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## THE ASSASSINATION OF DR. MARTIN LUTHER KING: UNDERSTANDING THE CRIMINAL BEHAVIOR AND PROSECUTION OF JAMES EARL RAY

SCOTT P. JOHNSON\*

### I. INTRODUCTION

This article explores the assassination of Martin Luther King Jr. on April 4, 1968, in Memphis, Tennessee, and explains the pattern of criminal behavior exhibited by James Earl Ray, the alleged assassin, throughout his life.<sup>1</sup> This article also analyzes the likelihood of Ray's prosecution based on the physical and circumstantial evidence that would have likely been presented at trial had Ray not pled guilty for the crime.<sup>2</sup>

In addition to detailing the behavioral pattern of Ray and the evidence against him, it is worth discussing the conspiracy theories surrounding the assassination of Dr. King because Ray recanted his confession only three days after he had entered a guilty plea.<sup>3</sup> The assassination of Dr. King has received scant attention from researchers compared to the assassination of President John F. Kennedy on November 22, 1963.<sup>4</sup> While thousands of books and articles have examined the Kennedy assassination, the assassination of Dr. King offers perhaps more interesting and compelling

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1. See Merton, Robert, *Social Structure and Anomie*, 3 AM. SOCIOLOGICAL REV., no. 5., Oct. 1938, at 672-682.

2. See generally GERALD POSNER, *KILLING THE DREAM: JAMES EARL RAY AND THE ASSASSINATION OF MARTIN LUTHER KING, JR.* (1999). Posner's book is considered the definitive work on the Martin Luther King assassination, where he makes a strong case that James Earl Ray committed the assassination of King. However, Posner is uncertain about whether the murder of King involved some type of conspiracy.

3. See POSNER, *supra* note 2, at 72.

4. See *The Best Books on the JFK Assassination*, <https://shepherd.com/bookshelf/john-f-kennedy-assassination> (accessed June 2, 2022) Compare Jill Abramson, *Kennedy, the Elusive President*, NEW YORK TIMES (Oct. 22, 2013), <https://www.nytimes.com/2013/10/27/books/review/the-elusive-president.html>. (estimating that 40,000 books have been written on the assassination of President John F. Kennedy) *with The Readers Guide to MLK Assassination* <https://www.justice-integrity.org/1042-readers-guide-to-the-mlk-assassination-books-videos-archives> (accessed June 2, 2022) (listing fewer than 100 books on the murder of Martin Luther King).

questions concerning whether James Earl Ray committed the crime and the possibility of a conspiracy surrounding the event.<sup>5</sup>

## II. EARLY LIFE AND BEHAVIORAL PATTERN OF THE ALLEGED ASSASSIN

The behavior of James Earl Ray can best be explained by the environmental forces within his life.<sup>6</sup> Sociological forces, such as poverty and a lack of education, played a key role in defining his actions.<sup>7</sup> Ray was unable to achieve the “American Dream” through socially and legally accepted ways and, therefore, was drawn to criminal behavior as a means toward achieving financial success.<sup>8</sup> As documented below, Ray’s background neatly fits a classic example of how societal forces determine criminal behavior.<sup>9</sup> He sought financial success throughout his life, however, because his situation provided many obstacles without any real opportunities, he viewed crime as the only alternative to satisfy his lofty ambitions.<sup>10</sup>

James Earl Ray was the first of nine children born on March 10, 1928, to George and Lucille Ray in the blue-collar town of Alton, Illinois, near the Missouri border.<sup>11</sup> His family was extremely poor, even before the Great Depression hit, and he and his eight siblings grew up on an old farm considered by many to be “the rural equivalent of the wrong side of the tracks.”<sup>12</sup> On his father’s side of the family, Ray’s ancestors had a long tradition of criminal activity such as theft, bootlegging, and violence that dated back over a century.<sup>13</sup> In 1935, when Ray was only seven years old, his father was forced to move the family from Alton, Illinois to Ewing, Missouri because he had written a bad check.<sup>14</sup> His father also changed the family name to Raynes in order to avoid the authorities.<sup>15</sup>

In 1937, Ray’s six-year-old sister, Marjorie, died when she accidentally caught her dress on fire while playing with some matches.<sup>16</sup> Marjorie’s death and the brutal poverty that the family experienced caused Ray’s mother to

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5. See JONATHAN VANKIN & JOHN WHALEN, *THE 60 GREATEST CONSPIRACIES OF ALL TIME: HISTORY’S BIGGEST MYSTERIES, COVER-UPS, AND CABALS* 355-57 (1996); See also WILLIAM F. PEPPER, *ORDERS TO KILL: THE TRUTH BEHIND THE MURDER OF MARTIN LUTHER KING* (1995).

6. See Merton, *supra* note 1, at 681. See also *Strain Theory*, BRITANNICA, <https://www.britannica.com/topic/strain-theory-sociology> (last updated Mar. 30, 2023) (defining the social strain theory as forces within a person’s environment that derive from factors such as poverty and a lack of education).

7. *Id.* at 679, 681.

8. See *id.*

9. *Id.*

10. See JAMES CLARKE, *DEFINING DANGER: AMERICAN ASSASSINS AND THE NEW DOMESTIC TERRORISTS* 284-86 (2007).

11. *Id.* at 284.

12. See POSNER, *supra* note 2, at 77.

13. *Id.*

14. See JAMES EARL RAY, *TENNESSEE WALTZ: THE MAKING OF A POLITICAL PRISONER* 3 (1987).

15. See POSNER, *supra* note 2, at 79.

16. *Id.* at 84.

suffer severe depression and drove her to become an alcoholic.<sup>17</sup> Interestingly, the family troubles caused Ray and his siblings to form a stronger bond with one another.<sup>18</sup> Ray and his brothers and sisters were proud of how they survived without assistance from anyone outside of the family.<sup>19</sup>

As the oldest child, Ray was viewed as the smartest and most courageous of the family.<sup>20</sup> As a young boy, he would often experience bouts of rage when his parents argued with each other, and his anger would usually put an end to any quarreling.<sup>21</sup> His parents were proud when he displayed such rage and anger because it distinguished him from his younger siblings and made him appear masculine.<sup>22</sup>

The grade school system in Ewing, Missouri, was an unpleasant experience for Ray.<sup>23</sup> He was absent from school a third of the time, and when he attended school, he was ridiculed for his poor appearance and bullied by the older students.<sup>24</sup> The Ewing school system also encouraged racial segregation which reinforced the racism that his father expressed at home.<sup>25</sup>

In 1942, Ray was in the eighth grade when his teacher, Virgil Graves, noticed that Ray was intrigued by history, politics, and current events with a particular interest in Adolf Hitler.<sup>26</sup> While his entire family was Franklin D. Roosevelt (“FDR”) Democrats, Ray was a staunch Republican who maintained that FDR had lied to the American public about Hitler.<sup>27</sup>

As a young teenager, Ray started visiting his paternal grandparents in Quincy, Illinois where he often spent time with his uncle, Earl Ray, who took him to bars where they would spend all night drinking alcohol, getting into fights, and seeing prostitutes.<sup>28</sup> During this time, Ray was becoming a hustler whose first arrest came at the age of fourteen when he and his brother, John, stole newspapers and were caught trying to sell them on the street.<sup>29</sup> As a fifteen year old, Ray and a friend, Walter Rife, committed numerous robberies and spent the money that they made from the stolen goods on gambling and prostitutes.<sup>30</sup> Rife was quoted as saying that Ray never dated

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17. *Id.*

18. *Id.*

19. *Id.* at 85.

20. *See* POSNER, *supra* note 2, at 82.

21. *Id.*

22. *Id.*

23. *See* GEORGE McMILLAN, THE MAKING OF AN ASSASSIN 61 (1976).

24. POSNER, *supra* note 2, at 83 (noting Ray missed 48 out of 190 days of school in the first grade and 47 out of 190 days in the second grade at the Ewing school system).

25. *Id.* at 83.

26. *Id.* at 86-87.

27. *Id.*

28. *Id.* at 58; *See also* JAMES EARL RAY, WHO KILLED MARTIN LUTHER KING? 21 (1997).

29. *See* POSNER, *supra* note 2, at 87-88.

30. *Id.*

and had trouble talking to girls because of his shyness.<sup>31</sup> After his Uncle Earl was sent to prison for assault, Ray lost most of his contacts to the criminal world of Quincy so he quit school and left town.<sup>32</sup> In the spring of 1944 at the age of sixteen, Ray returned to Alton, Illinois where he began living with his grandmother on his mother's side, Mary Maher.<sup>33</sup>

Ray's grandmother helped him to secure a job in the dye room of the International Shoe Tannery in East Hartford, Illinois where he worked for two years from 1944 until 1946.<sup>34</sup> Ray worked hard to save money, and because of the war production in the factories, he was able to gain a lot of overtime.<sup>35</sup> During his time at the tannery, Ray entered into a close friendship with an older German man, Henry Stumm, who also worked in the factory.<sup>36</sup> Stumm was a German nationalist who shared Ray's views about Hitler.<sup>37</sup> The two men bonded and their conversations fed Ray's racist views against Blacks and Jews.<sup>38</sup>

Ray was able to save over \$1,100 during his time at the shoe factory and seemed on course to live a straight life.<sup>39</sup> However, in December of 1945, he was laid off from his job because the military suspended the factory's production of shoes.<sup>40</sup> Unable to find another job, Ray enlisted in the Army at the age of seventeen on February 19, 1946, at a recruiting office in East St. Louis, Illinois.<sup>41</sup>

Ray completed basic training at Camp Crowder in Missouri and qualified as a marksman with a military rifle which is the lowest of the three rankings.<sup>42</sup> Ray was unable to qualify for the higher rankings of sharpshooter or expert.<sup>43</sup> After basic training, Ray asked to be stationed somewhere in Germany in order to support the Nazis and to gain knowledge about Hitler's brand of racism.<sup>44</sup>

From 1946 to 1948, Ray served during the post-World War II era in West Germany but had a difficult time adjusting to life in the military.<sup>45</sup> Ray's first

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31. *Id.* at 87.

32. *Id.* at 88.

33. *Id.* at 88-89.

34. See U.S. Congress, House, Select Committee on Assassinations. *Hearings on the Investigation of the Assassination of Martin Luther King, Jr.*, 278, 95<sup>th</sup> Congress, vols. 1-12 (1978) [hereinafter *Hearings*].

35. POSNER, *supra* note 2, at 90.

36. *Id.* at 91.

37. *Id.*

38. *Id.*

39. *Id.* at 92.

40. POSNER, *supra* note 2, at 92.

41. *Id.*

42. *Id.*

43. *Id.*

44. *Id.* at 93.

