead.

Over the years, three ballistics tests have been conducted on the alleged murder rifle. All three have proved inconclusive, meaning, it can't be said beyond a doubt that the death slug pulled from Dr. King's corpse came from the alleged murder rifle, the Remington .30-06 with James Earl's fingerprints on it.

Up until his death, James Earl Ray and his defense fought aggressively to have the alleged murder rifle re-tested, until a conclusion was reached.

Just as aggressively, the state fought against such re-testing.

### Facts about the Rifle

Before James Earl Ray died, a state congressman got a bill passed through Tennessee Legislature that stated that because the rifle was used in the commission of a crime against a civil rights figure, it would go the National Civil Rights Museum, the old Lorraine Hotel and Motel, site of Dr. King's assassination. State and federal lawmakers alike question the constitutionality of such a law as it not only deprives Jerry Ray of property legally his, *but applies only to James Earl Ray.*

Recently, however, the state has backed away from the civil rights law—no doubt, realizing how weak it is. Now they're using an "abandonment law" to deny Jerry the rifle and the other items. However, there exists a legal glitch with that as well. For the abandonment law to apply to James Earl Ray (if he even shot King and threw down the bundle containing the rifle), it must be proven that he abandoned the rifle without any intention of coming back to retrieve it. If a person abandons evidence during the commission of a crime to avoid being caught with incriminating evidence, the abandonment law, as such, doesn't apply. How so? It can be logically argued that the culprit threw down the evidence under a state of duress and, had the opportunity existed, would have returned and recovered it. Such could be argued in the case of James Earl Ray.

Attorney Steven Wells, with the Nashville-based law firm of Lionel Barrett, currently representing Jerry Ray on this matter, has stated, "Concerning James Earl Ray allegedly abandoning the rifle, the burden of proof rests with the state. They will have to prove he had no intention of coming back for the rifle. And there doesn't appear to be sufficient evidence to substantiate that."

I recently spoke with Jerry Ray about this matter: "What you have to remember is that James 'abandoned' his 1966 Mustang because there was an all-points-bulletin for a white male in a white, 1966 Mustang," Jerry explained. "In the late 1980s, the state gave the Mustang back to James. If they're going to use the abandonment law to keep me from taking possession of the rifle—and the rest of his property—why did they give the Mustang back to James?"

"And to show you just how wishy-washy the state is on this, take what recently happened with the King family. Originally, the state was going to give King's belongings—the suit he was wearing and other stuff he had with him in Memphis on the day of the assassination—to the National Civil Rights Museum. But the King family threatened to sue, and now the state has agreed to turn over [already done so, I think] those items to the family. Why is the state mak-

ing a difference with me?"

"I'll tell you why!" Jerry bellowed. "The state [Tennessee] doesn't want me to have the rifle because they damn well know I'll have it re-tested until a conclusion is reached. Either the bullet that killed King was fired from the rifle with James' fingerprints on it, or it wasn't. If it's ballistically proven that the fatal bullet was not fired from that rifle, somebody's got some answering to do."

Of course Jerry Ray is going to make such statements; he is James Earl's brother. Let's cast aside the tit-for-tat arguments and look at some tangible, concrete, can't-be-denied facts:

- As has been mentioned above, three ballistics tests have been conducted on the alleged murder rifle over the years. All three proved inconclusive. Keep your mind on the original one, which was conducted shortly after King's assassination. It proved inconclusive. Don't wander from that finding.

- Concerning the bundle found in the doorway of Canipe's Amusement, containing the alleged murder rifle, did anyone (qualified personnel) even conduct any test to see *whether or not the rifle had even been fired the day of King's assassination?* (Key question.)

- Then Memphis Detective Barry Linville, present at Dr. King's autopsy, testified that when Shelby County (Memphis) coroner Dr. Jerry Francisco removed the .30-06 slug from Dr. King, they (Linville and other law personnel present) felt they'd found "a piece of gold" as the land and groove markings were so distinguishable there would be no problem matching the slug to a weapon. On a scale of "1-10," Linville rated the slug extracted from king's corpse a "9." (Reference: 1993 HBO Mock trial of the Ray-King case.)

- When the death slug came back from the FBI lab, it was in 3 *fragmented pieces!* In his book, *Killing the Dream* (footnote, page 272), Gerald Posner says he talked with the FBI agent in charge of testing King's death slug. Posner says the FBI agent told Posner it was typical for a bullet, such as the one removed from King, to "fragment" under certain testing. To date, I've spoken with 12 ballistics experts—government and civilian, big game hunters, one a world-class competitor in pistol-target-shooting—and there exists a common denominator amongst their responses to Posner's FBI agent's claim of it being common for such a bullet to "fragment": "BULLSHIT!"

- Judge Joe Brown (Memphis), who presided over the Ray-King case for several years, was removed from the case in early 1998. Judge Brown, a weapons expert, was cognizant of the inconsistencies concerning the ballistics findings, enough so that he was prepared to order more tests on the alleged murder rifle, until a conclusion could be reached. The prosecution,

*continued on page 29*

## Mutant Quote

continued from page 15

More likely the researcher is a fake.

### Summary

Anthony Marsh implies that I misquoted Connally, perhaps deliberately, and did not provide a source, thus preventing the verification of my "false" claims. Marsh makes Jack White's misquote seem much further from the mark than it was by omitting essential facts that give context to White's impressions. By saturating the air with numbing trivia Marsh discourages further exploration of the subject, or so he probably thinks. I am especially intrigued by his confidence that no one will check to see if the impression he wishes to create reflects reality. He is even oblivious to the lack of internal logic in his essay. This is a good thing. ☩

## Ray's Rifle

continued from page 25

realizing they were about to be dealt a fatal, though just, blow, went whining to the state court of appeals. The court of appeals removed Judge Brown from the Ray-King case, claiming he was biased in favor of the defense (Ray) and biased against the prosecution.