45. POSNER, *supra* note 2, at 93-94.

military assignment was driving refrigerated trucks in Nuremberg but he had trouble operating the large vehicles.<sup>46</sup> He was then transferred to serve as a military driver in the large city of Bremerhaven in northern Germany where he was drawn to the black-market trade of cigarettes which was so profitable that he was able to send money home to his family in the States.<sup>47</sup>

In addition to his illegal activities on the black market, Ray also fell back into his old habit of visiting prostitutes frequently while he was stationed in Bremerhaven and contracted sexually transmitted diseases on at least three occasions.<sup>48</sup> Ray became upset when he noticed that the local prostitutes catered to Black soldiers, and he also was disillusioned that the German people were forced to beg American military personnel for food and work.<sup>49</sup> Hence, Ray's idealistic view of the Germans as a proud and heroic people was shattered by his experience in the military.<sup>50</sup>

When the war crime tribunals of the Nazi leaders in Nuremberg were decided in October of 1946, Ray realized that there was no hope for the Nazi Party.<sup>51</sup> As a result, Ray became despondent and began drinking heavily as well as experimenting with amphetamines in the latter part of 1947.<sup>52</sup> In October of 1948, Ray was punished for being drunk while on duty and a few days later was sent to the stockade after an AWOL incident.<sup>53</sup> A court martial hearing held that Ray should be demoted to buck private, sentenced to three months of hard labor, and forced to lose four months of his pay.<sup>54</sup>

In December of 1948, Ray was given a general discharge due to incompetence and his inability to adapt to military life.<sup>55</sup> Ray was unhappy that the military issued his discharge orders two days before the expiration of his enlistment duty.<sup>56</sup> As a consequence, he was denied a basic honorable discharge which made him furious.<sup>57</sup>

Ray returned to the United States in the early months of 1949, where he found that his family had moved from Alton to Quincy, Illinois, and were in a worse state of poverty and despair than before he joined the Army.<sup>58</sup> He moved into his grandmother's boarding house in Alton and planned to either use the GI bill to pursue an education or attempt to start a business with the

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46. *Id.* at 93.

47. *Id.*

48. *Id.*

49. *Id.* at 94.

50. POSNER, *supra* note 2, at 94.

51. *Id.*

52. *Id.*

53. *Id.*

54. *Id.*

55. POSNER, *supra* note 2, at 95.

56. RAY, *supra* note 28, at 23.

57. *Id.*

58. McMILLAN, *supra* note 23, at 126.

money he saved from his military service as well as the profits from his illegal activities in Germany.<sup>59</sup> However, Ray squandered most of his money by attempting to help his parents and siblings and, in June of 1949, he was forced to move to Chicago where he worked as a rubber mold operator at the Dryden Rubber Company.<sup>60</sup>

Ray was dismissed from the rubber company in September of 1949 and decided to leave Chicago and travel to the west coast by riding boxcars on the railroad in hopes of making it to California.<sup>61</sup> On his trip westward, he worked for a short amount of time in Colorado where he built housing for migrant workers but, because he did not get along with Mexicans, he quickly left with one week's pay on a freight train headed for Los Angeles.<sup>62</sup>

Ray arrived in Los Angeles in early October of 1949 and, within a few days, was in trouble with the law.<sup>63</sup> On October 7, 1949, while Ray was attempting to burglarize a business office inside a cafeteria in downtown Los Angeles, he was discovered hiding behind a safe by an assistant manager.<sup>64</sup> Despite this, Ray managed to escape through a window and down a fire escape, but not before dropping his Army identification papers and his bank book.<sup>65</sup> He was eventually arrested four days later when he returned to the scene of the crime and was identified by witnesses.<sup>66</sup> Ray told the police different stories while proclaiming his innocence and lied to the probation officer about his life history.<sup>67</sup>

During a one-day trial on December 9, 1949, he was found guilty of second-degree robbery for attempting to steal a typewriter from the cafeteria.<sup>68</sup> Ray was sentenced to eight months in the Los Angeles County Jail and two years of probation.<sup>69</sup>

In March of 1950, Ray was released from jail after three months due to his good behavior, however, once he was released, he had no money to live off of and immediately reverted to his criminal ways in an attempt to remedy his situation.<sup>70</sup> While eating at a Chinese restaurant with the last of his

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59. *Id.* at 133; POSNER, *supra* note 2, at 64 (noting that when Ray left the Army, he had \$1,400 in the bank and additional cash from his illegal trading of cigarettes in Germany).

60. POSNER, *supra* note 2, at 97.

61. *Id.*

62. *Id.* at 97-98.

63. *Id.* at 98.

64. *Id.*

65. POSNER, *supra* note 2, at 98.

66. *Id.*

67. *Id.* at 99 (also noting Ray had initially told police that someone had stolen his identification papers that had been found near the crime scene. He later changed his story by claiming an employee let him into the building, but he did not plan to commit theft. Finally, Ray stated that someone had spiked his drink at a nearby bar, and he does not recall how he got into the building).

68. *Id.*

69. *Id.*

70. POSNER, *supra* note 2, at 100.

money, Ray noticed that the back door of the restaurant had a large exhaust fan that he would be able to squeeze through.<sup>71</sup> Late at night, Ray returned to the restaurant to steal silver dollars and some groceries, then proceeded to leave Los Angeles in pursuit of Las Vegas.<sup>72</sup>

By April 18, 1950, Ray had reached Marion, Iowa, by hitchhiking and hopping freight trains.<sup>73</sup> In Marion, Ray was arrested by a deputy sheriff when he was spotted hiding inside a freight car.<sup>74</sup> He was charged with vagrancy and suspicion of robbery after the police searched him and discovered the silver dollars he had stolen from the Chinese restaurant.<sup>75</sup> Ray spent three weeks in custody but was ultimately released when the police were unable to connect the stolen silver dollars to the robbery.<sup>76</sup> On May 8, 1950, Ray was released from the Cedar Rapids county jail and given a four-month suspended sentence based upon the vagrancy charge.<sup>77</sup>

Ray returned to Quincy, Illinois, where he found that his family had continued their downward spiral of poverty, alcoholism, and criminal activity.<sup>78</sup> Ray worked briefly in Quincy as a press operator but, by the summer of 1950, he had moved on to Chicago where he secured employment on an assembly line at a plastics company.<sup>79</sup> Soon thereafter, he found a higher paying job at a company that manufactured envelopes which allowed him to purchase a 1949 Buick.<sup>80</sup> Ray also enrolled in a program at the Academy for Young Adults to earn his high school diploma.<sup>81</sup> For the next two years, Ray was able to live a non-criminal life but, ultimately, he was lured back to his criminal roots through a desire to secure money quickly.<sup>82</sup>

In June of 1951, Ray resigned from his job at the envelope company and stopped attending the program that would have allowed him to obtain his high school diploma.<sup>83</sup> He moved back to Quincy and began living again with his maternal grandmother, Mary Maher, but was eventually arrested on July 26, 1951, on a charge of vagrancy and issued a three-month jail sentence.<sup>84</sup>

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71. *Id.*

72. *Id.*

73. *Id.* at 101.

74. *Id.*

75. POSNER, *supra* note 2, at 101.

76. *Id.*

77. *Id.* at 102.

78. *Id.* (also reporting Ray found that his parents were drunk most of the time and that his brother, Jerry, had been incarcerated for second-degree burglary. Ray's other siblings were out of control living in a filthy home when they were not running through the streets of Quincy, causing trouble).

79. *Id.*

80. POSNER, *supra* note 2, at 102.

81. *Id.*

82. RAY, *supra* note 28, at 28.

83. POSNER, *supra* note 2, at 103.

84. CLAY BLAIR JR., THE STRANGE CASE OF JAMES EARL RAY: THE MAN WHO MURDERED MARTIN LUTHER KING 44 (1969).



In September of 1951, after his release from jail, he went back to Chicago and began working on an assembly line at a manufacturing business.<sup>85</sup> By March of 1952, Ray received word that his father had left his mother and was living with another woman.<sup>86</sup>

On May 6, 1952, Ray was again arrested for robbing a taxi driver at gunpoint.<sup>87</sup> Ray had actually intended to hijack the cab and use it to commit a more lucrative robbery of a gambling operation, but the driver took the keys with him when Ray forced him out of the cab.<sup>88</sup> Robert Everhart witnessed the crime and chased Ray down an alley.<sup>89</sup> Police eventually joined in pursuit chasing Ray into a house where he fell and sustained a gash on his head.<sup>90</sup> After he tried to flee up a staircase, one of the officers fired a bullet that injured both of his arms, and he was placed under arrest.<sup>91</sup> While Ray was handcuffed in the police car, he was able to get his gun out of his pocket and hide it under the seat of the police car.<sup>92</sup> As a result, he was able to plead guilty to a lesser charge of unarmed robbery and was only sentenced to two years in an Illinois state prison.<sup>93</sup>

Upon his release from prison after twenty-two months, Ray continued his criminal activity with his old acquaintance, Walter Rife, from Quincy.<sup>94</sup> On March 7, 1955, the two men stole sixty-six money orders and the stamps used to validate the orders from a post office in the small town of Kellerville, Illinois.<sup>95</sup> Ray and Rife used fake driver's licenses to forge the money orders, which financed a two-week trip where the two men traveled through Tennessee, Louisiana, Arkansas, and Florida before ending their trip in Kansas City, Missouri.<sup>96</sup>

Because they never stayed in one place too long, federal postal inspectors had a hard time tracking down the thieves.<sup>97</sup> However, they were finally arrested in Hannibal, Missouri, on March 23, 1955, when a highway patrol officer pulled over their vehicle after noticing their license plate number, which had been reported to federal postal inspectors by a store owner in

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85. POSNER, *supra* note 2, at 103.

86. *Id.*

87. RAY, *supra* note 28, at 28; *See also* CLARKE *supra* note 10, at 286.

88. POSNER, *supra* note 2, at 104.

89. *Id.*

90. *Id.*

91. *Id.* (noting the bullet was fired by an Illinois police officer, Captain George Green, and it passed through Ray's right forearm and grazed his left arm causing the two wounds).

92. RAY, *supra* note 28, at 29.

93. *Id.*; *See also* Hearings, *supra* note 34, at 287.

94. RAY, *supra* note 28, at 30.

95. *Id.* at 30-31.

96. POSNER, *supra* note 2, at 112.

97. *Id.* at 113.

Askins, Missouri.<sup>98</sup> The store owner had become suspicious when Rife purchased a typewriter because he felt that Rife was not the sort of person who would buy such an item.<sup>99</sup> Eventually, Ray and Rife pled guilty to a reduced charge of passing stolen money orders.<sup>100</sup> By lying and stating that they bought the money orders and validating stamp for \$20 from a fictitious drunk in Quincy, named William J. McBride, they avoided the more serious punishment associated with robbing a federal post office.<sup>101</sup>

While Rife was sentenced to thirty-six months in prison, Ray received a harsher sentence of forty-five months because he refused to provide information about his family to the probation officer who prepared the presentencing report.<sup>102</sup> Both men were sent to a federal prison in Leavenworth, Kansas.<sup>103</sup> During his time at Leavenworth, Ray had grown accustomed to prison life from his previous stints and was very comfortable with the environment.<sup>104</sup> He refused any attempts at rehabilitation and instead spent his time sharpening his skills as a career criminal.<sup>105</sup>

Ray's racism was on display at Leavenworth when he refused a transfer to the honor farm because it was integrated and he would have had to live at a dormitory with Blacks.<sup>106</sup> Even though the honor farm offered more privileges, Ray's bias against Blacks prevented him from living or working in an integrated society of any kind.<sup>107</sup> After serving roughly three years of his sentence, Ray was released from prison on April 15, 1958, and given a bus ticket to Kansas City, Missouri.<sup>108</sup>

After Ray's release from Leavenworth, he discovered that most of his family had relocated to St. Louis, Missouri.<sup>109</sup> Within a few weeks, Ray stole an automobile and drove 130 miles from Kansas City to St. Louis where he was briefly reunited with his mother and grandmother Maher who were residing at a boardinghouse.<sup>110</sup> Ray contacted a union in an attempt to find employment as a baker, but was unsuccessful.<sup>111</sup> He then worked as a cook's

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98. McMILLAN *supra* note 23, at 148.

99. POSNER, *supra* note 2, at 114.

100. *Id.* at 115.

101. *Id.* at 114.

102. RAY, *supra* note 14, at 18.

103. PHILIP MELANSON, THE MARTIN LUTHER KING ASSASSINATION 195 (1994).

104. POSNER, *supra* note 2, at 116.

105. *Id.*

106. *Id.* at 117.

107. *Id.* (reporting Ray claimed that he refused the transfer to the honor farm because blacks often used marijuana at the dormitory, and he was afraid that he might be charged with possession of marijuana if the drugs were ever near him. Ray stated that such a drug charge carried an extra ten years in prison).

108. *Id.* at 117-118.

109. POSNER, *supra* note 2, at 118.

110. RAY, *supra* note 28, at 37.

111. POSNER, *supra* note 2, at 119.

assistant at a country club, but was fired after only one day.<sup>112</sup> Ray survived financially for the remainder of 1958 by selling liquor to drunks on Sunday when the stores were closed, which allowed him to sell the alcohol at inflated prices.<sup>113</sup>

Around Christmas of 1958, Ray robbed some professional gamblers of \$1,300 at a bar in Madison, Illinois, after he had lost \$200 to the gamblers in a dice game.<sup>114</sup> He proceeded to flee to New Orleans because he feared the gamblers would track him down in St. Louis.<sup>115</sup> He then crossed the border into Mexico, where he made money by selling appliances that he had smuggled into the country.<sup>116</sup> Because of the high tariffs imposed by Mexico on appliances, Ray was able to secure a healthy profit on the smuggled goods.<sup>117</sup>

By the early months of 1959, Ray returned to St. Louis, where he resumed selling alcohol to drunks on Sundays.<sup>118</sup> When he found out that the police were searching for him, he fled to Montreal, Canada, where he lived for three months under an alias and continued his pattern of drinking, gambling, and visiting prostitutes.<sup>119</sup> When he returned to St. Louis in the summer of 1959, he began committing robberies with an accomplice, John Eugene Gawron, who was instrumental in teaching Ray how to become a professional burglar.<sup>120</sup>

In addition to working with Gawron, Ray also began working with two ex-convicts, Joseph Elmer Austin and James Owens, who had just been released from prison.<sup>121</sup> In July of 1959, Ray and Austin used pistols to rob a Kroger's supermarket in St. Louis, where they got away with \$1,200.<sup>122</sup> A few weeks later, the two thieves stole \$1,000 from a safe and cash registers at an I.G.A. food market in Alton, Illinois.<sup>123</sup> Ray and Austin were identified by witnesses at the food market and both men were indicted for the robbery.<sup>124</sup> While Ray avoided arrest by hiding out in St. Louis, Austin was returned to prison.<sup>125</sup>

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112. *Id.*

113. *Id.*

114. RAY, *supra* note 14, at 21; POSNER, *supra* note 2, at 64.

115. RAY, *supra* note 28, at 38.

116. *Id.* at 39; POSNER, *supra* note 2, at 64.

117. POSNER, *supra* note 2, at 64.

118. RAY, *supra* note 28, at 39.

119. *Id.* at 40; POSNER, *supra* note 2 at 121 (reporting that while in Montreal, Ray used the alias Jim O'Connor).

120. POSNER, *supra* note 2, at 120-21.

121. *Id.* at 121.

122. BLAIR, JR., *supra* note 84, at 65.

123. POSNER, *supra* note 2, at 123.

124. *Id.* at 123-22.

125. *Id.* at 124 (explaining that Austin actually was returned to prison for a parole violation unrelated to the robbery of the I.G.A.).

On October 10, 1959, Ray attempted to rob another Kroger supermarket in St. Louis with Owens as a lookout.<sup>126</sup> However, Ray became nervous when the store manager had difficulty opening the safe, so he fled, but not before stealing \$120 from a cash register.<sup>127</sup> Ray and Owens were subsequently arrested at a rooming house, where they were splitting up the small amount of money from the robbery.<sup>128</sup> Owens pled guilty to the robbery and was sentenced to seven years in prison.<sup>129</sup> Ray opted for a jury trial where he attempted to serve as his own attorney but failed miserably and, as a result, was found guilty of the robbery charge.<sup>130</sup> Because Ray was deemed to be a recidivist offender incapable of rehabilitation, he was given a lengthier sentence of twenty years in the Missouri State Penitentiary in Jefferson City.<sup>131</sup>

The Missouri State Penitentiary in Jefferson City was one of the toughest and most violent prisons in America and was, for the most part, run by the inmates.<sup>132</sup> Ray was initially assigned to the dry cleaning plant in the prison, which provided an ideal opportunity to plan an escape.<sup>133</sup> In November of 1961, roughly a year and a half into his sentence, Ray built a makeshift ladder using the shelves in the dry cleaning plant where the supplies were kept.<sup>134</sup> During Ray's first attempt to get over a fourteen-foot wall, he failed when the ladder collapsed.<sup>135</sup> He immediately assembled another makeshift ladder from pipes in the dry cleaning room for a second attempt but, that ladder also came apart, and he was ultimately caught by the guards after they heard the pipes crashing on the floor.<sup>136</sup>

Ray then decided that, if he was going to serve out his sentence, he might as well profit by running an illegal market in a prison where such activity was common in terms of providing alcohol, cigarettes, drugs, and pornography to the inmates.<sup>137</sup> Ray's experience in post-World War II Europe operating in a black market, as well as his ability to avoid the suspicion of officers by refraining from flaunting the money he was making, allowed him to be much more successful than other inmates with less experience and the desire to

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126. *Id.*

127. *Id.*

128. POSNER, *supra* note 2, at 124-25.

129. *Id.* at 126.

130. *Id.* See also BLAIR, JR., *supra* note 84, at 77.

131. CLARKE, *supra* note 10, at 286.

132. McMILLAN, *supra* note 23, at 164.

133. RAY, *supra* note 28, at 45.

134. *Id.* at 46.

135. *Id.* See also POSNER, *supra* note 2, at 59 (explaining that Ray has been quoted as saying he enjoyed the challenge of trying to escape from prison).

136. RAY, *supra* note 28, at 47.

137. POSNER, *supra* note 2, at 87.

show off the money they had made.<sup>138</sup> Ray's illegal operation involved selling drugs, specifically amphetamines.<sup>139</sup> He maintained a successful enterprise, and it was estimated that, over a five-year period, Ray made \$7,000 and was able to stash the money in an account outside of prison with help from the prison guards and his brothers on the outside.<sup>140</sup>

Ray eventually began abusing the amphetamines that he sold, which resulted in some health issues such as headaches, stomach problems, general anxiety, depression, and suicidal thoughts.<sup>141</sup> It has been suggested that Ray's excessive use of amphetamines might also have caused him to become paranoid and a hypochondriac.<sup>142</sup>

Ray's racist tendencies were also on display during his prison stay in Jefferson City.<sup>143</sup> He supposedly issued racial slurs on a number of occasions and had a general dislike of Blacks.<sup>144</sup> Interestingly, there exists circumstantial evidence that during his prison stay, Ray may have been introduced to one or more of the several plots to kill Martin Luther King Jr.<sup>145</sup> While the groups and individuals that may have had contact with Ray in the Jefferson City prison are discussed in detail below, a number of white supremacist organizations, such as the Ku Klux Klan, as well as conservative businessmen in the South, fearful of Dr. King's economic boycotts, were allegedly offering between \$10,000 and \$100,000 to murder the civil rights leader.<sup>146</sup> Based upon Ray's history of crime, a lucrative contract to commit murder was likely tempting.<sup>147</sup> The idea of obtaining such a large amount of money was a lifelong dream for Ray and may have been the primary motive in the assassination of Dr. King.<sup>148</sup>

On March 11, 1966, Ray tried a second time to escape from prison by sawing through a screen and crawling through a passageway that allowed him to reach a prison administration building near an outside wall.<sup>149</sup> Ray planned to use a fourteen-foot pole with a hook attached to grab onto a gutter and climb on to the roof of the administration building, which would allow him to scale the wall.<sup>150</sup> However, after Ray attached the pole and started to climb,

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138. McMILLAN, *supra* note 23, at 197.

139. POSNER, *supra* note 2, at 132.

140. *Id.* at 87.

141. *Id.* at 133-34.

142. *Id.* at 134.

143. *Id.* at 135.

144. POSNER, *supra* note 2, at 135.

145. CLARKE, *supra* note 10, at 293.

146. CLARKE, *supra* note 10, at 292; *See also* POSNER, *supra* note 2, at 136.

147. CLARKE, *supra* note 10, at 292.

148. *Id.* *See also* POSNER, *supra* note 2, at 89, (explaining Ray told Cecil Lillibridge, a fellow convict, that his dream was to score \$20,000 or \$30,000 and escape to Mexico).