• The prosecution claims James Earl Ray, perched in the bathroom of Bessie Brewer's flophouse, shot Dr. King as he stood in front of room # 306 of the Lorraine Hotel and Motel, approximately 200 feet "as the bullet travels." I asked the same 12 ballistics experts what the chances were for a .30-06 slug to hit a normal male anatomy, under 200 lbs., fired from only 200 feet away, *and remain in, not exit*, that same anatomy. The responses ranged from "1 in 100," to "1 in 1,000," to "It just wouldn't happen." I find it hard to believe that Posner and his FBI reference—along with the rest of those who write and side with the prosecution—are correct and all those I talked to are incorrect.

Ask yourself two simple questions:

1) If James Earl Ray, indeed, shot Dr. Martin Luther King with that Remington .30-06 rifle, why did he and his defense labor so hard all those years to have the rifle re-tested?

2) If the state truly believed that was the murder rifle, why did they fight so adamantly against it being re-tested?

Why will the state not allow Jerry Ray to take possession of the rifle? Simply assess the facts for yourself before you draw your conclusion. Go talk to some ballistics experts of your choice.

Whether or not you believe James Earl Ray assassinated Dr. Martin Luther King, documentation irrefutably proves James Earl Ray purchased the alleged murder rifle in Birmingham, Alabama. Legally, that makes it the property of Jerry Ray. He deserves it. So do the pages of history. ☩

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## Newman

continued from page 4

crets to the Soviets. Imagine their horror to find the cables they were in receipt of, just six weeks earlier, linking this commie-defector-saboteur to Cuba and a KGB assassination officer. Imagine their consternation to learn that no one *had done anything*, let alone put him on the security index.

Naturally one of the first things done was to listen to the Mexico City tapes. Imagine the puzzlement and anxiety which ran through the minds of those few who were privy to the startling discovery that it was not Oswald's voice on those tapes. It would have looked then very much like it looks today: someone wanted to make sure that Oswald's Cuban and KGB contacts in Mexico were fully documented inside US intelligence channels. The day after the president's murder, as Hoover was reassuring president Johnson that Oswald shot JFK, the first thing Johnson asked about was Mexico City. And, perhaps for the first time in his career as FBI Director, Hoover admitted he was confused. He informed LBJ that the voice was not Oswald's and added, "In other words, it appears that there is a second person who was at the Soviet Embassy down there."

The knowledge that someone impersonated Oswald was held very closely. Hoover did inform James Rowley, the head of the US Secret Service, but only a handful of people in the FBI were privy to this arcane and horrific detail. Just who in the CIA knew about it is not clear, but we do know that in the days following the assassination, the CIA undertook an intricate effort to hush it up. Part of the effort to do so was the invention of the story that the Mexico City tapes had been routinely destroyed before the assassination. This lie permitted the concoction of another cover story: that the CIA knew nothing of Oswald's activities in the Cuban Consulate in Mexico until *after* the assassination. Finally, as discussed above, it appears the CIA also went as far as to rewrite the cables betraying their

knowledge—and thus their culpability—of the whole episode.

FBI Director Hoover decided to go along with this CIA cover-up. He was not thrilled about doing so. We know the FBI listened to the Mexico tapes and therefore understood the Cuban connection. Yet all details of the Cuban story were excised from the detailed memoranda concerning Hoover's punishments of his subordinates. Furthermore, the FBI never publicly contradicted the false CIA claim that the tapes had been destroyed before the assassination. Finally, Hoover was apparently still fuming over the CIA Mexico City lies just seven weeks later. He happened to be reading a memo from his subordinates, discussing how to keep abreast of CIA operations in the US, when he scrawled this on the memo: "O.K., but I hope you are not being taken in. I can't forget the CIA withholding the French espionage activities in the USA nor the false story re Oswald's trip to Mexico, only to mention two instances of their double-dealing."

It would appear that the Warren Commission, too, went along with the CIA's lies and cover-ups concerning Oswald in Mexico City. Researchers have heard rumors for years that Warren Commission lawyers actually listened to one or more of the Mexico City tapes. At the first Experts Conference of the Review Board in May of 1995, Warren Commission counsel David Slawson said he "was not at liberty" to discuss whether he had listened to the tapes. When the Board assured him he could discuss the matter he simply repeated his refusal to talk. In view of the enormity of this particular cover-up, it is small wonder that the discoveries of the HSCA investigators about it was kept under lock and key for so long.

From the foregoing it seems that Peter Scott's phase-one phase-two analysis is reasonable. In the early going after JFK's murder, the Cuban-Kremlin backed plot and concerns—if only fleeting—about an upcoming World War III, precipitated a lone-nut official explanation to bury the whole affair. In other words, the world's most powerful law enforcement and intelligence agencies were prevented from doing their jobs, and were instead prodded into a massive cover-up. Given the punishment being doled out by Hoover at the FBI, it is no surprise that there was no chorus demanding a real investigation. Instead, there were only excuses explaining why it was all right to have done nothing.

The question which remains is this: did the plotters understand this before the fact? Did they manipulate Oswald and, perhaps, intelligence operations, to keep the virus dormant until the shots rang out in Dealey Plaza? ☩