149. RAY, *supra* note 28, at 50-51; POSNER, *supra* note 2, at 94.

150. POSNER, *supra* note 2, at 94.

the gutter collapsed, and he fell to the ground injuring his arm.<sup>151</sup> Ray began another attempt, but prison guards surrounded him before he could complete the climb.<sup>152</sup> Ray was charged with attempted escape and faced additional time in prison if convicted at trial.<sup>153</sup>

On Ray's third attempt to escape from prison, he was finally successful.<sup>154</sup> On April 23, 1967, Ray was working in an area of the prison bakery and was responsible for preparing bread loaves that were to be delivered to the honor farm.<sup>155</sup> With assistance from another inmate, Ray hid inside a metal box that was loaded with bread on to a truck that was scheduled to make a delivery to the farm.<sup>156</sup> He used a fake bottom to hide inside the box and had an accomplice stack the loaves of bread on top of him.<sup>157</sup> Once the delivery truck was on a gravel road heading to the prison farm, Ray jumped out of the truck and fled.<sup>158</sup> Ray's brother, John, who had visited him in prison the day before the escape, most likely picked him up on a highway near the prison.<sup>159</sup> In order to buy some time during his escape, Ray had another inmate notify the prison officials that he was hiding somewhere inside the prison.<sup>160</sup> Prison guards searched for Ray over a two day period before realizing that he had actually escaped from the facility.<sup>161</sup>

About one week after his escape, Ray settled in Winnetka, Illinois, an area just north of Chicago.<sup>162</sup> He found a job as a dishwasher at a restaurant named the Indian Trail and wisely kept a low profile staying at a rooming house using the alias, John Raynes.<sup>163</sup> Ray's brother, Jerry, conveniently was working as a maintenance man at a country club roughly ten miles from Winnetka.<sup>164</sup> After a few weeks passed, Ray felt comfortable enough to visit with his brother, Jerry, at the country club.<sup>165</sup> Ray also met at a Chicago hotel with his brothers, Jerry and John, who provided Ray with some of the money that he had sent to them while he was selling drugs in the Jefferson City

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151. RAY, *supra* note 28, at 51.

152. *Id.*

153. *Id.*

154. RAY, *supra* note 14, at 40-41.

155. POSNER, *supra* note 2, at 145-46; *See also Hearings, supra* note 34, at 91.

156. POSNER, *supra* note 2, at 145-46; *See also Hearings, supra* note 34, at 91 (the metal box was three by four foot in size and usually was loaded with as many as one hundred loaves of bread. In addition to using a false bottom, Ray cut holes in the sides of the box so he could breathe).

157. POSNER, *supra* note 2, at 145-46; *See also Hearings, supra* note 34, at 288.

158. POSNER, *supra* note 2, at 147.

159. *Id.* at 145.

160. *Id.* at 147.

161. *Id.*

162. *Id.* at 149.

163. POSNER, *supra* note 2, at 149.

164. *Id.*

165. *Id.* at 150.

prison.<sup>166</sup> The money allowed Ray to quit his dishwasher job on June 25, 1967 and he traveled back to his hometown of Alton.<sup>167</sup>

A few weeks later, on July 13, the Bank of Alton was robbed of \$27,230 by two men wearing masks and a getaway driver.<sup>168</sup> In 1978, the House Select Committee on Assassinations concluded that Ray and his brothers were most likely the bank robbers.<sup>169</sup> Around the time of the bank robbery, Ray apparently came into a large sum of money because he purchased an automobile the day after the robbery and then fled to Canada.<sup>170</sup>

Ray entered Canada on July 17<sup>th</sup> and registered at a hotel in Dorion, Ontario, about twenty miles from Montreal.<sup>171</sup> A few days later, he traveled to Montreal's industrial district, where he signed a lease to stay at an apartment for six months.<sup>172</sup> Ray used the alias Eric S. Galt when he signed the apartment lease.<sup>173</sup> Upon his arrival in Montreal, Ray claimed that he robbed a brothel of \$1,700 in order to pay for some sophisticated clothing to create a new image.<sup>174</sup> However, it is likely that Ray made up the story about the robbery to cover his part in the Alton bank heist which is where he most likely obtained the money for his spending spree.<sup>175</sup> Also, it was unlikely that Ray, as a wanted fugitive in a foreign country, would take the risk of committing a robbery for a relatively small amount of money.<sup>176</sup>

Ray's first order of business in Montreal was to obtain a Canadian passport because he did not want to return to the United States.<sup>177</sup> In order to obtain the passport, Ray was informed that he needed to find someone who would vouch for him and attest to having known him for two years.<sup>178</sup> Ray decided to find a woman who might swear that she had known him for two years, so he attempted to use his new suit and money to meet someone at a

166. MCMILLAN, *supra* note 23, at 239-40 (noting Ray received around \$4,600 based upon conflicting accounts from the brothers).

167. POSNER, *supra* note 2, at 152.

168. *Hearings*, *supra* note 34, at 10.

169. *Id.* at 9.

170. POSNER, *supra* note 2, at 155 (Ray's brother, John, also displayed behavior that suggested he came into a fair amount of money. A few weeks after the bank robbery, he traveled to California and Mexico, and when he returned from his trip, he deposited \$2,650 in a St. Louis bank).

171. POSNER, *supra* note 2, at 158; *See also* W.B. HUIE, *HE SLEW THE DREAMER: MY SEARCH FOR THE TRUTH ABOUT JAMES EARL RAY AND THE MURDER OF MARTIN LUTHER KING* 35 (1970).

172. HUIE, *supra* note 171, at 35.

173. *Id.*

174. POSNER, *supra* note 2, at 160-61.

175. *Id.* at 160.

176. *Id.*

177. HUIE, *supra* note 171, at 36.

178. *Id.* (the travel agency provided Ray with the wrong information about securing a Canadian passport, as he would only have been required to swear that he was a Canadian citizen in order to get the passport).

mountainous resort known as Gray Rocks located in the Laurentian Mountains of Quebec.<sup>179</sup>

After spending about a week at the resort, Ray was successful in meeting an attractive woman from Ottawa named Claire Keating, who appeared interested in him.<sup>180</sup> However, he soon realized that he could not ask her to help him obtain the passport because she was employed by the Canadian government.<sup>181</sup>

Around this time, Ray supposedly met a man at a Montreal tavern named Raoul who promised to secure a passport for him if he agreed to smuggle some packages across the border.<sup>182</sup> Ray agreed to take a number of packages of contraband, probably drugs, from Windsor, Ontario into the United States in exchange for money and a passport.<sup>183</sup> Toward the end of August of 1967, Ray made two trips back and forth across the border and claimed that Raoul paid him somewhere between \$750 and \$1,800.<sup>184</sup> While Raoul failed to obtain a passport for Ray, he did offer him between \$10,000 and \$12,000 to travel to Alabama, where he would assist in smuggling weapons into Mexico.<sup>185</sup> Ray accepted the proposal and traveled to Chicago where he met with his brother, Jerry, who noticed that Ray had \$10,000 in his possession.<sup>186</sup>

Upon reuniting with Jerry, Ray is said to have informed him, not only of his plan to move to Birmingham, Alabama, where he could become involved in George Wallace's campaign for president, but also of his plan to assassinate Martin Luther King Jr.<sup>187</sup> Ray felt strongly that it would benefit him if he were a resident of Alabama when he killed Dr. King because the people of the South would not convict one of their own for murdering a black man.<sup>188</sup> He also believed that the murder of Dr. King would help Wallace's campaign for the presidency and, as president, he would eventually pardon Ray for the crime.<sup>189</sup> On August 23, 1967, Ray departed on a train from Chicago destined for Birmingham.<sup>190</sup>

Ray arrived in Birmingham on August 25 and used the alias Eric S. Galt to check into a rooming house on the south side of town.<sup>191</sup> Within a few

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179. POSNER, *supra* note 2, at 106.

180. HUIE, *supra* note 171, at 42-45.

181. RAY, *supra* note 28 at 66; *See also* POSNER, *supra* note 2 at 107 (Claire Keating worked for Canada's Department of Transportation).

182. POSNER, *supra* note 2, at 162.

183. *Id.* at 166-67.

184. *Id.* at 167.

185. *Id.*

186. *Id.*

187. McMILLAN, *supra* note 23, at 258-59.

188. *Id.* at 259.

189. *Id.* at 258-259.

190. RAY, *supra* note 28, at 69.

191. *Id.* at 69-70



days, Ray claimed that he met up with Raoul, who gave him \$2,000 to purchase a 1966 Mustang and another \$500 to buy some camera equipment.<sup>192</sup> Raoul allegedly directed Ray's movements during the roughly two months that he resided in Birmingham.<sup>193</sup>

During the first week of October of 1967, Raoul instructed Ray that he would be involved with smuggling contraband, such as guns or drugs, across the border into Mexico.<sup>194</sup> Ray left Birmingham on October 6 and drove the Mustang to Nuevo Laredo where he met with Raoul at a hotel.<sup>195</sup> The two men then crossed back over the border into the United States where Raoul gave Ray a spare tire which supposedly contained the contraband.<sup>196</sup> After Ray successfully made his way into Mexico a second time, Raoul paid him roughly \$2,000 for getting the spare tire through the customs checkpoint.<sup>197</sup>

Once in Mexico, Ray stayed at a hotel in Acapulco for four days before traveling to the resort town of Puerto Vallarta on October 19.<sup>198</sup> Ray stayed in Puerto Vallarta for roughly a month visiting several brothels and established relationships with a few prostitutes.<sup>199</sup>

There is also evidence to suggest that Ray was involved in selling drugs, specifically marijuana, during his stay in Mexico.<sup>200</sup> One of the Mexican women Ray dated, a nineteen-year-old named Elisa Arellano Torres, claimed that he would travel to the coastal town of Yelapa to purchase large amounts of marijuana.<sup>201</sup> Despite his success in the marijuana trade, Ray decided to leave Mexico because of his difficulty with the Spanish language and because Elisa had broken up with him, allegedly because he tried to get her involved in his drug trafficking operation.<sup>202</sup>

Ultimately, Ray felt there was not much left for him in Puerto Vallarta so, on November 13, he headed westward for Los Angeles.<sup>203</sup> After a six-day trip in his Mustang, Ray crossed the border at Tijuana and arrived in Southern California.<sup>204</sup>

While Ray was in Los Angeles, he graduated from bartenders' school, took dance lessons, got a nose job, saw two psychologists who specialized in

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192. *Id.* at 70-71; *See also* POSNER, *supra* note 2, at 174 (Ray assumed that Raoul wanted the camera equipment because he could sell the items at a higher price in Mexico).

193. POSNER, *supra* note 2, at 174.

194. *Id.* at 177.

195. *Hearings*, *supra* note 34, at 97.

196. *Id.* at 191.

197. *Id.* at 192.

198. POSNER, *supra* note 2, at 120.

199. *Id.*

200. *Id.* at 188.

201. *Id.*

202. *Id.* at 189.

203. POSNER, *supra* note 2, at 189.

204. *Id.* at 193.

self-hypnosis, and volunteered to work on the 1968 presidential campaign of George Wallace.<sup>205</sup> Ray also took a trip to New Orleans right before Christmas of 1967 supposedly to take care of some business with his partner in crime, Raoul, but also to help a woman whom he had met in Los Angeles.<sup>206</sup> The woman, Rita Stein, was a go-go dancer who had two daughters living with their grandmother in New Orleans and she needed the girls brought to Los Angeles or else the children would be placed in a home for wayward children.<sup>207</sup> In exchange for making the trip to New Orleans and back to Los Angeles, Ray asked Rita Stein, her brother, and their friend to sign a petition to get George Wallace on the ballot for the California primary election scheduled for June of 1968.<sup>208</sup>

When Ray finally decided to leave Los Angeles for good after four months in the city, he again headed to New Orleans in his Mustang and arrived there on March 20, 1968.<sup>209</sup> While in New Orleans, Ray likely noticed in the local newspapers that Martin Luther King Jr. was scheduled to arrive in Selma, Alabama on March 22 to recruit for his campaign against poverty.<sup>210</sup>

After only one day in New Orleans, Ray drove to Selma on the same day that Dr. King was scheduled to arrive, which suggests he may have begun to stalk the civil rights leader around this point in time.<sup>211</sup> Dr. King then left Selma the following day, and Ray left for Atlanta where he met up with Raoul who supposedly began controlling his every move up until the assassination.<sup>212</sup>

Raoul apparently gave Ray \$700 to purchase a high-powered rifle that would be used as a sample in an attempt to sell weapons to Mexican gunrunners.<sup>213</sup> On March 29, Ray traveled to Bessemer, Alabama, where he paid cash for a .243 caliber rifle and ammunition at Aeromarine Supply

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205. HAMPTON SIDES, *HELLBOUND ON HIS TRAIL: THE STALKING OF MARTIN LUTHER KING JR. AND THE HUNT FOR HIS ASSASSIN* 46, 48 (2010).

206. GEROLD FRANK, *AN AMERICAN DEATH: THE TRUE STORY OF THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR. AND THE GREATEST MANHUNT OF OUR TIME* 165 (1972). Ray was introduced to Rita Stein by Marie Martin, an exotic dancer at the Sultan Room, a bar he frequented in Los Angeles. *See Findings on Martin Luther King, Jr. Assassination*. NATIONAL ARCHIVES: JFK ASSASSINATION RECORDS, <https://www.archives.gov/research/jfk/select-committee-report/part-2b.html#rays> (last visited Aug. 16, 2023).

207. POSNER, *supra* note 2, at 198.

208. FRANK, *supra* note 206, at 165. Rita Stein's brother, Charlie Stein, accompanied Ray to New Orleans to pick up the two young girls. *See also* Michael E. Shaheeb Jr., FBI, *Excised Report on FBI's Martin Luther King Investigations* (Feb 18, 1977), <https://vault.fbi.gov/Martin%20Luther%20King%2C%20Jr.%20Part%201%20of%202>.

209. POSNER, *supra* note 2, at 219.

210. *Id.*

211. *Id.*

212. *Id.* at 220.

213. *Id.* at 223.

Company.<sup>214</sup> However, he was told by either Raoul or one of his brothers, that he bought the wrong rifle.<sup>215</sup> On the following day, he returned the .243 rifle for a Remington Gamemaster Model 760-30.06-rifle.<sup>216</sup> Ray then traveled back to Atlanta on the same day that he exchanged the rifle.<sup>217</sup>

On April 1, the Southern Christian Leadership Council (“SCLC”) announced that Dr. King would be participating in a march in Memphis, Tennessee; Ray left Atlanta on April 3.<sup>218</sup> Ray’s arrival in Memphis was the culmination of his travels throughout North America.<sup>219</sup> Since his prison escape in April of 1967, he had spent time in Chicago, Montreal, Birmingham, Mexico, Los Angeles, New Orleans, and Atlanta before finally arriving in the city where one of the greatest civil rights leaders would be assassinated.<sup>220</sup>

### III. THE ASSASSINATION OF MLK

On April 3, 1968, Ray drove seven hours from Atlanta to Memphis and, using the alias Eric S. Galt, checked into the New Rebel Motel located just within the city limits.<sup>221</sup> Ray stayed only one night at the New Rebel Motel before checking into a rooming house, managed by Mrs. Bessie Brewer, which was across the street from the Lorraine Motel where Dr. King was staying.<sup>222</sup>

At roughly 4:00 p.m., Ray left the rooming house and purchased a set of binoculars from York Arms Company.<sup>223</sup> Witnesses observed Ray returning to the rooming house at 4:30 p.m. in his Mustang.<sup>224</sup> At 6:01 p.m., while Dr.

214. POSNER, *supra* note 2, at 222.

215. *Id.* at 223.

216. *Id.*

217. *Id.*

218. *Id.* at 228. *See also* POSNER, *supra* note 2, at 224-226, 228 (Ray claimed that he did not return to Atlanta after purchasing the rifle. Instead, he maintained that Raoul allegedly instructed him to leave for Memphis on March 30, 1968, which would suggest that Ray would not have known that Dr. King was scheduled to be in Memphis for the demonstration. Conspiracy theorists argue that Ray was, therefore, driving to Memphis before he even knew about Dr. King’s visit which perhaps might provide circumstantial evidence of his innocence. However, the House Select Committee on Assassinations introduced receipts from Piedmont Laundry in Atlanta that showed Ray, using the alias Eric S. Galt, had dropped off clothing on April 1. Hence, he likely left for Memphis once he had prior knowledge of Dr. King’s visit to Memphis, which was announced on April 1 by the SCLC. Ray and his attorney, Mark Lane, claimed that the laundry receipts must have been forged by the conspirators. Ray also claimed that, after leaving Atlanta for Memphis on April 30, he stopped at a motel in Mississippi on April 2<sup>nd</sup> where he met Raoul and transferred the rifle to him. However, after the evidence indicated that Ray was in Atlanta on April 2, he changed his story and told investigators that he gave Raoul the rifle in Memphis on April 4. Hence, it is most likely that Ray left Atlanta for Memphis on April 3).

219. CLARKE, *supra* note 10, at 289.

220. *Id.* at 289-291.

221. POSNER, *supra* note 2, at 22.

222. CLARKE, *supra* note 10, at 291.

223. POSNER, *supra* note 2, at 27.

224. *Id.*

King was standing on the second-floor balcony of the Lorraine Motel, Ray allegedly fired one bullet from the Remington Gamemaster Model 760-30.06-caliber rifle.<sup>225</sup> The 30.06 bullet struck Dr. King in the cheek breaking the lower right side of his jaw, piercing his neck, and severing his spine, nerves, and major arteries before settling in his shoulder blade.<sup>226</sup> Dr. King was rushed to St. Joseph's Hospital but never regained consciousness.<sup>227</sup> He died at roughly 7:00 p.m.<sup>228</sup>

Immediately after Dr. King was shot, Ray is said to have spotted a police vehicle as he was leaving the Brewer rooming house and, in a panic, dropped his rifle and personal belongings that had been stuffed in a blanket near the doorway of the Canipes Amusement Company.<sup>229</sup> Leaving behind the rifle and personal belongings with his fingerprints on them proved to be a fatal error for Ray as it eventually played a key role in his arrest and connected him directly to the assassination of Dr. King.<sup>230</sup>

Ray then drove his Mustang eleven hours non-stop to Atlanta.<sup>231</sup> The trip back took much longer as Ray had to use side roads to avoid being spotted by anyone.<sup>232</sup>

In the early morning hours of April 5, Ray abandoned his vehicle in the parking lot of a housing project.<sup>233</sup> After returning to his rooming house in Atlanta, he retrieved a pistol to use in an emergency, should he need to rob someone for cash and then wiped the room of all of his prints.<sup>234</sup>

He then went to the Piedmont laundry to pick up clothes that he had dropped off on April 1.<sup>235</sup> Then, at 1:30 p.m. on April 5, Ray boarded a bus destined for Cincinnati and arrived there at 1:30 a.m. on April 6.<sup>236</sup> He then caught a bus for the six-hour ride to Detroit where, at 8:00 a.m., he hailed a taxi across the border into Windsor, Canada.<sup>237</sup> Less than forty hours after the assassination of Dr. King, Ray had made it safely out of the United States.<sup>238</sup>

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225. *Hearings*, *supra* note 34, at 293.

226. POSNER, *supra* note 2, at 31.

227. PETER J. LING, MARTIN LUTHER KING, JR. 295 (2002).

228. *Id.*

229. CLARKE, *supra* note 10, at 295.

230. *Id.*

231. *Hearings*, *supra* note 34, at 111 (quoting the testimony of James Earl Ray).

232. *Id.* at 112.

233. *Id.*

234. *Id.* at 229-230.

235. POSNER, *supra* note 2, at 239.

236. *Id.*

237. *Id.*

238. *Id.*

After arriving in Canada, Ray took a train from Windsor to Toronto and settled in at a rooming house at 5:00 p.m. on April 6.<sup>239</sup> During his one-month stay in Toronto, he stole the identity of a Canadian citizen to secure a passport for travel abroad.<sup>240</sup> Posing as a passport official, Ray phoned a Canadian by the name of Ramon Sneyd and asked him if he had a passport.<sup>241</sup> When Ray found out that Sneyd did not have one, he was able to secure a Canadian passport using Sneyd's name.<sup>242</sup>

On May 2, Ray paid \$345 for a plane ticket to London, and four days later, he boarded British Overseas Airways Corporation Flight 600, landing in England in the early morning of May 7.<sup>243</sup>

Once in London, Ray immediately went to the Portuguese embassy to ascertain how to obtain a visa in Portugal for travel to Angola.<sup>244</sup> Once in Angola, he planned to travel to one of the English-speaking countries in Africa.<sup>245</sup>

On the evening of May 7, he traveled by plane to Lisbon, Portugal in the hope of finding a way to Angola on a ship.<sup>246</sup> Portugal had become a recruiting haven for white mercenaries who sought to fight in the war in Angola so it was logical for Ray to use Portugal as a layover to Africa.<sup>247</sup> When he failed to secure a visa to Angola, he contacted the South African embassy as well as Rhodesian officials in an attempt to gain passage into Africa.<sup>248</sup> Ray lied to authorities in both cases when he said that he was attempting to find his brother who was a mercenary fighting somewhere in Africa.<sup>249</sup> Ultimately, he was unsuccessful in securing the relevant documents to enter either country.<sup>250</sup>

Because Ray was getting low on cash and had a limited ability to speak Portuguese, he decided to return to London on May 17.<sup>251</sup> On June 4, Ray robbed the Fulham branch of the Trustee Savings Bank of London, where he made off with 150 pounds, which was the equivalent of \$240 in the United States.<sup>252</sup>

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239. *Id.*

240. *Hearings, supra* note 34, at 356 (quoting the testimony of James Earl Ray).

241. *Id.*

242. *Id.*

243. POSNER, *supra* note 2, at 245-46.

244. *Hearings, supra* note 34, at 26-27 (quoting the testimony of James Earl Ray).

245. *Id.* at 27.

246. *Id.*

247. POSNER, *supra* note 2, at 247.

248. *Id.*

249. *Id.*

250. *Id.*

251. *Id.* at 248.

252. POSNER, *supra* note 2, at 249.

During the time Ray was in England attempting to find a way into Africa, a police officer back in Canada noticed that the passport photo of Ray, under the “Ramon Sneyd” alias, resembled FBI wanted posters where Ray was listed as Eric S. Galt.<sup>253</sup> The Royal Canadian Mounties discovered that “Ramon Sneyd” had purchased a plane ticket to London and the name was subsequently placed on both a “Watch For and Detain” list and an “All Ports Warning” sent out by Scotland Yard.<sup>254</sup>

When Ray attempted to board a plane destined for Brussels, Belgium, on June 8, 1968, at Heathrow Airport, a British detective, Sergeant Philip Birch, happened to be checking names on the lists at the passport desk.<sup>255</sup> Birch pulled Ray aside after he noticed that his passport contained the name Ramon Sneyd.<sup>256</sup> Birch conducted a search of Ray which produced a .38 revolver and, because Ray did not have a permit for the gun, he was placed under arrest.<sup>257</sup>

Once he was detained and fingerprinted, the British authorities contacted the Canadian and American authorities and were able to determine that Ray was wanted for murder.<sup>258</sup> Ray was then extradited by the British authorities to Tennessee, where he was charged with the death of Dr. King.<sup>259</sup>

#### IV. THE CASE AGAINST JAMES EARL RAY

The physical evidence against Ray was compelling.<sup>260</sup> He had purchased the rifle used to murder Dr. King and he left the rifle and other personal belongings inside a blanket outside the boarding house across from the Lorraine Motel where the assassination occurred.<sup>261</sup> His fingerprints were found both on the rifle and on items discovered inside the blanket, such as the pair of binoculars.<sup>262</sup> Ray also had rented the room next to a bathroom from where the fatal shot was fired at Dr. King and a witness saw a person matching Ray’s description leaving the scene of the crime.<sup>263</sup> Finally, investigators with the Federal Bureau of Investigation (“FBI”) concluded that Ray had stalked Dr. King throughout the South by closely following his travel schedule by way of newspapers.<sup>264</sup> A map with Ray’s fingerprint was also

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253. *Id.* at 43.

254. *Id.* at 45.

255. *See Hearings, supra* note 34, at 59.

256. *Id.*

257. *Id.*

258. *Id.*

259. LING, *supra* note 227, at 296.

260. CLARKE, *supra* note 10, at 283.

261. *Id.*

262. *Id.*

263. *Id.*

264. *Id.*

discovered inside his rooming house in Atlanta which provided evidence that he had stalked Dr. King because the map contained pencil markings related to the home, office, and church of the civil rights icon.<sup>265</sup> On March 10, 1969, Ray pled guilty to the murder of Martin Luther King Jr., and he was sentenced to ninety-nine years in prison.<sup>266</sup>

An important motive for the murder of Dr. King was money.<sup>267</sup> As discussed in detail below, Ray and his brothers, Jerry and John, likely agreed to a \$50,000 murder-for-hire contract offered by the businessmen and organizations based in the South that were connected to white supremacists.<sup>268</sup>

Ray's sister, Carol Ray Pepper, owned a bar in St. Louis called the *Grapevine Tavern* that was frequented by underworld figures and held meetings for the American Independent Party, which supported George Wallace's 1968 presidential campaign.<sup>269</sup> While it is probable that the contract was presented to Ray's brothers by underworld figures at the bar, it should also be noted that Ray associated with persons inside the Jefferson City prison that also were privy to the contract.<sup>270</sup> The fact that Ray was low on cash during his sixty-five days at large where he traveled to three countries suggests that he had not yet received any payment for the murder.<sup>271</sup> After the assassination of Dr. King, Ray, and the brothers, may well have been double-crossed and denied payment for carrying out the contract murder, or they may have failed to confirm the existence of the contract under the assumption they could collect after the fact.<sup>272</sup>

It is a seemingly obvious assumption that Ray possessed racist attitudes; especially considering his personal history of actions toward and statements made about African-Americans as well as the fact that he sought to settle in Rhodesia or South Africa, countries that strongly supported segregation.<sup>273</sup> Hence, race was also a significant factor in Ray's decision to assassinate Dr. King as he was under the false assumption that he would not be prosecuted for it in the South.<sup>274</sup> To Ray, the financial incentive to commit the assassination was worth the risk of murdering a civil rights leader whose life, he believed, held less value in a state such as Tennessee.<sup>275</sup>

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265. POSNER, *supra* note 2, at 239.

266. *Hearings*, *supra* note 34, at 315.

267. POSNER, *supra* note 2, at 334.

268. *See* CLARKE, *supra* note 10, at 292.

269. *Id.* at 293.

270. *Id.*

271. POSNER, *supra* note 2, at 243.

272. CLARKE, *supra* note 10, at 296.

273. *Id.* at 288-289.

274. *Id.* at 289.

275. *Id.*

Finally, Ray's desire to gain notoriety must be considered as a motive in committing the assassination.<sup>276</sup> The crimes committed by Ray were clearly motivated by his quest for easy money, but the wealth that he desperately tried to obtain was a means toward becoming someone of importance.<sup>277</sup>

An example of Ray's psychological need for recognition occurred after he escaped from the Jefferson City prison and was surprised and disappointed that he had not yet been placed on the FBI's Most Wanted List.<sup>278</sup> Another example of Ray's demand for attention occurred immediately after the assassination of Dr. King when he went to a bar in Toronto to watch the television show *The FBI*, which provided coverage of him finally being placed at the top of the most wanted list, despite the risk that he would be caught.<sup>279</sup> Moreover, after his arrest in London, Ray often questioned law enforcement officers who stood guard over him about the publicity associated with his case and how the media was depicting him.<sup>280</sup> In sum, the lure of a huge payday, a racist upbringing, and the desire to become a person of great importance proved to be a deadly combination that likely resulted in Ray's decision ultimately to assassinate Dr. King.<sup>281</sup>

#### V. CONSPIRACY THEORIES

In 1979, the House Select Committee on Assassinations ("HSCA") concluded that the assassination of Martin Luther King Jr. was probably the result of a conspiracy.<sup>282</sup> However, researchers have provided a variety of explanations in an attempt to define the conspiracy.<sup>283</sup>

Perhaps the most logical explanation was offered by the HSCA itself, which placed the blame on a small-scale conspiracy involving Ray and his two brothers, John and Jerry.<sup>284</sup> It is possible that Ray became aware of the murder-for-hire contract while in prison in Jefferson City or he may have learned of it from the St. Louis bar owned by Ray's sister, Carol.<sup>285</sup>

The details of the murder contract are somewhat convoluted but nevertheless plausible.<sup>286</sup> In the early months of 1967, Russell G. Byers, a St. Louis art dealer and underworld figure involved in trafficking stolen automobiles, was supposedly approached by a criminal associate with an

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276. POSNER, *supra* note 2, at 333.

277. *Id.* at 334.

278. *Id.* at 333.

279. *Id.*

280. *Id.*

281. POSNER, *supra* note 2, at 334. .

282. *Id.* at 264.

283. See CLARKE, *supra* note 10, at 292.

284. *Id.* at 291.

285. *Id.* at 293.

286. See generally *id.* at 292.



opportunity to make \$50,000.<sup>287</sup> The associate who made the offer was John Kauffmann, a part-time stockbroker and drug dealer who operated out of a motel in Barnhart, Missouri, a suburb of St. Louis.<sup>288</sup> After discussing the possibility of making \$50,000, Kauffmann drove Byers to Imperial, Missouri to the home of a wealthy southerner by the name of John Sutherland who provided the details of the contract which involved Byers carrying out or arranging the murder of Dr. King for \$50,000.<sup>289</sup> Sutherland was employed as a patent attorney and served as the chief officer of the White Citizens' Council, a segregationist organization that strongly supported George Wallace's campaign for president in 1968.<sup>290</sup> Sutherland also was connected to the Southern States Industrial Council and maintained a close relationship with its president, Thurman Sensing.<sup>291</sup> The Southern States Industrial Council provided the strongest opposition to civil rights of any organization in the United States.<sup>292</sup>

In the end, Byers turned down Sutherland's offer to murder Dr. King, but the federal authorities did not learn of the contract until March of 1974 when Byers told his story to John O'Hara, an FBI informant.<sup>293</sup> Interestingly, the FBI did not follow up on the story presumably because of an administrative error.<sup>294</sup> In 1978, the HSCA called Byers to testify and the committee was divided upon whether his story was credible.<sup>295</sup> A member of the committee, Rep. Richard Sawyer of Michigan, and Murray Randall, an attorney, were suspicious of Byers because they maintained that his story contained inconsistencies and may well have been fabricated to find out if O'Hara was indeed an informant.<sup>296</sup> However, Edward M. Evans, a chief investigator for the HSCA, disagreed that the story was fabricated and argued that Byers was a known criminal who would not have wanted to draw such attention from the FBI or local law enforcement.<sup>297</sup>

While Byers was turning down the assignment to murder Dr. King, James Earl Ray was incarcerated in Jefferson City and was in close contact with two individuals, Dr. Hugh Maxey and John Paul Spica, who could have relayed

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287. *Id.* at 292.

288. CLARKE, *supra* note 10, at 292.

289. *Hearings*, *supra* note 34, at 181-83, 189 (quoting the testimony of Russell. G. Byers).

290. *Id.* at 297 (quoting the testimony of Edward M. Evans).

291. *Id.* at 251 (quoting the testimony of Edward M. Evans).

292. *Id.* at 251 (quoting the testimony of Edward M. Evans).

293. See George Lardner, *Missourian's Story on Kill-King Offer "Fabricated," Panel Told*, THE WASHINGTON POST (November 30, 1978), <https://www.washingtonpost.com/archive/politics/1978/11/30/missourians-story-on-kill-king-offer-fabricated-panel-told/bfc0dce4-edf2-426b-924a-fc2e11ab3188/>.

294. See *Hearings*, *supra* note 34, at 199 (quoting the testimony of Russell. G. Byers).

295. Lardner, *supra* note 293.

296. *Id.*

297. *Id.*

the \$50,000 murder contract to him.<sup>298</sup> Dr. Maxey was a physician at the state prison who probably was involved with John Kauffmann in drug trafficking.<sup>299</sup> Given Ray's own illegal drug operation in prison, it is likely that Dr. Maxey and Ray were familiar with each other.<sup>300</sup> In regard to Spica, he was in the same cell block as Ray at the prison and was also the brother-in-law of Russell G. Byers.<sup>301</sup> Furthermore, Spica worked as an orderly attendant with Dr. Maxey in the prison hospital.<sup>302</sup> Hence, the contract offer to kill Dr. King was presented at a time when the aforementioned individuals were interacting closely with each other.<sup>303</sup> In sum, Ray had ample opportunity to become aware of the murder contract.<sup>304</sup>

If by chance Ray was never informed of the offer, his brothers easily could have been alerted about the contract through the information that flowed through *The Grapevine Tavern*, their sister's bar in St. Louis.<sup>305</sup> Ray's brother, John, managed the bar which was often frequented by underworld figures who used the establishment to communicate with each other and exchange contacts.<sup>306</sup> In fact, John Kauffmann was known to patronize the bar for the purpose of meeting his associates involved in drug trafficking.<sup>307</sup> The bar also was across the street from the city's headquarters for George Wallace's campaign for president.<sup>308</sup> Hence, it was common for Wallace's campaign literature to be distributed throughout the bar.<sup>309</sup> Interestingly, John Sutherland paid the \$600 a month salary of the state chairman for Wallace's political party, the American Independent Party.<sup>310</sup>

A plausible theory suggests that Ray may have been told of the financial offer to murder Dr. King in March of 1968 by one of his brothers in New Orleans.<sup>311</sup> It was at this time that Ray supposedly began stalking Dr. King.<sup>312</sup> While Ray claimed that Raoul was the person who guided him during this

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298. See *Hearings*, *supra* note 34, at 194 (quoting the testimony of Russell G. Byers).

299. *Id.*

300. See POSNER, *supra* note 2, at 138.

301. *Id.*

302. *Id.*

303. See CLARKE, *supra* note 10, at 294-95.

304. *Id.* See also POSNER, *supra* note 2, at 139 (noting Donald Lee Mitchell, a Jefferson City inmate who worked in the prison commissary with Ray, told the FBI in September of 1968 that Ray's friends in St. Louis had arranged for him to kill Dr. King for \$50,000. Ray asked Mitchell if he wanted to join the plot and assured him that a good attorney would guarantee they would not serve any time because a jury composed of Southerners would refuse to convict anyone who murdered a black person).

305. See CLARKE, *supra* note 10, at 293-95.

306. *Id.*

307. *Id.* at 293.

308. *Id.*

309. *Id.*

310. See CLARKE, *supra* note 10, at 293 (Sutherland also served as president of the St. Louis Metropolitan Area Citizens Council, a white supremacist organization).

311. *Id.* at 290.

312. *Id.* at 290-91.

time period, investigators have speculated that Ray may have simply invented the mysterious Raoul to absolve himself of the crime and to cover for his siblings.<sup>313</sup>

While the HSCA emphasized that no government agency or private organization was involved in the assassination, some conspiracy theorists suggest that Ray may have been framed for the assassination by sinister forces connected to the Central Intelligence Agency (“CIA”), the FBI, white supremacists, organized crime, or a mixture of these components.<sup>314</sup>

Three days after Ray was sentenced to prison for the murder of Dr. King, he maintained that his defense attorney, Percy Fourflusher, had pressured him into the guilty plea and he recanted his confession by declaring that he was framed for the assassination.<sup>315</sup> A key part of Ray’s defense was his claim that he had been set up by Raoul, the mysterious person who possibly worked for the CIA.<sup>316</sup> However, Ray provided vague, inconsistent descriptions of Raoul for investigators who concluded that no evidence existed that the mysterious person had manipulated Ray and framed him for the assassination.<sup>317</sup> While most researchers of the assassination have concluded that “Raoul” was probably created by Ray to absolve himself of responsibility for the assassination, it is likely that others were involved in the plot to murder Dr. King.<sup>318</sup> Scholars have speculated that Raoul was simply a composite of criminals that Ray had worked with over the years or, as noted above, perhaps Raoul was simply a name used to hide the involvement of his two brothers who likely assisted him in the assassination plot.<sup>319</sup>

Circumstantial evidence also points to the possibility of a larger conspiracy involving J. Edgar Hoover, Director of the FBI, who hated Dr. King and had conducted electronic surveillance of his activities through a now famous program known as COINTELPRO.<sup>320</sup> Hoover was determined to discredit Dr. King and the civil rights movement using an aggressive counter-intelligence operation.<sup>321</sup> Hoover and the federal government feared Dr. King not only because of his opposition to the Vietnam War, but also because he had the power to bring about civil unrest given his growing

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313. *Id.* at 289-91.

314. *See* Vankin & Whalen, *supra* note 5, at 355-57.

315. CLARKE, *supra* note 10, at 297.

316. *Hearings*, *supra* note 34, at 305-06.

317. *Id.*

318. *See* Arthur J. Hanes, *For Conspiracy*, LOOK (April 1969).

319. *See* William Bradford Huie, *Why James Earl Ray Murdered Martin Luther King*, LOOK, (April 1969).

320. *See* POSNER, *supra* note 2, at 259 (explaining that the COINTELPRO operation was created by the FBI to harass and discredit the American Communist Party. It extended to a secret campaign against Martin Luther King, Jr., which existed from 1963 until his assassination in 1968).

321. POSNER, *supra* note 2, at 259.

support among Blacks and poor whites in the United States.<sup>322</sup> Hoover decided against following up on credible leads that a murder-for-hire contract may have motivated Ray and his brothers to arrange the assassination, which is suspicious given that the COINTELPRO operation was being carried out at the same time that Dr. King was murdered.<sup>323</sup> The FBI immediately ended its investigation of the assassination once Ray was arrested which has caused researchers to suspect that Hoover was concerned with where a more in-depth inquiry might have led.<sup>324</sup>

Coincidentally, Hoover was known to express support for The Southern States Industrial Council and its leaders, Thurman Sensing and John Sutherland.<sup>325</sup> If Hoover and the FBI were not involved in the assassination, it is fair to say that the Bureau was complicit in protecting the individuals who may have offered the contract to murder Dr. King by its refusal to follow the evidence.<sup>326</sup> In 1976, the Justice Department reviewed the FBI's investigation and released their findings which condemned the counter-intelligence program against Dr. King but held that the FBI had no role in the assassination.<sup>327</sup>

Another conspiracy theory offering circumstantial evidence was presented by a reporter for *The Commercial Appeal* named Steve Tompkins, who raised the possibility that the CIA, Ku Klux Klan ("KKK"), and the military worked together to carry out the assassination.<sup>328</sup> Tompkins documented how, in the days leading up to the assassination, several government agents, intelligence operatives, and soldiers arrived in Memphis, Tennessee.<sup>329</sup>

Interestingly, Green Berets from the 20<sup>th</sup> Special Forces Unit based out of Birmingham, Alabama, were alleged to have been dispatched to Memphis.<sup>330</sup> It has been rumored that these Green Beret soldiers had been

322. CLARKE, *supra* note 10, at 298-99.

323. See REPORT OF THE JUSTICE DEPARTMENT TASK FORCE TO REVIEW THE FBI MARTIN LUTHER KING, JR. SECURITY AND ASSASSINATION INVESTIGATIONS 115-20, 125-42 (1977) [hereinafter *Security and Assassination*].

324. *Id.* at 141.

325. See CLARKE, *supra* note 10, at 293-94 (explaining that within weeks of King's assassination, Thurman Sensing gave a speech at the Daughters of the American Revolution, expressing sympathy for King's assassin and suggested that Martin Luther King Jr. had brought the assassination upon himself. J. Edgar Hoover, a close friend of Sensing, viewed the speech in a favorable light). For evidence of Hoover's support for Thurman Sensing; see generally *Hearings*, *supra* note 34, at 252-253 (quoting the testimony of Edward M. Evans).

326. See CLARKE, *supra* note 10, at 299.

327. POSNER, *supra* note 2, at 259.

328. See Steve Tompkins, *Army Feared King, Secretly Watched Him*, THE COMMERCIAL APPEAL (March 21, 1993).

329. *Id.*

330. *Id.* (After race riots in the inner city in 1965 and 1967, President Lyndon Johnson established an Army surveillance program designed to warn the Pentagon of any disturbances related to antiwar activity or civil rights protests).

trained by the CIA to commit assassinations in Vietnam and had worked closely in the South with the KKK.<sup>331</sup> It is well documented that military intelligence closely monitored King's movements around the country; notably Marrell McCullough, an undercover police informant connected to the CIA, who posed as a Black activist to become close to King and was the first to reach him after he had been shot.<sup>332</sup> McCullough conducted surveillance on Dr. King and provided information to law enforcement who, in turn, relayed the material to the FBI and various intelligence agencies.<sup>333</sup>

Tompkins' research was based upon a secret military order from Special Operations to the 20<sup>th</sup> Special Forces Unit, Alpha 184 team.<sup>334</sup> While the military order appeared authentic, typographical errors in the date listed on the order and other anomalies suggested that it was a fake.<sup>335</sup> Ultimately, respected members of the military who would have been involved in such a military order used the media to discredit the theory and the Pentagon even verified in writing that the order was a fake.<sup>336</sup> However, supporters of the theory assert that military operatives and the CIA waged a campaign to discredit them when the major news media latched on to the story.<sup>337</sup>

As discussed above, the use of aliases by Ray has also been the subject of much conspiratorial debate.<sup>338</sup> Four of the names used by Ray were the names of actual people who lived near each other in Toronto, where Ray fled to after the assassination.<sup>339</sup> Supposedly, the four individuals resembled Ray, and one of the four persons, Eric S. Galt, was known as a skilled marksman with military connections.<sup>340</sup> Interestingly, as stated above, Ray had undergone plastic surgery in Los Angeles one month before the assassination and, the nose job that he received, was alleged to have made him look more like Eric S. Galt.<sup>341</sup>

331. *Id.*

332. See Vankin & Whalen, *supra* note 5, at 355-57; See also Tompkins, *supra* note 322 (In 1968, the Memphis sanitation strike that led to the assassination of Dr. King was closely followed by the 111<sup>th</sup> Military Intelligence Group. A number of government agents observed public demonstrations and used local, state, and federal law enforcement sources to report on Dr. King's activities).

333. POSNER, *supra* note 2, at 31.

334. Tompkins, *supra* note 328.

335. See POSNER, *supra* note 2, at 311-12 (Daniel Ellsberg, famous for releasing *The Pentagon Papers*, was someone who had read such military orders during his time working for the Defense Department and concluded that the order was almost certainly fake).

336. POSNER, *supra* note 2, at 312.

337. *Id.* at 311-12. See also Pepper, *supra* note 5, at 463 (Conspiracy theorist, William Pepper, was the main promoter of the idea that military intelligence was responsible for the assassination of Rev. Martin Luther King, Jr.).

338. See POSNER, *supra* note 2, at 157 (differing ideas on why Ray chose Galt's identity as an alias, as well as the confusion Ray liked to create by changing the stories of his aliases).

339. *Id.*

340. *Id.* at 156.

341. *Id.* at 334.

On December 8, 1999, a civil court verdict appeared to confirm the existence of another possible conspiracy to kill Dr. King, and it involved white supremacists, the federal government, and organized crime.<sup>342</sup> The family of Dr. King was awarded a symbolic \$100 in a wrongful death lawsuit by a Memphis jury against an elderly man, Loyd Jowers, and other “unknown” co-conspirators.<sup>343</sup> In 1968, Jowers, who owned a bar across from the Lorraine Motel and directly below the Brewer rooming house, claimed that an organized crime figure named Frank Liberto gave him \$100,000 to hire someone to murder Dr. King.<sup>344</sup> Jowers stated that, while James Earl Ray was involved, he was selected as the scapegoat who took the fall for the assassination.<sup>345</sup> While Jowers claimed that he hired Earl Clark, a lieutenant with the Memphis Police Department, to carry out the assassination, he named the federal government and the Mafia as the main culprits who organized the murder.<sup>346</sup> However, in 2000, an investigation performed by the Department of Justice declared that Jowers was a fraud and rejected the possibility of a conspiracy beyond Ray and his brothers.<sup>347</sup>

Social media also has produced its share of far-fetched conspiracy theories about the assassination.<sup>348</sup> One theory that has gained traction in recent years was presented by William Pepper, a lawyer who represented Ray after he was arrested for the murder of Dr. King.<sup>349</sup> He also represented the King family in the civil trial against Loyd Jowers.<sup>350</sup> Pepper claims that Dr. King was not killed by the bullet that struck him on the balcony of the Lorraine motel.<sup>351</sup> Instead, after Dr. King was shot, he was taken to the St. Joseph’s hospital where he likely would have survived.<sup>352</sup> However, a neurosurgeon, Dr. Breen Bland, allegedly removed Dr. King’s breathing catheter and suffocated the civil rights leader with a pillow in the emergency room while government agents dressed in suits stood nearby.<sup>353</sup> A surgical

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342. *Id.* at 290.

343. The Associated Press, *Loyd Jowers, 73, Who Claimed Role in Killing King*, NEW YORK TIMES (May 23, 2000), <https://www.nytimes.com/2000/05/23/us/loyd-jowers-73-who-claimed-a-role-in-the-killing-of-dr-king.html>. [hereinafter *Loyd Jowers*].

344. POSNER, *supra* note 2, at 289-90.

345. *Id.* at 275-91

346. *Id.* at 290.

347. *Loyd Jowers, supra* note 343.

348. Daniel Funke, *Fact Check: Rev. Martin Luther King died due to gunshot wound*, USA TODAY (January 20, 2022 8:12 PM), <https://www.usatoday.com/story/news/factcheck/2022/01/20/fact-check-martin-luther-king-jr-died-due-gunshot-wound/6564354001/>.

349. *Id.*

350. *Id.*

351. *Id.*

352. *Id.*

353. Funke, *supra* note 348.

nurse, Lula Mae Shelby, supposedly witnessed the murder of Dr. King by Bland.<sup>354</sup>

Critics of Pepper's theory, including the HSCA, have maintained that Dr. King died from a single gunshot wound based on the autopsy and eyewitnesses at the scene of the shooting.<sup>355</sup> According to most scholars who have studied the assassination, Pepper is simply a "discredited conspiracy buff" whose comments are tantamount to slander.<sup>356</sup>

On March 27, 1997, Dexter King, the son of Martin Luther King Jr., met with Ray in prison and asked him if he murdered his father.<sup>357</sup> Ray denied that he committed the assassination and Dexter King and his family publicly stated their belief in his innocence.<sup>358</sup> After a long illness, James Earl Ray passed away due to kidney failure on April 23, 1998 at the age of seventy.<sup>359</sup> Having recanted his confession several times before his death, Ray has provided conspiracy theorists with fertile ground to justify continued research and investigation into the assassination of Martin Luther King, Jr.<sup>360</sup>

## VI. CONCLUSION

James Earl Ray's life was a desperate attempt to become someone of importance by achieving the "American Dream."<sup>361</sup> However, the obstacles of poverty and the lack of opportunity in terms of obtaining an education or a professional career proved to be insurmountable for Ray.<sup>362</sup>

In the tradition of the criminological theory known as social strain, Ray became a habitual criminal seeking the big score that would secure financial independence for himself.<sup>363</sup> The assassination of Martin Luther King, Jr. offered Ray the chance to obtain such monetary wealth.<sup>364</sup>

As discussed above, in 1968, Ray likely became aware of several plots to eliminate Martin Luther King, Jr. because the civil rights leader posed a significant threat to a number of powerful entities.<sup>365</sup> A \$50,000 contract

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354. *Id.*

355. *Id.*; See also POSNER, *supra* note 2, at 31.

356. See Funke, *supra* note 348.

357. See CLARKE, *supra* note 10, at 300 (While Ray denied that he murdered Dr. King, he qualified his answer by stating that it was a difficult question and people would have to evaluate the assassination for themselves. Hence, it has been suggested that Ray's answer meant, while he shot the rifle that resulted in the death of the civil rights leader, he failed to take responsibility for the act because he was acting on the orders of those individuals who put out the murder for hire contract).

358. See *Id.*

359. *Id.*

360. *Id.*

361. See Merton, *supra* note 1.

362. *Id.*

363. *Id.*

364. See CLARKE, *supra* note 10, at 293-94.

365. See Vankin & Whalen, *supra* note 5, at 355-57 (During the 1960s, FBI files revealed several threats made to the life of Dr. King. Right-wing groups such as the Minutemen, the National Socialist

offered by a secret Southern organization, represented by John Sutherland, was likely circulating within the milieu of Ray and his siblings.<sup>366</sup> Hence, a simple conspiracy involving Ray and his two brothers, John and Jerry, seems highly plausible.<sup>367</sup>

Even without having any direct contact with the individuals offering the money, the brothers may have surmised that they could eventually collect on the reward after the assassination.<sup>368</sup> Based upon the failure of the southern courts to convict the murderers of civil rights activists in the 1960s, Ray and his brothers most likely believed that, if tried, they would be acquitted and benefit financially from their status as heroic figures among the white community in the South.<sup>369</sup>

While some circumstantial evidence exists for a wider conspiracy, real evidence is necessary to confirm such a plot with any confidence.<sup>370</sup> In fact, most conspiracy theories involving the assassination have been refuted after closer inspection.<sup>371</sup>

Any information that Ray provided about a plot to murder Dr. King was vague and inconsistent.<sup>372</sup> If a conspiracy existed involving a white supremacist organization, organized crime, or one of the agencies of the federal government, Ray probably would have revealed specific and accurate details for publicity and financial gain.<sup>373</sup> Moreover, if Ray happened to possess sensitive information about a broader conspiracy involving such shadowy forces, it is conceivable that he would have been silenced, similar to the speculation surrounding the murder of Lee Harvey Oswald by Jack Ruby roughly 48 hours after the Kennedy assassination.<sup>374</sup> The possibility that Ray was unwittingly framed for the assassination is highly doubtful as evidenced by the fact that he repeatedly changed his story over the years, or

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White People's Party, the American Nazi Party, the Ku Klux Klan, and Southern segregationists had bounties on Dr. King ranging between \$10,000 and \$50,000. In fact, the FBI received several threats in the days leading up to Dr. King's visit to Memphis.).

366. CLARKE, *supra* note 10, at 292-95.

367. *Id.* at 299-300.

368. *Id.* at 299-300.

369. *Id.* at 299. (The Mississippi criminal courts failed twice to convict Byron de la Beckwith for the murder of civil rights activist Medgar Evers in 1963 after two hung juries. He was eventually convicted in 1994. In 1964, three civil rights workers (Michael Schwerner, Andrew Goodman, and James Chaney) were murdered in Mississippi by members of the Ku Klux Klan and, although several of the assailants were convicted in federal court, three members who planned the murders were acquitted. Finally, Viola Liuzzo, a civil rights activist, was murdered by the KKK in 1965 in Alabama, and one member of the Klan who participated in the murder, Eugene Thomas, was acquitted in state court.).

370. See Vankin & Whalen, *supra* note 5 at 354-55. See also Pepper, *supra* note 5, at 43.

371. See Funke, *supra* note 348, at 4 (showing an example of a conspiracy being refuted after closer inspection).

372. See generally POSNER, *supra* note 2, at 335.

373. *Id.* at 333-35.

374. *Id.*



provided inaccurate information, about the mysterious Raoul who supposedly set him up to take the fall.<sup>375</sup>

Regarding his brothers' role in the assassination, it is unthinkable that Ray would have ever provided the authorities with any information about their involvement, given the close bond that existed between the siblings throughout their lives.<sup>376</sup> As noted repeatedly above, Ray and his brothers demonstrated a pattern of committing crimes motivated by greed.<sup>377</sup> Therefore, they best fit the criminological profile of the individuals responsible for the death of Martin Luther King, Jr. based upon the actions of the brothers leading up to April 4, 1968, as well as their association with underworld figures who likely publicized a murder contract worth \$50,000.<sup>378</sup>

While this article has attempted to offer some tentative conclusions, the mystery surrounding the assassination of Martin Luther King, Jr. will hopefully continue to inspire future generations of criminal justice researchers and conspiracy theorists.<sup>379</sup> As additional government documents are de-classified in 2027, it is anticipated that an explanation will be unveiled that resolves many of the unanswered questions surrounding this historic event.<sup>380</sup>

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375. *Id.* at 57-60.

376. *Id.* at 335.

377. *See generally* POSNER, *supra* note 2, at 98-117.

378. *See* CLARKE, *supra* note 10, at 294-95.

379. *See* Abramson, *supra* note 4. Referencing the limited amount of research conducted on the Martin Luther King assassination compared to the research on the assassination of President John F. Kennedy.

380. *See* Marl Strauss, *Eight Historical Archives That Will Spill New Secrets*, SMITHSONIAN MAGAZINE (Aug 2010), <https://www.smithsonianmag.com/history/nine-historical-archives-that-will-spill-new-secrets-966931/>.